

BOROUGH OF KETTERING

Committee	Planning Committee	Item No. 5.1
Report Originator	Louise Holland, Senior Development Officer	KET/2013/0781
Wards Affected	All	04.02.14
Location	East Kettering Sustainable Urban Extension, East of Kettering.	
Proposal	Approval of Reserved Matters: Surface water attenuation pond, drainage channels and associated works, with details of Great Crested Newt translocation area.	
Applicant	Alledge Brook Ltd.	

1. PURPOSE OF REPORT

Outline planning permission was granted for the East Kettering development in April 2010 (references KET/2007/0694 and KET/2008/0274). The application site is an area of 328.5 hectares to the east of Kettering and Barton Seagrave. The permission is in outline (with all matters reserved) for 5,500 dwellings and related development. This includes a secondary school, primary schools, retail, employment, hotel, health, leisure and community uses and formal and informal open space.

Conditions were attached to the planning permission (91 in total) and a S106 agreement was completed (subsequently revised). Work started early in 2012 to discharge pre-commencement conditions and this is continuing. A variation of condition application was submitted in 2013 and has a committee resolution to approve subject to a number of elements including the completion of a deed linking the new permission to the existing S106. Applications for three housing sites are being considered by the local planning authority.

This reserved matters application seeks approval for the main surface water attenuation pond, drainage channels and associated works, with details of a great crested newt translocation area.

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED, subject to the following conditions:-

1. The development shall be carried out in accordance with the amended Construction Management Plan – Access E, Access F & Attenuation Pond 03/06/07 Reserved Matters Applications Project Ref: 25134/001 Document Ref: *(to be updated at Planning Committee)* received (also *to be updated*).

REASON: In the interests of residential amenity, highway safety, visual amenity and waste minimisation in accordance with the National Planning Policy Framework, Policy CS7 of the Northamptonshire Minerals and Waste Development Framework Core Strategy DPD (2010) and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

2. Prior to the commencement of development an Ecological Construction Management Plan shall be submitted and approved by the Local Planning Authority.

The development shall be carried out in accordance with the approved management plan.

REASON: To ensure ecology is protected during the construction phases of development in accordance with the Wildlife and Countryside Act (1981), the National Planning Policy Framework and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy (2008).

3. The development shall be carried out in accordance with the Arboricultural Report – Attenuation Pond, East Kettering – including Draft Arboricultural Method Statement 13-2056/3156/D01/R v2 dated November 2013 received 2nd December 2013.

REASON: To ensure the continued well-being of the trees on the site in the interests of the visual appearance of the locality and the preservation of biodiversity in accordance with the National Planning Policy Framework and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy (2008).

4. The development shall be carried out in accordance with the Ecology Statement Attenuation Area Ref: 13-1663/3156/D01 V4, dated January 2014, received 27 January 2014.

REASON: To ensure the necessary ecological mitigation measures and management regimes are implemented in accordance with the National Planning Policy Framework and Policies 5, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

5. Prior to commencement of development a programme of archaeological mitigation in accordance with the approved Written Scheme of Investigation for the East Kettering site (CgMs May 2012) received 5 September 2012 (pursuant to AOC/0694/0701) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To protect and conserve historic assets in accordance with the National Planning Policy Framework.

6. The development shall be carried out in accordance with the following approved plan:

East Kettering Surface Water Attenuation Pond 03/06/07 General Arrangement and Flow Control Details Drawing Number 25134/030/002 Rev B received 2nd December 2013.

REASON: To ensure an appropriate form of development in accordance with Policy 13 of the Core Spatial Strategy.

3. Background Information

3.1 Relevant Planning History

A site wide planning history for the East Kettering is set out at the start of the committee agenda at Item 5.

3.2 Site Description

A site wide description for the East Kettering development is set out at the start of this committee agenda at Item 5.

The reserved matters site covers an area of approximately 6.79 hectares. The main surface attenuation pond and great crested newt translocation area will be located within the central parkland. This is found adjacent to the district centre (parcels DC1, DC2 and DC3) and development parcels HC1 and SS1, as shown on the strategic master plan. The Grange, its associated buildings and pond network are found to the east of the reserved matters site.

3.3 Site Constraints

Site wide constraints set out at the start of this committee agenda at Item 5.

3.4 Environmental Impact Assessment

Please see Item 5 at the start of this committee agenda.

3.5. Proposed Development

This reserved matters application seeks approval for the main surface attenuation pond located within the central parkland (pond 03/06/07), drainage channels and a great crested newt translocation area, which will be positioned south east of the main attenuation pond.

The pond is designed as a partially wet body for ecology and landscape reasons.

4. Consultation

Environment Agency

No objection as the application accords with the Stage Two flood Risk Assessment.

Highways Agency

The principle of development and its impact has been agreed. Mitigation for this development is as originally assessed. No further comments to make.

Natural England

No objection in terms of the impact on statutory nature conservation sites. Standing advice for protected species should be applied. Other general comments are made regarding local sites, biodiversity enhancements and landscape enhancements.

Northamptonshire Police Crime Prevention and Design Advisor

No objection or comment.

Environmental Health (KBC)

No comment or objection.

NCC Archaeology

It is recommended a condition is imposed to secure mitigation.

National Grid

No objection. There is no apparatus in the vicinity of the site.

Third Party Comments

One letter has been received. This asks that the council ensures that there is adequate drainage provision and the development is considered as a whole. The drainage system must be able to cope with the excess surface water taking into account the effect of overall development.

5. Planning Policy

National Planning Policy Framework

Policy 6 Delivering a Wide Choice of High Quality Homes

Policy 7 Requiring Good Design

Policy 8 Promoting Healthy Communities

Policy 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change

Policy 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 5 Green Infrastructure

Policy 6 Infrastructure Delivery and Developer Contributions

Policy 7 Delivering Housing

Policy 13 General Sustainable Development Principles

Policy 16 Sustainable Urban Extensions

Supplementary Planning Documents (SPD)

East Kettering Strategic Design SPD

6. Financial/Resource Implications

This Reserved Matters application (if approved) is to be read in conjunction with the outline permission KET/2008/0274 and KET/2013/514 (when approved) and relevant Section 106 Agreements.

7. Planning Considerations

The key issues for consideration in this application are:-

- (a) Principle of Development
- (b) Surface Water Drainage Strategy
- (c) Ecology
- (d) Design, Appearance and landscaping
- (e) Funding
- (f) Other Matters

(a) Principle of Development

The principle of the East Kettering development was established by the outline planning permissions KET/2007/0694 and KET/2008/0274. This approved a strategic master plan for the development. This reserved matters seeks approval

for the first phase of the strategic surface water drainage system for the East Kettering development which comprises the main attenuation pond in the central parkland and associated parkland. This is a key element of infrastructure which will facilitate the delivery of the wider development, including those residential sites that are currently being considered by the local planning authority. The reserved matters application also seeks approval for the great crested newt translocation area which will be positioned close to the attenuation pond, a vital part of the mitigation strategy for this particular species.

The infrastructure proposed within this reserved matters will facilitate the delivery of East Kettering, and wider objectives of sustainable housing and economic growth. The principle of the proposed development is therefore established.

(b) Surface Water Drainage Strategy

The National Planning Policy Framework (NPPF) states that development requirements, including the provision of infrastructure, should be identified and coordinated. Planning should also contribute to protecting and enhancing the natural and built environment. Core Spatial Strategy Policy 6, which focuses on infrastructure delivery, states that new development will be supported by the timely delivery of infrastructure, services and facilities necessary to provide balanced, more self-sufficient communities. Policy 13 of the CSS sets out that to deliver sustainable development needs should be met, standards raised and assets protected; developments should where possible incorporate sustainable drainage systems (SUDS) and lead to a reduction in flood risk. East Kettering Strategic Design SPD also supports the inclusion of SUDS within the development.

The approved Stage Two Flood Risk Assessment sets out the surface water drainage strategy for the East Kettering development. This strategy includes a series of attenuation ponds, of different sizes and capacities, across the site and a surface water sewer network. This reserved matters seeks approval for the first phase of that strategy, the main attenuation pond in the central parkland adjacent to the District Centre. This pond will be the most significant and will have the greatest capacity. It will serve a number of development parcels including the Hallam Land (David Wilson Home/Barratt Homes), Taylor Wimpey and Persimmon sites. The Persimmon site which is located off Cranford Road, will be served in the interim by this pond. Flows from the site will be re-directed to another pond when later parcels come forward. There is sufficient capacity within this current attenuation pond to serve the three residential sites that will be developed first. The Environment Agency has been consulted on this application and confirmed that they have no objections given that the proposals are in accordance with the approved Stage Two Flood Risk Assessment, the content of which they supported.

The SUDS, as part of the central parkland, are to be managed by a Private Management Company. This has been secured through the Section 106 agreement.

The proposed development is therefore considered to be in accordance with the policies of the Development Plan, specifically CSS Policies 6 and 13, and Policy 10 of the National Planning Policy Framework.

(c) Ecology

The NPPF sets out in Policy 11 sets out that the planning system should contribute to and enhance the natural and local environment for example by minimising impacts on biodiversity and providing net gains where possible. Policy 5 and 13 of

the CSS both supports this. Policy 5 focuses on delivering net gains in green infrastructure whilst Policy 13 states that developments should conserve and enhance biodiversity. The East Kettering Design SPD supports this.

The proposed development involves two elements which will have benefits for biodiversity, the attenuation pond and the great crested newt translocation area. The attenuation pond has the ability to include a variety of habitats around the water's edge and on its banks. Large reed beds for example will provide a valuable habitat, offer the potential to naturally cleanse the water and also have landscape and visual benefits.

The outline planning permission requires that the development be carried out in accordance with a number of ecological mitigation strategies and recommendations. There are a number of updated mitigation strategies currently being considered which are likely to be approved shortly under delegated powers. The reserved matters will have to accord with these strategies once approved. An updated great crested newt mitigation strategy has been submitted as part of this package. The trapping and movement of newts to new receptors sites (translocation area) forms part of this strategy. The current proposal for a translocation area therefore forms a key part of the necessary mitigation for this species.

The great crest newt translocation area will be located to the south east of the main surface water attenuation pond and will cover an area of approximately 0.7 hectares. The location has the potential, with some enhancement and management, to be a good habitat for this species. The translocation area and its detailed design will also require a licence from Natural England given its proximity to existing newt ponds.

An ecological report has also been submitted with this reserved matters application and it is considered that a condition should be imposed to ensure that the development is carried out in accordance with the recommendations of that report. This together with the agreed mitigation strategies will ensure no adverse ecological impact occurs and the necessary steps are taken to protect and enhance the newt population on site.

Some limited tree and hedgerow removal will need to take place. This is restricted to what is necessary to facilitate the construction of this key piece of drainage infrastructure and is considered to be acceptable given their low landscape value. With the mitigation strategies and recommendations being followed, it is considered that no harm will result.

Conditions on the outline permission KET/2008/0274 (and varied outline permission KET/2013/0514) require details of pollution prevention and control measures before works start on site. This will ensure that there is no adverse impact from surface run-off during the construction phase. It is considered that it is also appropriate to impose a condition on these reserved matters requiring a specific ecological construction management plan to ensure construction activities do not cause any harm.

The proposed development is considered to be in accordance with Policies 5 and 13 of the CSS and Policy 11 of the NPPF.

(d) Design, Appearance and Landscaping

Policy 7 of the NPPF states that good design is a key part of sustainable development and should contribute positively to making places better for people. Developments should establish a strong sense of place, function well and add to the overall quality of the area. Policy 8 makes it clear that planning can help to facilitate social interaction and create healthy, inclusive communities. Policy 13 of the CSS states that development should be of a high standard of design, create a strong sense of place and promote healthier lifestyles.

The attenuation pond and newt translocation area both sit within the central parkland adjacent to the District Centre. An indicative plan has been submitted to show the design vision for this area and the relationship between the current proposals and the wider park. This plan is included at Appendix 1. The SUDS will not only be functional (being a key infrastructure requirement) but will also provide ecological and recreational benefits. A 'natural' water feature will be created within the central parkland. The pond itself will be landscaped with reed beds, marginal and aquatic planting, and could include features such as boardwalks, bridges and cycleways around its perimeter. It is considered that the design presented will deliver a high quality public realm which will support a healthy and active community. Detailed planting schedules will be needed to be discharged before these areas are landscaped. Outline planning conditions (No. 46 of KET/2008/0274 and condition 27 of the varied permission KET/2013/0514) requires details of all strategic landscape areas, including this parkland. This condition will need to be discharged before development starts.

It is considered that the proposed development is in accordance with Policies 5 and 13 of the CSS and Policy 7 and 11 of the National Planning Framework.

(e) Funding

Funding in the region of £17.34 million (loan) has been secured for the East Kettering development which will forward fund key infrastructure works. £1.5 million from the Homes and Communities Agency has been granted to deliver the SUDS early in the development programme.

(f) Other Matters

A construction management plan has been submitted with this reserved matters application. This however needs some additional detail to ensure it is a robust document. It needs to be specific and practical, make clear what responsibilities the developer has and what action it will take if problems occur and complaints arise. Importantly it needs to set out what will happen if measures set out are not implemented and a timescale in which matters raised by the Local Planning Authority will be dealt within and what enforcement measures there will be if contractors are not employing the measures set out in the agreed construction management plan. Officers are working with Alledge Brook and a revised plan will be submitted before the Planning Committee. An update on this matter will be provided to the Members of the planning committee and Condition 1 will be updated with the amended Construction Management Plan reference.

Conclusions

The main attenuation pond, and associated drainage channels, have been designed in accordance with the approved Stage Two Flood Risk Assessment and forms a key part of the surface water drainage strategy for the East Kettering development. Its construction early in the development programme will facilitate the delivery of the first residential parcels and other development such as the primary school that is targeted

for opening in autumn 2015. The great crested newt translocation area is a key part of the mitigation strategy for this particular species. The proposed location, with some enhancement and management, is considered to be a suitable habitat. A licence from Natural England will be required for the detailed design of that area. The attenuation pond and translocation will both have ecological benefits.

The current proposals form part of the central parkland, an integral part of the green infrastructure within the wider development. It will be an area of high quality public realm at the heart of the development and will have ecological and recreational value. A healthy, active and vibrant community will be created through the delivery of this. It is considered that this reserved matters application is in accordance with both Development Plan policy and the National Planning Policy Framework.