

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/05/2016	Item No: 5.2
Report Originator	Rebecca Collins Development Team Leader	Application No: KET/2016/0044
Wards Affected	Desborough St. Giles	
Location	Desborough (land to south of), Desborough	
Proposal	Outline Application: Residential development of up to 304 dwellings with associated access, infrastructure, public open space, nature areas and surface water management measures	
Applicant	Central England Co-Operative Ltd	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED, subject to a S.106 OBLIGATION being entered into, and to the following conditions:-

1. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called ""the reserved matters"") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In order to secure a satisfactory development.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance, layout and scale of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: In order to secure a satisfactory development

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

5. Due to the previous potentially contaminative use of the site and the underlying geology present throughout Northamptonshire at which the levels of some naturally occurring contaminants frequently exceed the levels at which the risk to human health would be considered acceptable for residential land use; it is expected that there may be unacceptable risks to future occupiers of the site without the following investigation being carried out.

Development on land affected by contamination:

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to d have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 (or any model procedures revoking and replacing those model procedures with or without modification)'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be

undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition c.

REASON: Contaminated land investigation is required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 11 of the NPPF and 13 of the CSS.

6. No reserved matters applications shall be submitted unless or until a Design Code for the site has been first submitted to and approved in writing by the Local Planning Authority. The Design Code shall set out principles and means to achieve them, and include mandatory coding relating to all these relevant matters: character areas; public realm strategy; movement network; GI Strategy; building typologies; boundary treatments; building heights, detailing and materials; open spaces, landscape and SUDS; hardstanding and surfacing; environmental standards; and implementation.

REASON: The Design Code is necessary to ensure a high quality design in accordance with the Policy 7 of the NPPF and Policy 13 (h) of the CSS for North Northamptonshire.

7. Any subsequent reserved matters applications shall be in complete accordance with the approved Design Code (as required by conditions 6 and 7) and shall be accompanied by a written statement of conformity to the design code that demonstrates how this is the case.

REASON: The Design Code is necessary to ensure a high quality design in accordance with the Policy 7 of the NPPF and Policy 13 (h) of the CSS for North Northamptonshire.

8. The development shall be limited to a maximum of 304 dwellings.

REASON: In the interests of the visual appearance and character of the development in accordance with Policy 7 of the NPPF and Policy 13 (h) of the CSS for North Northamptonshire.

9. An access management plan detailing the long-term management of the adjacent Local Nature Reserve, known at the Tailby Meadow shall be submitted to and approved by the Local Planning Authority no later than the first submission of any reserved matters application. The management plan shall include results of a visitor survey, proposed access management measures, implementation and monitoring programmes. The plan shall be implemented exactly in accordance with the approved details.

REASON: In the interests of the enhancements to biodiversity and to secure a net gain in Green Infrastructure in accordance with Policy 11 of the NPPF and Policies 5 and 13 ((g) and (o)) of the CSS for North Northamptonshire.

10. Prior to occupation of any of the dwellings hereby approved, an assessment of the lighting strategy design for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas / features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and,
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To conserve biodiversity in accordance with Policy 11 of the NPPF and Policy 13 (o) of the CSS for North Northamptonshire.

11. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme of investigation approved pursuant to this condition.

REASON: Archaeological investigation is required prior to the commencement of development in the interests of ensuring that any archaeological remains affected by the development are suitably dealt with in accordance with Policy 12 and Policy 13(h) of the CSS.

12. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) December 2015, reference number: SHF.1209.001.HY.R.01.B, Letter dated 1 April 2016, reference SHF.1209.001.HY.L.01.A and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 150mm above Ordnance Datum (AOD).

- No development within flood zone 3 as identified on drawing number SHF.1209.001.HY.D.004.2.A

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements outlined within the approved details.

REASON: To protect future occupiers from the risks of flooding in accordance with Policy 11 of the NPPF and Policy 13(l and q) of the CSS.

13. Any subsequent reserved matters application shall be accompanied by a written statement of conformity to the approved Flood Risk Assessment (FRA) prepared by Enzygo Ltd dated December 2015. Prior to construction of any of the dwellings hereby approved, an update to the FRA shall be submitted to and approved in writing by the Local Planning Authority outlining full drainage details and any further works required. The development shall be carried out in accordance with the approved details.

REASON: To ensure satisfactory drainage and prevent increased risk of flooding in accordance with the Policy 11 of the NPPF and Policy 13 (q) of the CSS for North Northamptonshire.

14. No development shall commence on site until a detailed surface water drainage scheme, based on sustainable drainage principles and an assessment of hydrological and hydro-geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: A surface water drainage scheme is required prior to the commencement of development to prevent the increase risk of flooding in accordance with Policy 11 of the NPPF and Policy 13(q) of the CSS.

15. No development shall commence unless or until a scheme for the maintenance of the surface water drainage system proposed on site has been submitted to and approved in writing by the Local Planning Authority. The development shall be maintained in accordance with the approved details.

REASON: A scheme is required prior to the commencement of development to ensure the future maintenance of the drainage systems and prevent increase risk of flooding in accordance with Policy 11 of the NPPF and Policy 13(q) of the CSS.

16. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy as approved.

REASON: A foul water strategy is required prior to the commencement of development to prevent environmental and amenity problems arising from flooding in accordance with Policy 11 of the NPPF and Policy 13(q) of the CSS.

17. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

REASON: A CMS is required prior to the commencement of development in the interests of highway safety and residential amenity in accordance with Policy 13 of the Core Spatial Strategy.

18. Before development commences a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved by the Local Planning Authority. Once approved the scheme shall be implemented prior to the occupation of the residential units affected and thereafter maintained in the approved state. No alterations shall be made including roof, doors, windows and external facades, layout of the units or noise barriers without the prior written approval of the Local Planning Authority.
REASON: In the interest of residential amenity in accordance with policy 13(l) of the North Northamptonshire Core Spatial Strategy.

19. Prior to the submission of any reserved matters application the following strategies shall be submitted to and approved in writing by the Local Planning Authority:

- An outline Construction Ecological Management Plan
- A strategic Landscape and Ecological Management Plan
- A Green Infrastructure Strategy
- A Sustainable Urban Drainage Strategy
- An update to the Ecological Assessment submitted, the scope of which to be first submitted to and approved in writing by the Local Planning Authority and shall include an updated surveys for crayfish and otters;

Any subsequent reserved matters applications shall be in complete accordance with the details contained in the approved strategies. Any measures of mitigation or ecological enhancement shall be carried out in complete accordance with the approved strategies.

REASON: A GI and SUDs Strategy is required prior to the commencement of development to mitigate and enhance the local natural environment and increase accessibility in accordance with Policy 11 of the NPPF and Policies 5 and 13 (g, j, o and q) of the CSS.

20. An updated bat survey shall be submitted to and approved in writing by the local planning authority prior to the submission of any reserved matters application. The development shall accord with the approved recommendations and mitigation measures, as set out in a strategy based on the findings of the bat survey work undertaken.

REASON: To mitigate and enhance ecology and adequately protect bats in accordance with Policy 11 of the NPPF and Policy 13(q) of the CSS.

21. Prior to first occupation of any of the dwellings hereby permitted, a scheme for the provision of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be installed in complete accordance with the approved details.

REASON: To mitigate and enhance the local natural environment and increase accessibility in accordance with Policy 11 of the NPPF and Policies 5 and 13 (g, j, o and q) of the CSS.

22. The measures to protect badgers as outlined on Page 23, Section 6.4 of the submitted Preliminary Ecological Assessment report number RT-MME-119581-01 dated July 2015 and those outlined on page 28, Section 7.1 of the submitted Outline Ecological Mitigation Strategy report number RT-MME-120106-06 dated January 2016 both received on 19/01/2016 shall be carried out exactly as stated within these approved documents.

REASON: To mitigate and enhance the local ecology and protect badgers in accordance with Policy 11 of the NPPF and Policy 13(q) of the CSS.

23. The access to the site hereby approved shall only be constructed in accordance with the following approved plans:

- B576/Rothwell Road access shall be constructed in accordance with drawing ref 210076-01c received 06/05/2016; and
- Sycamore Drive access shall be constructed in accordance with drawing ref 210076-02 received on 06/05/2016.

Any amendment to these plans shall first be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety in accordance with Policy 13 (d and n) of the North Northamptonshire Core Spatial Strategy.

24. Prior to submission of any reserved matters application, plans showing necessary off-site highways works including:

- Mitigation works on the Lower Street/B576 Rothwell Road junction (ghost island right turn lane)
- A cycle lane link from the access on the B576 to the site to where this meets the existing cycle path at the River Ise bridge going south to Rothwell.

shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out prior to the occupation of any dwellings hereby approved.

Further assessment of the following junctions shall be carried out:

- The mitigation measures on the junction of Gold St / Rothwell Road / High St (signalised junction).
- Mitigation works on the junction the B576 / Greening Road (signalised Junction).

Any necessary offsite works identified by this assessment shall be undertaken in accordance with detailed plans of the works which shall first be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

REASON: In the interests of highway safety in accordance with Policy 13 (d and n) of the North Northamptonshire Core Spatial Strategy.

25. Prior to submission of any reserved matters application a tree and hedgerow retention plan shall be submitted to and approved in writing by the Local Planning Authority. Trees and hedgerows shall be retained in accordance with the approved details.

REASON: To improve the appearance of the site in the interests of visual amenity and to protect and enhance biodiversity in accordance with Policy 13 (o and q) of the North Northamptonshire Core Spatial Strategy.

26. Prior to first occupation of the development a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees, hedgerows and shrubs to be planted, the layout, contouring and surfacing of all open space areas shall be submitted to and approved by the Local Planning Authority. The works approved shall be carried out in the first planting and seeding seasons following the occupation of any of the dwellings hereby approved, unless these works are carried out

earlier. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity and to protect and enhance biodiversity in accordance with Policy 13 (o and q) of the North Northamptonshire Core Spatial Strategy.

27. Prior to first occupation of any of the dwellings hereby permitted a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately-owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance in accordance with Policy 13(o) of the North Northamptonshire Core Spatial Strategy.

28. Sustainability Condition (to follow)

Officers Report for KET/2016/0044

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

On Site

KET/2012/0557 – Demolition of former leisure centre (No Objection)

KET/2015/0986 – Proposed residential (No EIA required)

Off site

KET/2015/0978 – Residential development of up to 147 dwellings and associated access, to include demolition of existing on-site buildings and structures at Willowbrook Stud Farm, Rushton Road (Refused)

Site Description

Officer's site inspection was carried out on 04/02/2016.

The application site lies to the south of Desborough, adjacent to existing residential properties. The site consists of a number of open fields and previously used playing fields and land associated with the demolished Hawthorns Leisure Centre. The site is boarded to the south by further agricultural fields, a pumping station, Tailby Meadow (a local Nature Reserve) and further south the River Ise and Shotwell Mill Meadow (a local Wildlife Site). All outside the application site.

The proposed site measures approximately 13.29 hectares. Currently the site is accessed from Valley Rise, the former Hawthorns entrance and Rothwell Road. There are also a number of informal pedestrian accesses to the site. Formal pedestrian access is gained via a public footpath adjacent to St. Giles Church, which leads to Rothwell Road. There is another public footpath which currently runs from The Hawthorns into the site and down to Tailby Meadow.

High, dense hedgerows run across the site, forming field boundaries and the boundaries of the site, as well as a mix of trees scattered across the site. There is also high, dense vegetation along the western boundary of the site with the B576.

There are a number of residential properties located to the north of the application site, with windows and doors facing the application site. The properties are a relatively modern and constructed in various materials and designs including detached, semi-detached properties and some single storey dwellings to the south of the town. Materials largely consist of red and buff bricks but with variations in colour. There are a number of cul-de-sacs with informal cut through on to the site running down and abutting but not linking (other than informal pedestrian access) to the site.

The Church Spire of St Giles Church (Grade I Listed Building) is visible along parts of the western side of the site, as ground levels rise along a public footpath (UC001) up to the town. Another adopted footpath (UC012) runs north/south along the eastern side of the site through Tailby and Shotwell Mill Meadows and down towards

Rothwell.

To the west of the site is the B576/Rothwell/Desborough Road, which connects Rothwell and Desborough. To the east of the site is Sycamore Drive, a typical residential street with properties fronting onto this street. The end of the street abuts the application site, currently with close boarded fencing at the end of a turning head.

The ground levels within the site generally slope down – north to south, however, the land is undulating and does rise on the other side of the Ise River.

Proposed Development

The proposal is for Outline Planning permission for residential development of up to 304 dwellings with associated access, infrastructure, public open space, nature areas and surface water management measures. All matters are reserved apart from access which is to be considered as part of this application.

Access is the only matter to be considered as part of this application. The proposal includes two access points, one off Sycamore Drive and one off B576/Rothwell Road.

Any Constraints Affecting The Site

Public Footpaths (UC001 and UC012)

Tailby Meadow (County Wildlife site and Local Nature Reserve) and Shotwell Mill Meadow (a Local Wildlife Site)

Listed Buildings (including the Grade I Listed St Giles Church)

Classified Road (B576)

Nene Valley NIA Boundary

Site lies within Flood Zone 1 (adjacent to Zones 2/3)

4.0 Consultation and Customer Impact

Parish/Town Council

Desborough Town Council

18/02/2016 – Object to the proposal on the following grounds:

- The application is premature in advance of the Site Specific Proposals LDD and the Neighbourhood Plan;
- The site includes a large area of land between Rothwell Road and between the church, known as The Damm's, which is not part of the proposed housing allocation;
- The site should be Historically and Visually Important Open Space;
- There are inaccuracies within the submitted application;
- The proposal conflicts with relevant policies within the NPPF, Northamptonshire Transportation Plan and the Joint Core Strategy;
- The proposal will result in local flooding issues;
- The distances to local facilities as outlined in the Transport Assessment are taken from a centre point in the site and therefore these facilities are further away than stated and therefore outside acceptable walking distances for pedestrians. The vast majority of journeys will therefore be made by private car;

- The Transport Assessment is flawed as the modelling does not take account of increased trips from journeys not able to be made by car;
- The bus service is far below the suggested frequency of service as set out in the TA;
- The FRA assesses foul flows for a maximum of 257 dwellings only;
- The FRA states that there is risk of flooding from the site from sewers;
- It is not clear that any construction controls will be in place during development.

Rothwell Town Council

23/02/2016 – Object to the proposal on the grounds of increased vehicles onto Rothwell Road and therefore through Rothwell, particularly in combination with the Rothwell North development. Any development would encroach on the green corridor between Rothwell and Desborough to the detriment of the identities of the towns. The additional run-off from hard surfaces will cause flooding downstream. There would be an adverse effect on education and health services in both towns.

Geddington, Newton and Little Oakley Parish Council

4/02/2016 - Would the urban drainage system be adequate to deal with drainage as there is considerable drainage in to the River Ise. Additional drainage and run off in to the river would have a knock on effect on villages further down the Ise.

Rushton Parish Council

08/02/2016 - Traffic flows through Rushton would increase substantially and some children from this development may want to go to Rushton School. The doctors surgery and schools at Desborough are near capacity and therefore these infrastructure requirements should be addressed prior to more development.

Sport England

04/04/2016 – Removal of holding objection (given the additional information submitted in the form of letters from the clubs; supporting information from Kettering Borough Council, Community Services; and the open space provision proposed and the draft heads of terms for the s.106). This application is considered to meet exception E4 of the Playing fields policy, especially given the proposed improvements to Dunkirk Avenue and the enhancement already provided at Desborough Leisure Centre; subject to these measures being secured via planning condition.

Previously, Sport England had said:

15/02/2016 – Holding Objection - The proposal involves the loss of a playing field; loss of Desborough Leisure Centre; Demand for new formal playing field; and Demand for new built sports facilities.

Sport England is opposed to granting planning permission for development which would lead to the loss of all or part of a playing field, unless one of the five exceptions stated in their policy applies. The proposal results in the loss of 2.1 ha of playing field including football pitch and underused cricket facility. This proposal could be justified if appropriately evidenced as part of a detailed playing pitch strategy or evidenced to show how a qualitative improvement of existing sites is appropriate mitigation and/or a commuted sum to benefit the local catchment.

Sport England would support the provision of a facility that is in a sustainable location which supports the development of sport. It is not clear if the local onsite MUGA will meet this need.

New developments should contribute towards meeting the demand they generate through the provision of on-site facilities and/or providing additional capacity off-site. This should be informed by an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.

Given that the LPA has an adopted Sports Facilities Strategy, Sport England are surprised it is not referenced within the submitted planning documents. Sport England would also encourage the use of their 'Active Design' (October 2015) guidance in the master planning for new residential developments.

Other Local Authorities/NCC

NCC – Education

25/01/2016 - Primary and secondary school contributions are required, as well as a request for contributions to fire and rescue and the provision of fire hydrants, a contribution to Desborough Library. Advice is also provided that ducting works are carried out in co-operation with the installations of standard utility works to facilitate broadband.

NCC - Highways Authority

04/02/2016 – please amend the Travel Plan to gain a Single Occupancy Vehicle (SOV) target to the standard 20%.

24/02/2016 – The submitted TA is considered unacceptable on the basis additional accident data should be analysed; the visibility splay to the north increased; distance to bus stops should be measured from the centre of the site, not the access; traffic survey data and junction geometry plans should be provided.

28/04/2016 – No objection (based on further information provided) subject to conditions and s.106 contributions with regards to the access points and highways layout, off-site junction improvements, the future design of the highways within the application site, public rights of way, extension to the footpath and cycle way from Rothwell to Desborough, the requirement for a full travel plan; and bus service provision.

NCC – Archaeology

8/02/2016 - No objection. The site contains no records within the Historic Environment Record. However, there is potential for archaeological activity. Therefore, no objection subject to a condition for a programme of archaeological investigation.

Historic England

04/05/2016 - Note that this application is in outline only and that the detailed design matters will be considered as part of the Reserved Matters submission. At this time consideration of new building heights on the north-west extremity of the site, where the land is elevated, and where the development will be nearest to the Grade I church of St Giles and might impact on its setting should be considered in

accordance with National policy guidance.

Environment Agency

11/02/2016 - No objection subject to a condition with regards to the phasing of mains foul sewage to be submitted and approved by the LPA, to prevent flooding and pollution, detrimental to amenity.

18/04/2016 – Subject to a review of the further information submitted by the applicants, the development is considered to meet the requirements of the NPPF as detailed in the flood risk assessment and supporting information. The application is therefore supported subject to a further condition with regards to finished floor levels and no development within Flood Zone 3.

Lead Local Flood Authority (LLFA)

12/02/2016 – The impacts of surface water drainage have been adequately addressed subject to conditions with regards to the submission of certificate of compliance with the approved scheme and a detailed design for a surface water drainage scheme with ownership and maintenance details. The LLFA also suggest notes with regards to rainfall, underground storage and watercourses and consenting.

Anglian Water (AW)

15/02/2016 – There are assets owned by AW close to the boundary of the development site. Therefore, AW request a note is added to any subsequent permission advising the applicants accordingly.

There is sufficient capacity at Broadholme water recycling centre for foul water drainage.

A condition is required as the development may lead to unacceptable flooding downstream.

The proposed method of surface water drainage does not relate to AW operated assets, as such no comments are provided with regards to surface water drainage.

AW recommend two conditions with regards to the regulation of no development within 15metres of a sewage pumping station and no development shall commence until a foul water strategy has been submitted and approved in writing by the LPA.

Natural England

23/02/2016 – The proposed development is in close proximity to the River Ise upstream of the River Ise and Meadows SSSI. The SSSI would be sensitive to sediment load during construction. Therefore, a condition requiring a Construction Environmental Management Plan should be required preventing sediment pollution in the River Ise.

The Tailby Meadow should be considered as containing habitat of principal importance (Lowland Meadow), containing important grassland, which is a scarce habitat. The presence of this grassland means the site should be considered at least of county level conservation importance.

The proposed mitigation includes the fencing off of the Tailby Meadow with a single point of access. However, the site remains a Local Nature Reserve and with the limited alternative open space contained within the development the pressure for unlimited use within the Tailby Meadow will increase. Resulting in damage from trampling the meadow and dog faeces.

The development proposals only include 0.9ha of open space, representing 6.7% of the site and would include the significant loss of open space and open grassland. Substantial improvements in the quality and quantity of green spaces are therefore recommended to offer comparable alternatives for recreation. Development proposals in their current form are likely to have a significant effect on Tailby Meadow.

The LPA's attention is drawn to Paragraph 118 of the NPPF and Section 40 of the Natural Environment and Rural Communities Act.

14/03/2016 – Natural England has no comments to make on this application. However, this does not imply that there are no impacts on the natural environment, only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the LPA to decide whether the application is consistent with national and local policies. The LPA is advised to obtain specialist advice in this regard.

22/04/2016 - Natural England disagree with RammSanderson (the LPA's appointed independent ecologist) that the Tailby Meadow is being incorrectly managed. That part fencing would not provide sufficient mitigation for the meadow as the proposals would still involve public access points and this approach would not be effective in mitigating impacts on Shotwell Meadows Local Wildlife Site, adjacent to Tailby Meadow. The use of adjacent fields should be considered as suitable alternative for recreation to Tailby Meadow.

Wildlife Trust

29/01/2016 – Raise concerns with the content of 'Aquatic Macroinvertebrate Survey', with a failure to include species level information, further detailed results are therefore required. There is only limited information presented in this report, therefore further information is required.

05/02/2016 – Bat Activity and Reptile Survey reports are missing from the submitted information and are therefore requested.

23/02/2016 – Object on the grounds that the applicant has not provided sufficient ecological and GI information to adequately demonstrate ecological mitigation; further survey work with regards to bats is to follow, which is unacceptable; there is insufficient future biodiversity enhancement, management plan prescriptions and associated monitoring; the information submitted fails to suitably demonstrate that the development would not impact biodiversity on this site or compensate for harm to biodiversity; inadequate consideration has been given to the potential impacts from residential on the Tailby Meadow and Shotwell Mill Meadows beyond; and cumulative impacts from this and other surrounding development.

11/03/2016 – Formal objection with further detail, on the matters as outlined in their response of 23/02/2016.

Northants Badger Group

26/01/2016 - In this instance the impact on badgers is minor and can be mitigated. A condition is therefore recommended to ensure ecological recommendations are implemented. It is strongly recommended that a green corridor be retained between the open space to the north (town centre/church) and the south of the development on the western boundary to provide a wildlife corridor for badger foraging.

NHS England

16/02/2016 – Desborough Surgery is currently operating at capacity, there is potential to extend the surgery to enable more patients to be registered. Therefore, a contribution is sought to facilitate this extension based on a sum of £621 per dwelling.

NHS Corby & Nene Clinical Commissioning Groups

18/02/2016 - Supports the request for s.106 for primary medical services.

Northamptonshire Police

12/02/2016 - The Crime Prevention section of the Design and Access Statement highlights good practice in terms of crime prevention which should be implemented within the final design. There is however a mention of parking courts, which should be avoided if possible or designed with good practice principles such as to frontages of properties with street frontage. The use of under-crofts, as mentioned, is also a concern.

Environmental Health

4/02/2016 - No objection subject to conditions and notes with regards to contaminated land; noise protection; Construction Method Statement (CMS); refuse; radon; and acoustic separation.

Northamptonshire CPRE

16/02/2016 – Object on the basis this application is premature as the Local Plan/Neighbourhood Plans are still being developed. The development would result in encroachment towards the Ise Valley, which falls within a Green Infrastructure corridor. Therefore, significant concerns are raised about the impact on the open countryside.

Desborough Civic Society

12/02/2016 - Object to the proposal on the grounds of loss of amenity value, greenspace and biodiversity; the site should be designated for its historic and visual value; the access to the site of B576 is dangerous and the Sycamore access will generate more vehicles along Rushton Road, which is already over-trafficked with parked cars on the street; flooding; the facilities within Desborough are insufficient to cope with this further development; and the proposal is contrary to the Neighbourhood Plan and is significantly opposed locally.

Desborough Millennium Green Trustees

24/02/2016 – Objects on the basis that it agrees with the objections made by

Desborough Town Council. The Millennium Green is used locally by schools and for the village fete. Any development of this site would ruin this site as a community asset.

St Giles Church Council

21/03/2016 - There should be no building between the existing residential and the River Ise, as any such development would be at risk of flooding, would spoil the open countryside and recreational value of the countryside, would endanger the water meadow and put pressure on local amenities. The proposal does not have suitable traffic access.

Neighbours

194 letters of objection have been received from residents within Desborough. 4 letters have been received from neighbouring properties within Rothwell, 1 letter from Isham and 1 from Worcester. 6 letters have been received from unknown addresses. Further to this two petitions have been received totalling 635 signatures. The comments received have been summarised below:

Third Party Comments:

Objections on Policy Grounds

- The proposal is contrary to policies contained within the NPPF and the Development Plan
- The development is contrary to the emerging Desborough Neighbourhood Plan
- The site is not a committed site for growth/a sustainable urban extension
- This development, along with the Grange will exceed the housing numbers necessary for development in Desborough, as set out in the CSS
- The density of development is considered inappropriate (up to 36 dwellings per hectare)
- This incremental approach to development should be avoided
- The brownfield element of the site is approximately only 0.6ha and brownfield sites should be a priority over this site
- The Local Planning authority has a committed 5 year housing land supply and therefore does not need this site
- This proposal is contrary to previous Policy 94 of the Local Plan
- There are other more suitable sites
- This goes against House of Commons statement about avoiding development of greenbelt until all brownfield sites are exhausted
- Not in keeping with 'Strategic Development Area at Desborough' paper produced by KBC in 2002 which noted the area should not be developed as it provides attractive break between the two towns.
- The field behind Cedar Close was refused due to coalescence
- Contrary to the emerging North Northamptonshire Joint Core Strategy Policy 5a, b, c, d, e and f and Policy 20g
- This proposal risks no compliance with Water Resources Act 1990, Water Framework Directive 2003 and Flood and Water Management Act 2010.

The site is:

- Located in open countryside defined by Policy 7 of the Kettering Borough

- Local Plan
- A Flood Plain
- Located in the Nene Valley Nature Improvement Area
- A sub-regional Green Infrastructure Corridor
- Within the Rockingham Forest Area
- A registered asset of community value
- Adjacent to the Tailby Meadow
- Support by the Revital-Ise project
- A wildlife sanctuary.

Visual Impacts

- The proposal will impact the vistas and skylines in this location
- It will result in visual coalescence with the neighbouring town
- The proposal and its density will have a detrimental impact on the character and appearance of this area
- The application site is a natural green, open space and GI corridor and should remain as this
- The new development will effectively turn its back on Desborough and not integrate with it
- Loss of this green area and trees is of great concern
- The proposal will result in loss of views
- Site is an area of outstanding natural beauty
- Land is at the back of Roman/Way Kenmore Drive which is an attractive, historic approach overlooking the Church – this will be lost
- Views to St Giles Church will be lost coming from Rothwell
- The bridge over River Ise is an attractive feature arriving into Desborough. This will be lost
- The edge of Desborough does not require enhancement as stated.

Amenity

- There is insufficient detail on the plans to show how neighbouring properties will be affected by the development
- Noise, light, pollution and disturbance will be generated from cars and construction traffic accessing the site
- The proposal will result in overshadowing, overlooking and loss of privacy for local people
- 2.5 storey development along the western boundary is considered unacceptable
- There will be light pollution from the development
- Request for developers to upgrade noise reduction measures of houses close to road (double glazing)
- Loss of privacy due to narrowness of building area and land level changes on site
- Smells generated from sewage works
- Flooding of rear gardens following construction of dwellings
- The proposal will have a detrimental impact on the quality of life of local residents
- Concerns for the impact on the peace and quiet of elderly residents
- Very little garden space and high density will cause neighbour conflicts.

Flooding

- The application fails to demonstrate how it will meet the challenges of climate change, flooding and coastal change
- This land floods, the proposal, including roofs and hardstanding will exacerbate this issue
- The proposal is to culvert a watercourse contrary to Environment Agency advice and would impact local wildlife
- Attenuation ponds are not adequate and in areas where ponds already exist so will not address the issues
- Advice has not been sought from Anglian Water – there is no capacity within the pumping station to accommodate this development
- The pumping station already overflows when it rains as such no fish downstream. This will be more frequent
- Geddington will suffer with more water in rivers
- Concerns about service water run-off into the Ise
- Increased pressure on local drainage
- Natural soakaways removed
- Concerns regarding increased flooding of houses down slope of the land.
- The submitted FRA contains inaccuracies, lacks evidence, confidence and adopts a high risk flood mitigation strategy
- At present no properties flood hence no reports of flooding to EA or Local Flood Authority
- A concern was raised by Anglian Water at pre-application stage with local capacity, which has not been addressed
- Following recent high housing growth in Desborough the River Ise ecological status has deteriorated from good to moderate, therefore there is a correlation between housing numbers and impacts of discharge
- The Environmental Survey submitted has not taken into consideration recent weather events.

Health and Recreation

- Attenuation features would present a risk to health and safety
- This is important green space and this proposal will distance the existing residents from this space
- There are many frequently used and valued permissive paths across the site
- The site is used for many recreational purposes, which will be lost
- The site was previously identified as Historically and Visually Important Open Space
- Development of the site would not contribute to the health and wellbeing of people in the town
- The proposal is to fence off the Tailby meadow, a site promoted for public access
- There is a health risk to local people from the regular discharge of sewage into the Ise

- Provision in terms of open space is inadequate as proposed within the application
- The proposed open space will create conflicts between pedestrians, cyclist and vehicle movements

- The existing site is considered to be open space as there are no restrictive signs or fencing preventing the use of the site
- The use of footways will be affected through a change to the character of the area
- The proposal will result in a lack of green space within Desborough
- Concerns over loss of public footpath running north/south through the site
- The play area adjacent to the sewage works is not appropriate for the health of the children using it
- The Tailby meadow should be open and free for all to use and not fenced in any way
- The Hawthorns is an Asset of Community value . Public open space which is left will be saturated with dog walkers.
- The mental health of local residents will decrease that currently walk there
- The football pitch should remain for people to use for games and family activities
- Removes the carbon sink the area provides so would reduce air quality
- The Grange leisure facilities are too far and this proposal fails to provide suitable alternatives
- The proposal is located in a Nitrate Vulnerable Zone
- The MUGA is located adjacent to the flood zone and open space is adjacent to the pumping station which floods and needs to be accessed by vehicles
- The Ise Valley is currently free from traffic fumes which is better for health, this will bring this type of pollution in to the Valley.

Biodiversity and Wildlife

- The proposal fails to comply with relevant policies with regards to Biodiversity
- The proposal would have an unacceptable impact on wildlife, biodiversity and habitat
- The survey work undertaken is incomplete and inadequate
- No evidence is provided of a net gain in biodiversity
- The removal of hedgerow will lead to loss of habitat
- The proposal will result in a fragmented habitat
- The site is not extensively farmed/grazed as suggested in the submitted documentation
- The application fails to show all the hedgerows on site
- Wildlife should not be limited to a narrow green strip
- The Tailby Meadow should not have development adjacent to it as additional dwellings would result in additional footfall (from people, cats and dogs) in the Tailby Meadow to its detriment
- The Valley acts as a Carbon sink and should be retained as is
- In a recent survey this part of the River Ise was considered in 'good condition' with Wildlife improving, this development will affect this
- Tailby Meadow retains eco-systems that represents 2% of what existed 100 year ago, it should be protected
- The proposal will result in the disturbance of bats which are proven to be in residence.
- People and Nature currently co-exist, the proposal will ruin this
- Site is SSSI and AONB

- Wildlife will be driven out by construction noise and light pollution
- The proposal will deliver an urban area into a habitat rich green space
- Insufficient ecological survey work has been undertaken and survey works have been undertaken at inappropriate times and is contradictory
- There is no reference to ecosystem services or pollinators
- If permitted access to the Tailby meadow should be via a fenced in path using sensitive materials. A landscape buffer will be essential with information boards to educate people about appropriate use of the meadow including dog walkers. This should be done prior to building works.

Historic Impacts

- The proposal will impact the setting of the Grade I Listed St Giles Church spire
- Part of the site will contain archaeological remains, especially at 'The Damms' (there have already been archaeological finds in this area, which has a diverse history and historical reference); is an historic monument; and in the KBC book on the history of Desborough
- Concern over the potential development of 'The Damms', which is an historical area used by walkers
- Area to back of Kenmore Drive was the original stagecoach route into Desborough and is of historical interest and should be preserved and maintained.

Car parking, access and traffic generation

- The proposal will generate the requirement for additional car parking and impact local roads
- The Bus service is insufficient
- The site is too far from the town centre to walk
- The access point off B576 is insufficient, off a high speed road, in a dip, dark, floods and is prone to mist
- Sycamore drive experiences high levels of on road parking and narrow points, poor visibility and children playing in the street, which would prevent its safe use and access for fire and rescue and bin collection
- The B576 is a designated red route
- Splitting the site will create dead-ends and a single point of access for emergency vehicles
- The proposal will put greater burdens on the surrounding road network, Rothwell and neighbouring villages
- The proposed access will impact the cycle route/path to Rothwell
- Given the distance of the site from the town centre the proposal will encourage car use
- Continual house building in Desborough will undermine the benefits of the A6 removing traffic from through the town
- The Travel Plan submitted contains inaccuracies in terms of bus service and distance to facilities; there is not a footpath on both sides of B576; and walking times are only considering the shortest distance
- The site will become a rat-run from Rushton Road to Desborough/Rothwell Road
- A roundabout should be at the point of access in to the site off the B576.

- Road safety is already an issue near Rushton Road children's park. This will increase this risk
- Traffic should be dispersed through use of 3 access including access point from the old leisure centre and Valley rise
- Housing turning right onto site will back up on Rushton Road
- The Transport Assessment states average speed of northern travel is 48.4mph which is a miscalculation. Cars accelerate way before de-restriction sign coming out of Desborough and will pass access point at way above 30mph
- Increased traffic will mean increased journey times
- Dunkirk Avenue has not been repaired from previous construction traffic
- Construction traffic will disturb local residents
- Quality of roads in Desborough is poor and more traffic will increase this problem
- Construction mud on roads is unsightly and unsafe
- Object to any access via Lower Steeping
- Error in Travel Plan –Once Christopher Close is finished the access off Rothwell Road will be even more dangerous
- Concern that Valley Rise will not just be used for emergency vehicles
- A lot of children use Rothwell Road to get to school – increase traffic with increased risk
- There is no speed calming measures. The development should be required to bring the footpath up to standard between current housing and the River Ise Bridge as a lot more people will use this to access footpath
- Private gate access from housing to the Valley will be lost
- Street layout and parking will impede waste collection and Bus Services
- Unlikely to be enough parking onsite
- People will not walk or cycle into town as it is a steep hill.

Insufficient local services

- Existing leisure provision is inadequate, especially at the Grange Leisure Centre
- There is insufficient school places available
- Health care is insufficient in the town (Doctors and Dentist)
- Police and fire and rescue is lacking
- Insufficient retail and other leisure/town centre facilities in both Desborough and Rothwell.
- A lack of local jobs
- A lack of car parking within the town centre
- The proposals should include a community centre, shop and school
- Services need to be improved prior to any building works commencing.
- Lack of a Petrol Station
- Town has insufficient community areas and civic areas
- Another supermarket is needed to service local people
- The town, facilities and employment are too far from the application site and not in walking distance
- The Desborough Health Check (2010) concluded that the vitality and viability is poor.

Other matters

- Desborough has grown by almost a third between 2001/ and 2011 (24.6% higher than national average growth rate) and not matched by services and infrastructure
- The proposed open space would conflict with the use of the pump station (including traffic movements and sewage overflow)
- Contrary to the Localism Act
- Kettering Borough Council has a responsibility under the Human Rights Act
- Not all owners of the land have been mentioned in the application
- There is a conflict of interest with the Wildlife Trust providing advice for this application
- The application should be dealt with by another Local Planning Authority
- The proposal would have a detrimental impact on farming and there has been a loss of this type of farming
- The neighbourhood plan identifies other more suitable sites and restricts the development of this site
- There are cumulative impacts of this development which have not been properly considered
- Insurance premiums will rise following the flooding of the new dwellings
- The proposal would result in devaluation of property values
- There is no community gain from this proposal
- Desborough is increasing disproportionately to other towns in the Borough
- Development Consultants report is full of errors
- National interest should outweigh local profits
- These properties are not required as there are other empty properties within the town
- This amount of proposed housing will overwhelm the town
- Development will cause subsidence issues on housing built there
- Desborough will further become a dormitory town with people that do not integrate
- Land has previously been designated as allotments
- Loss of social interaction with people not walking there anymore
- Lack of information on housing mix
- If development goes ahead profit from landowners should go to Desborough.
- Inappropriate for it to go forward before town plan is in place
- We need to be custodians for future generations
- Council has an interest and may not be impartial
- The proposal would set a precedent for further similar development
- Incremental development is contrary to the Development Plan.

Sustainability

- The walk to the New Grange Leisure Centre is over 30mins and is therefore not sustainable
- The proposal fails to meet all three aspects of sustainability (economic, social and environmental)
- Rainwater harvesting, porous pavements and alternative energy supply should all be considered.

Support

Wacoal, a local company, have written in and are generally supportive of residential development however, they have the following concerns:

- The provision for cycling facilities and access: As the existing cycle way does not extend all the way to Desborough, this development should assist with funding this link.
- Access to site: Concerns over the width of access and the B576 widened to allow waiting to access to the site.
- Provision for parking during construction and within the completed development: Concern that they will use local roads which are currently used by employees and contractors from Wacoal
- Reducing flood risk: The responsibility for watercourses should not fall to Riparian Rights to allow for their future management.

One further letter of support has been received and is summarised as follows:

- Desborough needs as much housing as possible otherwise it'll become a housing estate in the middle of nowhere.
- NIMBY's don't belong in Desborough.
- People will need services wherever they go.

5.0 Planning Policy

National Policy:

National Planning Policy Framework (NPPF)

Core Planning Principles

Policy 4 – Promoting sustainable transport

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

Policy 12 - Conserving and enhancing the historic environment

North Northamptonshire Core Spatial Strategy (CSS)

Policy 1: Strengthening the Network of Settlements

Policy 5: Green Infrastructure

Policy 6: Infrastructure Delivery and Developer Contributions

Policy 7: Delivering Housing

Policy 9: Distribution and Location of Development

Policy 10: Distribution of Housing

Policy 13: General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Policy 15: Sustainable Housing Provision

Draft North Northamptonshire Joint Core Strategy (JCS)

Policy 1 – Presumption in favour of Sustainable Development

Policy 3 – Landscape Character

Policy 4 – Biodiversity and Geodiversity

Policy 5 – Water Resources, Environment and Flood Risk Management

Policy 7 – Community Services and Facilities
Policy 8 – North Northamptonshire Place Shaping Principles
Policy 9 – Sustainable Buildings and Allowable Solutions
Policy 11 – Network of Urban and Rural Areas
Policy 15 – Well connected Towns, Villages and Neighbourhoods
Policy 19 – Green Infrastructure
Policy 20 – The Nene and Ise Valleys
Policy 28 – Housing Requirements
Policy 29 – Distribution of New Homes
Policy 30 – Housing Mix and Tenure

Kettering Local Plan:

Policy 35: Housing Within Towns

Supplementary Planning Documents

Sustainable Design
Open Space SPD
Biodiversity SPD

Emerging Development Plan Documents

Site Specific Proposals Local Development Document for Kettering Borough
Desborough Neighbourhood Plan

6.0 Financial/Resource Implications

A Section 106 is required, the terms of which are as follows:

On site open space provision

Amenity greenspace – 0.57ha
Natural and semi-natural greenspace – 0.64ha
Parks and Gardens – 0.21ha
Provision for Children – 0.32ha (including NEAP)
Provision for young people – 0.18ha (including MUGA – 40 x 26m)
Outdoor Sports Facilities – 1.29ha
Allotments – 0.29ha

A sum will be required for the maintenance of open space, to be calculated, as set out in the Open Space SPD.

A Pitch/Soil Quality report is to be undertaken by the developer and the necessary improvements made to the football pitch At Dunkirk Avenue. Additional changing accommodation is also to be provided, to support football at Dunkirk Avenue recreation ground.

Indoor Bowls Contribution of £12,866

A sum will be required for the erection of fencing and information boards (to be agreed) within the Tailby Meadow to limit access within the meadow, as well as a maintenance sum to ensure that these measures are managed as appropriate.

Affordable Housing

Up to 30% provision of Affordable Housing to be agreed based on housing need

Highways

Highways requirements include:

- Two bus stops are to be provided at the point of entrance to the application site and a contribution to bus service provision.
- Highways contributions/works which may include contributions/works to junctions within Desborough and Rothwell Town Centre.

In addition, a framework Travel Plan is obligated, with the requirement for a full travel plan to be submitted and approved by the Local Planning Authority.

Education

Contributions to primary and secondary education are required, dependent on number of dwellings and bedrooms to be provided.

Health

A contribution (based on numbers of dwellings) is required for the extension of Desborough Surgery based on £621 per dwelling.

Town Centre Regeneration Contribution

A contribution of £100,000.00 for the regeneration of Desborough Town Centre.

Monitoring Fee

A monitoring contribution.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Flooding Risk and Drainage
3. Ecology
4. Landscape Impact & Visual Impact
5. Design Considerations
6. Movement, Highways and Access
7. Sustainable Construction & Design
8. Heritage Assets (Listed Buildings & Conservation Areas)
9. Community Facilities
10. Section 106 requirements
11. Other Matters

1. Principle of Development

The application site is located within Desborough town boundary, development within town boundaries is supported by policy 1 of the adopted North Northamptonshire Core Spatial Strategy (CSS) and saved Policy 35 of the Local Plan for Kettering Borough. The site and is partly previously developed land, previously occupied by the Hawthorns Leisure Centre. Policy 9 of the CSS supports the reuse of suitable previously developed land within urban areas. The remainder

of the site is greenfield land but is within the town boundary. Preference is also given to sites that are accessible by a choice of means of transport.

Policy 1 of the North Northamptonshire Core Spatial Strategy (CSS) defines Desborough as a smaller town to the Growth town of Kettering, which will provide a secondary focal point for growth. The emphasis for development is on regeneration of the town centres, through environmental improvements and new mixed use development, incorporating cultural activities and tourism facilities, in order to provide jobs and services, deliver economic prosperity and support the self-sufficiency of the centres. CSS Policy 10 identifies that smaller towns will be capable of accommodating modest growth.

CSS Policy 9 considers the distribution and location of development in general terms. Priority will be given to previously developed land/buildings within the urban areas; the site is partly previously developed (the old Hawthorns Leisure Centre site) and lies within the town boundary.

There are other relevant CSS policies, listed above, which will be discussed in the relevant sections of this report.

The site was previously protected by local plan policies 88 (outdoor sport facilities) and 94 (existing open space). However, these are not saved policies and open space is no longer afforded blanket protection from development, as set out in the NPPF. Those particular policies were replaced by Policy 13 (f) and (g) of the CSS, which require new development to not lead to the loss of community facilities and open space, unless another suitable replacement facility or open space can be provided. The Hawthorns Leisure Centre has already been replaced at the Grange. Open spaces within the Borough are defined by the PPG17 survey. The majority of this site is not recognised within that document as open space. A field within the site is designated as Natural and Semi-natural open space. There is a requirement for further Natural and Semi-Natural open space within the s.106, which will be accessible and in fact an improvement on the current provision. On this basis the proposal is considered to meet the requirements of Policy 13 (f and g).

The site lies within the Ise Valley Sub-Regional Green Infrastructure (GI) Corridor as designated by Policy 5 of the CSS and provides opportunities to deliver net gain in GI. Links to these areas to the south into open countryside will be important as will links into the town, specifically to the town centre and beyond to the northern part of the town; there is an opportunity to create a connection westwards linking up to the town centre (an old local plan policy, D10, proposed a similar link but has never been formally delivered). Linkages to existing GI, retail, community, leisure and other facilities are crucial in creating a sustainable development, the further detailed design of this site opens up opportunities to meet these requirements.

Latest housing supply position

To date, the Council has granted consents or allocated land in Desborough which provides housing growth in excess of the targets set out in the current CSS to 2021. The Council recognises that in order to ensure a sufficient supply of land, additional land will need to be identified to ensure the Borough's housing land requirements for the longer term are met. Further development land is being identified through the

Development Plan process to ensure that full consideration is given to the suitability of sites and the cumulative impact of development elongating the Plan period to 2031. The housing figures as outlined in the CSS are indicative figures and cannot be used as an absolute target for delivering housing.

Significant progress has been made in reviewing the CSS, extending the plan period to 2031. The emerging Core Strategy continues to recognise Desborough as a settlement to provide secondary focal point for development. The draft Joint Core Strategy 2011-2031 has recently undergone Public Examination. Policies referenced for the JCS can therefore be given significant weight, due to the advanced stage of the plan's preparation (in accordance with the guidance provided by paragraph 216 of the NPPF). The challenges to the emerging JCS within the Examination included a proposal to increase the housing provision across the Borough and we await the conclusions of the Inspectors reports with regards to this matter. However, no specific representations were made at the Public Examination with regards to the proposed housing numbers or the allocation of this site at Desborough.

Paragraph 47 of the NPPF requires local authorities to identify the full, objectively assessed needs for market and affordable housing in the housing market area and to maintain a supply of specific deliverable sites sufficient to provide five years' worth of housing (plus appropriate buffers) against this requirement.

The latest Assessment of Housing Land supply for the period 2016 – 2021 was published in November 2015 for the Public Examination (November 2015). This shows that a cumulative supply of 4,650 dwellings has been identified. This supply figure is used as the basis for determining the Borough's overall housing land supply relative to the requirements of the Plan. Kettering Borough is currently able to demonstrate that a five year supply of housing land is available relative to JCS requirements, inclusive of both a 5% and 20% buffer of between 6.98 and 6.10 years respectively.

The Council can demonstrate a five year supply of deliverable housing land is available and paragraph 49 of the NPPF is not engaged. Therefore, the development plan policies are considered up-to-date and continue to attract due weight. However, there is still a requirement across the Borough to maintain a continuous supply of deliverable housing within sustainable and suitable locations, a position in line with the NPPF. Given the sites location within the Desborough Settlement Boundary and the significant policy support for development within settlement boundaries including Policies 1 and 9 of the CSS and Policy 35 of the Local Plan for Kettering Borough, the sites identification as an emerging allocation within the SSP LDD Options Paper then development is considered in principle acceptable in this location.

Emerging Development Plan documents

The submission Joint Core Strategy (JCS) has recently undergone Public Examination. Policies referenced from the JCS can therefore be given substantial weight, due to the advanced stage of the plan's preparation.

Policies contained within the emerging Joint Core Strategy, as stated above, can be afforded significant weight, of particular note with regards to this application are; Policy 3, which seeks to conserve Landscape Character; Policy 4 seeks a net gain in biodiversity; Policy 5 seeks to reduce the risks of flooding; Policy 6 supports the development of Brownfield Land; Policy 7 seeks to enhance community facilities; Policy 10 the delivery of infrastructure; Policy 11 maintains the provision of Growth Towns as being the main focus of development with market towns providing a strong service role for local communities; and Policies 19 and 20 seek to enhance and safeguard green infrastructure. There are other relevant policies, which will be discussed in the relevant sections of this report.

Work is also being undertaken on two other emerging policy documents which will form the development plan. These are the Site Specific Part 2 Local Plan (SS Part 2) for Kettering Borough and a Neighbourhood Plan for Desborough. Both documents have identified housing allocation sites which are intended to meet the requirements of the JCS up to 2031.

The Council is preparing the SS Part 2 Plan for Kettering Borough with a plan period up to 2031. The Plan is expected to be published for public consultation in summer 2016 following adoption of the JCS. This proposal site has been identified as a potential allocation for Desborough. The SS Part 2 Plan also looks at the requirements for settlement boundaries and identifies a need to retain them. This site, as previously stated is currently within the settlement boundary of Desborough. Sites within the Plan will only be shown within the settlement boundaries once formal allocation takes place.

Desborough Town Council along with local residents are also working on a Desborough Neighbourhood Plan (referred to as the Town Plan). A draft plan has been prepared (Regulation 14 stage) which has recently undergone public consultation.

A neighbourhood plan attains the same legal status as the [Local Plan](#) once it has been agreed at a referendum and is made (brought into legal force) by the local planning authority. At this point it becomes part of the statutory development plan.

An emerging neighbourhood plan may be a material consideration and [Paragraph 216 of the NPPF](#) sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies.

The NPPG states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account. Such as:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development

that are central to an emerging [Local Plan](#) or [Neighbourhood Planning](#); and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified for a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

Draft policies have been produced in support of the objectives as outlined in the Neighbourhood Plan (NP). The emerging Plan does support the provision of housing in Desborough, as well as the provision of affordable housing, however, this site is not one of the sites identified within the Plan as having potential for allocation/development; this site falls within an area which is identified as a potential site for protection and indeed enhanced community use.

The NP has been out to public consultation and comments have been received which will influence the future content and production of this Plan. On this basis it is considered that the Neighbourhood Plan can only be given very little weight at this time given its point in production and further work will be done prior to its adoption. There is no defensible argument for prematurity with regards to this application, given its current location within the settlement boundary; and that the development of the site would not undermine the delivery of the NP, as other sites and objectives can still be brought forward.

Further work on the Site Specific (SS) Part 2 Plan and the Desborough Town Plan in the coming months will confirm the extent and location of new allocations to be made in Desborough. However, at this time only limited weight can be afforded to these documents and the decisions on planning applications within Desborough can not wait for the production of these Plans.

The principle of redevelopment of this site for residential use is acceptable as the proposal lies within the Desborough Settlement boundary and the land on which development is proposed is not allocated or currently designated or protected in anyway, although an emerging allocation in the Part 2 SS Plan. The proposal is therefore considered in accordance with policies 1, 9 and 10 of the CSS, and policies 11 and 29 of the emerging JCS and policy 35 of the Kettering Borough Local Plan.

2. Flood Risk and Drainage

Policy 10 of the NPPF restricts inappropriate development in areas at risk of flooding . . . and to ensure flood risk is not increased elsewhere.

The application site lies completely within Flood Zone 1 which has the lowest probability of flooding. Adjacent to the site are fields to the south which lie in Flood Zones 2 and 3 and are at higher risk of flooding.

The River Ise is located beyond the site boundary to the south and a weir and reinstated water course forms part of Tailby Meadow, outside of the application site. A small watercourse (land drain) crosses the site from the north (The Damms) southwards before it discharges into the River Ise adjacent to the road bridge with Rothwell Road. A further land drain runs south from the Anglian Water Treatment Works, with two others located to the south of the site. All discharge into the River Ise.

A Flood Risk Assessment has been submitted with this application. The assessment primarily focuses on management of surface water with a draft foul and surface water drainage scheme developed incorporating Sustainable Urban Drainage Systems (SUDs).

Surface water flooding has been identified as a secondary source of flooding within the site. Therefore, a surface water management strategy is required (to be secured by condition), to mitigate surface water flooding to an acceptable level, as required by the Lead Local Flood Authority.

The Environment Agency (EA) requested some further additional information, which has been provided. The Environment Agency are now satisfied with the development based on the application of conditions to deal with SUDs and surface water drainage.

Desborough Town Council notes that the FRA assesses foul flows for a maximum of 257 dwellings only. To clarify the figure of 257 is an estimated figure based upon a variety of unit densities, which could be achieved across the site. This is to give an indication of the likely flows from the site suited to the outline detail required for this level of application. This wasn't intended as a specified end figure and is an assessment approach accepted by the statutory consultees.

Para 5.7.2 of the FRA recommends that a further assessment of capacity within the local foul network is undertaken at detailed stage when the final number of units has been established in order to mitigate against any risk of flooding from this source, supported by Anglian Water and the Environment Agency. A suitably worded condition has been added, as required.

The EA, Lead Local Flood Authority and Anglian Water have no objections to the application subject to conditions with regards to compliance with the submitted flood risk assessment and a foul water strategy to be submitted and approved. On this basis the proposal is considered not to have an unacceptable impact on flooding in accordance with policy 10 of the NPPF and Policy 13 (q) of the CSS.

3. Ecology

Policies 11 of the NPPF and 13 (o) of the CSS require schemes to minimise the impacts on biodiversity and provide net gains.

The site is located adjacent to the Tailby Meadow Local Nature Reserve. This is also a Local Wildlife Site (LWS No. 132). Tailby Meadow is a traditional flower-rich hay meadow on the banks of the River Ise, containing around 15 species of grass and many types of wild flowers. This type of grassland is very rare not just within the

county but nationally. An area of ridge and furrow is found in the north-west corner of the field and a reinstated river course and weir in the south eastern corner. Hay Meadows are a priority habitat in the UK and Northamptonshire Biodiversity Action Plan (BAP).

The Local Nature Reserve is currently well used with a public right of way running along its edge down to the Ise Valley. There is a public footpath which runs through the site along in to Shotwell Mill Meadow beyond. The Wildlife Trust have significant concerns that building more houses closer to Tailby Meadow will increase visitor pressure upon this important habitat. There is also a risk of it being used for informal play and increasingly for dog walking. These activities and increased pressure could harm the LNR and destroy this habitat.

The application site lies within the Ise Valley sub-regional Green Infrastructure corridor. Policy 5 of the CSS states that development in sub-regional corridors will; not be permitted if it compromises the integrity of the corridor; developer contributions will be sought to facilitate improvements to quality and robustness; investing in enhancement and restoration where opportunities exist and the creation of new resources.

The Wildlife Trust have also raised a number of concerns about a lack of information submitted and the ecology survey work undertaken by the applicants prior to submission of the application; the applicant has not provided sufficient ecological and GI information to adequately demonstrate ecological mitigation; there is insufficient future biodiversity enhancement, management plan prescriptions and associated monitoring; and the information submitted fails to suitably demonstrate that the development would not impact biodiversity on this site or compensate for harm to biodiversity.

A number of surveys have been undertaken prior to the submission of the application and further ecological survey work has been received during the course of the application. This survey works identifies that the development site is utilised by a number of protected species including bats, birds and badgers. Additionally, populations of reptiles were recorded in adjacent habitats.

The application proposes that the retention of existing hedgerows and streams, and the creation of new hedgerow creates continuous links through the site, whilst the creation of species rich grassland areas is considered to ensure the site continues to provide suitable habitat for these species in the long term. Also, creation of robust corridors with limited lighting (to be secured by condition) through the site will ensure future permeability for bats.

The proposal includes a green buffer strip along the southern edge of the site and drainage areas, which will provide habitat for reptiles and conditions have been added to ensure reptiles are protected during site clearance etc. The installation of bat and bird boxes will be the subject of conditions and lighting conditions will also be applied to minimise the impacts on biodiversity. Also, updated badger, crayfish and otter surveys are required by condition.

The Tailby Meadow is not part of the application site, however, it lies adjacent to the site and it is acknowledged that the development may generate potential impacts including informal play and access and increasing pressure from dog walkers with the potential for increased fouling which has a detrimental impact on the meadow. These impacts require mitigation. Currently there is free access to the meadow with no defined routes or rights. The application proposes a package of mitigation measures to be enhanced and secured by condition, which could assist with the protection of the Tailby Meadow post construction of the development, as well as providing walking within the application site (such as the southern corridor, route north and open space to the west of the site and routes across the site) which could serve to relieve pressure on the meadow. The following mitigation measures are proposed:

- Retain hedgerows along the site boundaries and within public areas to retain green linkages.
- Enhance the existing linkages with additional planting using native, locally sourced species throughout the development.
- Require a landscaped buffer zone between the development and Tailby Meadow.
- Fence in the existing public footpath to reduce the recreational impacts resulting from the public's usage of this walkway, whilst still allowing access to the wider meadow area or create a circular fenced route around the meadow to prevent unlimited access,
- Create links to green infrastructure beyond the site and Tailby Meadow.
- Provide accessible green space, walkways and linkages to discourage the use of Tailby Meadow for informal play and dog walking.
- Information boards/packs for local people.

The Wildlife Trust has raised concerns about limiting access and providing fencing within the Tailby Meadow as they consider this to be contrary to the sites designation as a Local Nature Reserve and Green Infrastructure corridor. This is in addition to the other concerns raised by the Wildlife Trust as set out above.

The Local Planning Authority have requested further additional survey work and clarification on a number of the points raised by the Wildlife Trust, this further survey works has been provided by the applicants or is the subject of conditions. Furthermore, the Local Authority has sought independent ecological advice from RammSanderson Ecological Consultancy to review the ecology information submitted with the application as well as provide suggestions for ecological enhancement and mitigation and comment on the concerns raised by the WT.

RammSanderson (RS) in their review state:

The fundamentals of ecological impact must be dealt with at outline application stage. However, the details of specifications, designs and implementation methods should be reserved until a later date to be dealt with either via discharge of conditions, reserved matters application or separate full and detailed application.

Concerns have been raised about the survey works undertaken. RS have responded with regards to each of the surveys undertaken. They state that the bat surveys lack confirmation of the times when works were completed and limited evaluation. However, with regards to bats *'the information provided was collected within the optimum or peak of bat activity and did yield sufficient information for the design of an Outline Mitigation Strategy, sufficient for an outline planning application, provided it is conditioned further surveys in April, May and June are completed; and, that the current assessment is enhanced with qualitative data so that bat behaviours are assessed and incorporated into the mitigation design'*.

The applicants have later confirmed the survey times and the further necessary survey works are currently being undertaken. The required bat survey results and mitigation measures have also been required by condition.

RS state that the submitted ecological information says that access was not obtained to survey a central section of the River Ise for crayfish, otter and water vole. The conditions of river during the survey are questionable due to limited visibility in some areas with silty pools. As there are potentially good opportunities for crayfish, it will be necessary to review the survey under more appropriate conditions. Unsuitable habitat was identified for water vole and therefore further surveys are not required.

One constraint to the reptile survey was a high degree of public removal of tiles in the northern part of the site. Reducing the number of refuges reduces the efficacy of a survey. Further, information has been received with regards to the number of tiles removed, which demonstrates the concentration of remaining tiles was above the minimum requirements. Therefore, further reptile survey work is not required.

RS clarify that the arboricultural survey undertaken is only valid for 12 months (undertaken May 2015). Therefore, if construction work has not commenced by May 2016 then another inspection will be required and tree protection measures should be imposed. Conditions have been added to require a tree and hedgerow retention scheme and a landscaping and management plan to be submitted and approved.

Also, RS state that according to submitted information, the Tailby Meadows LNR site was mown shortly before the National Vegetation Classification (NVC) survey and therefore it could be argued the survey was not conducted in optimum conditions. As it has been recommended that the meadow be retained in the mitigation, it is important to have an accurate assessment; however, given the WT have completed previous detailed assessments, sufficient information should be present at this outline application stage in order to inform mitigation design and impact assessment. Another timing constraint was that the survey was undertaken between July-Sept which is an optimal survey time but may have missed species which matured earlier in the season. The main and most important point however is that the LNR was mown in mid-summer, which is contrary to the principle of managing species rich grasslands and hay meadows.

The applicants recommendation to install a fenced off formalised pedestrian/cycle, is supported by RS. They suggest that this pathway will allow visitors to enjoy the Meadow, whilst protecting it from trampling, nutrient enrichment via animal waste

and make the management of the meadow far easier.

RS state that the submitted information provides Kettering Borough Council with sufficient comfort and clarification that the applicant is considering protected species and habitats as part of their supporting information and has used that to inform the outline layout design.

The broad masterplan concept should stay fixed, with the provision of green infrastructure strengthened north-south and west-east, potentially with additional green space provision in the field compartment between the development and the River Ise if feasible.

It should be remembered that this is an Outline Application and that detailed designs, layouts, specifications and management plans, all of which are requested by the WT, would have to form part of any subsequent application.

RS conclude that the management and retention of habitats and species impacted by the proposals is as a requirement is clearly understood and this is evidently a robust application.

RS Recommend:

- The current management plan is altered and the outline mitigation plan of installing a fenced formal 'all-weather' pathway through the meadows is adopted by the owners.
- The proposal for a fenced walkway through the Tailby Meadow pursued. A timber post & rail fence, supported with galvanised wire mesh between the rails to ground level, thus preventing much pedestrian and dog ingress into the bulk of the meadow areas.
- Interpretation boards should be provided to educate the public as to the value of the site and the reasons for restricting their use of the meadows to these formalised pathways.
- Further clarification and / or survey for the Potential Wildlife Site, on the part where development falls may be required to fully establish its botanical value.
- Bat surveys should be completed but in principle the mitigation strategy is appropriate for this site, with the exception that additional 'green infrastructure' linking the site between the north and south and not just the boundaries are provided. A condition is therefore recommended to cover the necessary additional surveys.
- Consideration for the use of the adjacent arable field within the scheme for potential ecological enhancement/offsetting including some, additional work on the establishment of landscape design, green infrastructure and how these items link in with the requirements of the outline ecological mitigation strategy.
- In addition to the recommendations for mitigation made within the MME report, we would consider that the final landscape design seeks to increase the available 'green infrastructure' proposed through the site.

Natural England has since commented on the information submitted by Ramm Sanderson and they state that they disagree that the site is being incorrectly managed. That fencing would not provide sufficient mitigation as the proposals

would still involve public access points and this approach would not be effective in mitigating impacts on Shotwell Mill Meadows Local Wildlife Site and the use of the adjacent field should be considered as suitable mitigation for the use of Tailby Meadow.

A strategy for managing the Tailby Meadow with guiding principles is being produced and will be afforded a contribution within the s.106 to ensure the future maintenance of suitable management measures can be secured. The management and maintenance can be agreed with the Wildlife Trust. With regards to fencing this can be extended to provide a circular route around the meadow to completely limit access into the central parts and reduce the risks of dog fouling etc.

For clarity, there is no alternative land available provide alternative open space and this cannot be considered as part of this application. However, subject to the detailed design of the final scheme, further walking routes and fenced off areas within the site can be provided for within the development site. Conditions attached to the permission including those requiring a Design Code (see below section of this report for further explanation of the required Design Code) and GI Strategy can adequately provide for this need along with mitigation measures for the Tailby Meadow to be secured via s.106 and conditions will ensure any impacts on ecology can be mitigated against and enhanced through subsequent reserved matters applications.

Subject to conditions with regards to the above recommendations it is considered that the development does seek to suitably protect and enhance ecology in this location. On this basis the proposal is considered acceptable and in accordance with Policy 11 of the NPPF and 13 (o) of the CSS.

4. Landscape Impact & Visual Impact

Policy 7 of the NPPF attaches great importance to the design of the built environment . . . and is a key aspect of sustainable development.

Policy 8 of the emerging Joint Core Strategy introduces place shaping principles which can be translated into the future of design of this site. This policy adds further guidance to the requirements of Policy 13(h), which requires new development to have a high standard of design.

The application site falls to the south of Desborough on land which is open in character with a number of dense hedgerows marking the field boundaries within the site. There are a number of trees and landscape features which make the area an attractive site and the natural slope in land levels down towards the valley, coupled with the public footpath from St Giles Church south to the Valley which make this an attractive view over the Ise and along through the Ise corridor.

The area to the far north of this section, in combination with neighbouring open spaces including the Millennium Gardens and the Church yard provide a pleasant green setting for Grade I Listed St Giles Church.

The existing built form on the edge of Desborough, currently given its varying age, styles and boundary treatment assortment does not provide an attractive edge to this settlement. The proposal therefore present the opportunity to create an attractive built form edge subject to the use of a consistent palette of materials; a design approach which integrates well with and enhances the existing green edge to Desborough and the creation of a development which provides for leisure and recreation opportunities for local people.

The Site Specific Proposals LDD – Options paper identified and consulted upon areas of land which have the potential to be identified as Historically and Visually Important Open Space (HVI). A section of the southern part of the site was promoted in this document as HVI. Planning Policy Committee has endorsed further targeted consultation to seek the views of landowners and Parish/Town Councils prior to public consultation on the full draft Part 2 SS Plan. During this consultation Desborough Town Council suggested that a further area of land be considered for HVI (the western part of the site locally known as ‘The Damms’). Further assessment work has been undertaken, which has dismissed the area to the south as having the potential to be HVI but suggested ‘The Damms’ does have the potential to be included.

Paragraph 216 of the NPPF allows decision takers to give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of relevant policies with the Framework. Given the early stage of preparation of the SS Part 2 Plan; the concerns raised during the consultation; and that work is ongoing with regards to the allocations of HVI, then this part of the SS Part 2 Plan can only be afforded limited weight. Nevertheless, the Master Plan as submitted with this application recognises that part of ‘The Damms’ on land to the far north of the site adjacent to St Giles Church, does form part of the character of the area and provides an important setting for St Giles Church. There is no development proposed for this area of the site. Further land could be set aside adjacent to the church in the detailed design of this site/reserved matters application to ensure an adequate area of open space is retained. This area could also be fenced for use by dog walkers.

The assessment undertaken of the wider ‘The Damms’ area concentrates largely on the view which runs along this site to the Church Spire and south down to the Valley.

5. Design Considerations

Given this application is only at outline application stage and the detailed design is yet to be submitted, it is necessary to add a condition requiring a Design Code to be submitted and approved prior to any reserved matters application being received. The Design Code will need to ensure that there is a recognisable design approach across the development that ensures each part of the development works together to deliver a place of character and quality. It would not stifle innovation but provide a framework within which it may occur without affecting the cohesion of the whole.

It would also consider preserving views to the Valley and up towards the Church Spire. This could be achieved through careful consideration of a road layout, linear open spaces, building heights, the creation of a green avenue towards the Church

and the use of the good quality materials. On this basis the proposal actually offers the opportunity to improve the quality of this area, which is currently partially overgrown and provides views to varying estates of piecemeal housing without a cohesive design strategy.

Concerns have been raised with regards to the potential for coalescence between the two settlements. Although this proposal will obviously bring development closer to Rothwell than existing there is sufficient space and vegetation between the two settlements to prevent coalescence, not least as this development does not extend all the way to the River Ise. On this basis and through the imposition of landscaping and tree and hedgerow retention conditions, as well as the proposed southern green strip then the site is considered sufficiently distance from Rothwell and is indeed located within the designated Desborough Settlement Boundary. Through the detailed design of the site permeability with Desborough to the north will be an important consideration to ensure this site integrates with the wider area. This can be secured through the required Design Code.

Given the limited weight that can be afforded to the SS Part 2 Plan at this time and that the application is at outline stage with an opportunity to improve the character of this area in accordance with a conditioned Design Code then the proposal is considered acceptable and recommended for approval in accordance with Policy 7 of the NPPF and 13 of the CSS.

6. Movement, Highways and Access

Access

Access is the only matter to be considered as part of this application. The proposal includes two access points, one off Sycamore Drive and one off B576/Rothwell Road. The Highways Authority has raised concerns based on the indicative layout provided with regards to the splitting the development in two half's with potentially up to 150 dwellings being served off Sycamore Drive. The Highways Authority have no concerns with the use of the B576 as access to the development, subject to some amends to the proposed access to ensure there is adequate space within the public highway for a right hand turning lane into the application site and forward visibility to take account of actual vehicle speeds along the B576. These amends have been made to the satisfaction of the Highways Authority.

The Highways Authority have suggested, based on the further information submitted that the majority of dwellings are accessed off the B576 (and consider an access off here is sufficient to serve the development as a whole) and only a limited number of dwellings be served off Sycamore Drive. The proposal is at outline application stage, appearance and layout are reserved matters to be considered in a later reserved matters application. The Highways Authority are satisfied with two access points serving the development (one off the B576 and one off Sycamore Drive), any subsequent application will be designed, in consultation with the Highways Authority, to reduce the number of units off Sycamore Drive, although some development off this access is considered acceptable. The majority of the development will however, be served off B576. The Highways Authority has suggested a condition limiting the number of dwellings off Sycamore Drive to 30. However, this is not considered reasonable at this time as the detailed design of the site has not been presented or agreed; the submitted highways modelling shows additional capacity off Sycamore Drive; and the figure of 30 dwellings has not been supported by any evidence or

modelling from the Highways Authority. A note will be added to any subsequent permission to ensure that only a limited number of dwellings are served off Sycamore Drive in the future design of the development, with an indicative figure of 30 dwellings.

The indicative layout shows a green space within the centre of the development, a road will need to be provided through part of this greenspace to access the other half of the development, given the constraints raised by the Highways Authority of using Sycamore Drive as an access point. There will be no connecting road through the development, to prevent rat-running. Further additional greenspace will be provided across the development and will be shown through the detailed design of the site and conditioned Design Code and GI Strategies.

The Highways Authority have requested a condition be applied requiring the site not be developed until such time as the B576 / A6 link road identified to be constructed by Rothwell North development site is open to the public's use. The application of conditions must meet the tests outlined in paragraph 206 of the NPPF, which states '*planning conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other aspects*'. It is not reasonable to expect a development to wait either for another proposal to be implemented for a Development Plan. On this basis it is not reasonable to apply this condition.

The Highways Authority have requested a contribution towards a public realm highways improvement scheme in Rothwell Town Centre. All planning obligations must be justified and evidenced. Limited information has been provided by the Highways Authority with regards to the public realm highways improvement scheme for Rothwell Town Centre, how it has been costed or why this contribution is required to mitigate the development. Subject to further discussions and this request meeting the necessary CIL tests then a contribution could be sought.

Neighbours have raised concerns with regards to traffic backing up along Rushton Road whilst vehicles wait to turn right into this site off the B576. The Highways Authority require a third, right hand turning lane at the point of access with the B576 to be provided at the point of access to prevent this happening. A detailed plan and a requirement to complete these works are required by condition. Also, concerns have been raised about vehicle speeds along the B576. The Highways Authority require the applicants to apply speed calming measures along the B576 from the point of access to the site to Desborough to extend the 30mph zone. On this basis and through the use of this access, it is considered that vehicle speeds will reduce or can be enforced following these changes.

It has been suggested that a further access to the site is created using the old Hawthorns Leisure Centre access. Currently this access does not meet current highways standards as required by Policy 13 of the CSS. However, if further upgrade can be made to this access and/or it serves a small number of units as a private drive then this could, following submission of a reserved matters application, provide a further access to the site. A Construction Management Statement (CMS) is required by condition to deal with matters such as mud on the road and any highways impacts from construction traffic.

Neighbour concerns have been raised about sufficient parking being made available within the application site. Parking provision will be required in accordance with adopted policy and reasonable highways standards at the time of determining the reserved matters application and through consideration of the detailed design and layout. Parking along the B576 will be avoided through the application of conditions in terms of the CMS (requiring details of routing, temporary access and a construction compound), sufficient parking designed within the site and suitable highways measures to avoid this.

The applicants have demonstrated that a sufficient access to the site can be achieved to the satisfaction of the Highways Authority in accordance with Policy 13 (d and n) of the CSS, which seek to provide a satisfactory means of access, not have an adverse impact on the highway network and not prejudice highway safety. Further discussions are ongoing with regards to the reasonableness of the requests for highways contributions and works to ensure that they are CIL compliant and therefore can be achieved from this development.

Bus Infrastructure

The Highways Authority has suggested that two bus stops are provided near to the site access, to increase the sustainability of the site, given the walking distances to bus stops within Desborough. The Highways engineers for the agents have confirmed that there is sufficient space within the highway to satisfy this requirement, subject to the cooperation of the bus company, given the relative close proximity to other bus stops in the local area. In addition, the Highways Authority has requested a sum of money be paid to support the provision of bus infrastructure, the exact amount is yet to be confirmed. The provision of two bus stops and contribution to infrastructure will be secured via the s.106 agreement. On this basis the proposal is considered to be in accordance with Policy 13(e) of the CSS.

Framework Travel Plan

It is a requirement of the Local Planning Authority that a framework travel plan strategy be prepared and this will take account of bus, walking and cycling opportunities, as well as ways to encourage new residents to adopt sustainable movement patterns. This is to be addressed through the s.106.

Linkages

Walking and cycling links are essential to encouraging sustainable travel choice, encouraging modal shift and delivering a net gain in green infrastructure. An existing public right of way UC12 runs through the site, entering the site on its southern edge. Also, there are a number of informal routes across the site. An application has been made to the County Council for a Definitive Map Modification Order (DMMO), which proposes a number of routes across the site be designated as public rights of way. This DMMO is very much at its early stages and although a material planning consideration can only be afforded very limited weight due to its early stage of submission. If the DMMO is successful then this would become a legal matter for any future developers to deal with, to ensure there is adequate provision for walking across the site. Also, if successful then any subsequent reserved matters application will need to take these routes in to consideration in the detailed design or have them re-directed.

The submitted revised Design and Access Statement includes a plan which shows claimed rights of way and proposed potential walking routes through the submitted Masterplan. The submitted plan demonstrates that a number of the claimed rights of way coincide with the proposed movement routes through the site (plan titled 'Existing and Proposed Public Right of Way'), whilst those which do not, can be appropriately diverted through the usual means or the design amended to include these routes.

There are two adopted rights of way, UC1 which runs between St Giles Church and Rothwell Road and UC12 from the Hawthorns to Tailby Meadow. These footpaths will be retained. The submitted Masterplan does propose to slightly realign UC1, the route which runs north/south from St Giles Church. This will be a matter to be considered at the detailed design stage and could include the creation of an avenue providing views to Church Spire and further open space, as suggested in the landscape section of this report.

A central walking and cycling route is to be provided with connecting elements to available access points to the north and into Desborough. This will provide direct routes to the town centre, Dunkirk Avenue open space and help to encourage a modal shift in accordance with Policy 13 (e).

As well as the above, a southern route along the site will be provided for longer walks and access to the Tailby Meadow will be retained. A set of walking principles for the future use of the site has been provided within the submitted Design and Access Statement in Chapter 6.0 entitled The Lifestyle (Page 59 onwards). These include:

- Landscape connections will be provided across the site with landscaping to be used to create different senses of space. Natural boundaries between the hedgerows will provide definition and permeability.
- Alongside formal areas of open space to include the proposed NEAP and MUGA will be a linear green space along the southern boundary of the site, smaller parks and areas of open space are proposed throughout the site and fenced off areas for dog walkers. All, to provide recreation, leisure, seating and allotments.
- There will be differing character areas across the development to achieve a sense of place and provide different routes and paths. The Main Avenue will be the principle street through the development where separation between pedestrians and vehicles will be achieved through wide verges incorporating pedestrian and cycle routes. Secondary Streets will be shorter and more varied with shared surfacing and other measures to reduce vehicle speeds. The Green Edge will be pedestrian and cyclist dominated with a southern linear route connecting up to green space adjacent to St Giles Church, along the public footpath and creating a green connection to the town centre.

Subject to these design principles, which can be incorporated into and form the basis for the Green Infrastructure Strategy and/or Design Code, both required by condition. Although, access to the site will change provision for walking across the site, a network of walking routes will be maintained across the development, footpaths protected and a network of permissive paths will also provide cycling

opportunities, not currently available.

Currently access to Tailby Meadow is unlimited. As previously stated the Tailby Meadow falls within the Ise Valley corridor, which lies within the River Nene Regional Park and is a sub-regional Green Infrastructure corridor. Policy 5 of the CSS states that Green Infrastructure sub-regional corridors (such as this) aim to connect locations of natural and historic heritage, green space, biodiversity or other environmental interest. They will be safeguarded through not permitting development that compromises their integrity; use developer contributions to facilitate improvements to their quality and robustness; and invest in enhancement and restoration where opportunities exist.

The proposed scheme does not intend to develop or completely prevent access into the Tailby Meadow. However, it proposes more managed accessibility into this local nature reserve to protect its special features. In accordance with measures, as set out above. Subject to a condition with regards to the management of the Tailby Meadow and a contributions to be sought to the maintenance of the meadow to be secured via s.106 then it is considered that through limiting the current unrestricted access and providing local people with a greater level of information will actually safeguard the meadow; retain public access; facilitate improvements to its robustness; and continue to invest in its enhancement and restoration in accordance with Policy 5 of the CSS.

The proposal therefore is considered in accordance with Policy 13(j) of the CSS, which seeks to promote healthier lifestyles through encouraging people to be active and (o) conserve the landscape character and biodiversity of the environment making reference to the Environmental Character Assessment and Green Infrastructure Strategy.

7. Sustainable Construction & Design

Policy 14 of the Core Spatial Strategy sets the energy efficiency and sustainable construction standards that residential developments must meet. The CSS states that developments of 200 dwellings or more should seek the highest, viable standards. The application as submitted states that the new development will incorporate techniques of sustainable construction and energy efficiency, including the provision for water efficiency and recycling. It is also anticipated that 10% of the demand for energy would be met onsite and renewably and/or from decentralised renewable or low-carbon energy supply. Policy 14 of the CSS requires new development to meet 30% of the demand for energy. Policy 14 also requires new development built after 2016 to meet Code Level 6.

Despite this the Code for Sustainable Homes (CSH) is being discontinued in the wake of the Deregulation Act 2015 and proposes the incorporation of a number of technical standards into building regulations.

Developments such as this still to be assessed for sustainable construction, new cases at least will be required to achieve the following:

- A 19% improvement in DER/TER against Building regulations 2013 (CSH level 4 equivalent for energy)

- Higher technical standard for water efficiency as prescribed by Part G building regulations

A number of other standards are now captured within building regulations or within wider site requirements (e.g. sustainable drainage).

Therefore, whilst CSH level 6 is unlikely to be offered, in particular respect to energy performance, Code level 4 equivalence being an achievable performance requirement.

Emerging Policy 9 of the Joint Core Strategy states that for developments of 200 or more dwellings, the Government's approach to zero carbon buildings will provide an opportunity to identify "Local Allowable Solutions". This will give developers the option of investing in a range of off-site solutions to off-set carbon emissions to achieve the target 19% improvement.

Developers will be able to decide how to meet the energy shortfall through Allowable Solutions through any combination of the following options:

- More on-site measures or though connected measures i.e. District Heating
- Meeting remaining carbon abatement requirement themselves through own off-site
- carbon abatement action
- Contract a third party to deliver abatement measures
- Paying into a fund

The preferred approach is for developments to deliver or contribute towards Allowable Solutions within North Northamptonshire. This will ensure that impacts are mitigated close to where they arise, and that the benefits arising from a development are experienced by the local community. The local planning authorities will identify a range of cost effective and verifiable Allowable Solutions within North Northamptonshire that developments can choose to invest in.

These can include measures to reduce carbon emissions such as retro-fitting of community buildings, including schools, libraries or other public buildings with energy efficiency technology and retro-fitting of the existing housing stock with improved heating technology. The Rockingham Forest for Life (RfFL)60 is an Allowable Solution whereby developers can directly support woodland planting as a carbon sink to play a major role in the off-site mitigation of carbon emissions from new developments.

However, in the absence of a means of working such a contribution, a condition is recommended and will be provided on the committee update, to ensure this development meets the requirements of equivalent CSH 4, which is considered to be reasonable at this time prior to the formal adoption of and means for implementing Policy 9 of the emerging Joint Core Strategy but would still achieve reasonable sustainable measures as set out in this emerging policy, as well as being in partial accordance with policy 14 of the CSS and in compliance with the Deregulation Act.

Impact upon neighbours

Policy 13 (l) of the CSS states that new development should not impact on the amenities of neighbouring properties or the wider area.

The proposed application is for outline planning permission with all matters apart from access reserved. The submitted design and access statement shows blocks of development with a central open space and a buffer green space with NEAP and smaller spaces towards the southern edges of the site. There are a number of existing dwellings that are positioned close to the northern boundaries of this site.

Although, there is no real strong pattern of development adjacent to the site or prevailing layout pattern or pallet of materials, the majority of dwellings are detached or semi-detached properties set in reasonable plots with off street car parking. There are some single storey properties to the north of the site. The final design will need to consider carefully the amenity and location of these properties and locate development appropriately; it is considered that a maximum of two stories in height along the northern boundaries of the site could be acceptable to protect amenities, especially given that the ground levels in this location slope into the application site. This with appropriately sized rear gardens and boundary treatment will protect the amenities of any neighbouring properties. Some single storey properties should be considered where ground levels are consistent and new properties will be adjacent to single storey dwellings where gardens are short or there are possibilities for overbearing.

A number of concerns have been raised from neighbouring properties with regards to noise and a request to upgrade noise reduction measures in existing houses to protect them against the impacts of this proposal. Given the use of the land as residential and subject to conditions as requested by Environmental Health in terms of achieving noise levels as outlined in the submitted Noise Assessment and CMS, these will protect the amenity of neighbours and future occupants. Subject to a final design and this condition it is not considered that the proposal would have a significant impact on the amenity of neighbouring properties in terms of noise.

A desk top survey with regards to contamination has been undertaken. This assessment concludes further investigation is required. Environmental Health concurs with this view and recommend their standard conditions are applied. They raise no objection to this development.

The proposal therefore accords with the requirements of Policy 13(l) of the CSS and would not have an unacceptable impact on the amenity of neighbouring properties.

8. Heritage Assets (Listed Buildings & Conservation Areas)

There are potential views across the site, especially the western part of the site to the St Giles Church and Spire, a Grade I Listed Building. Policy 12 of the NPPF, paragraph 128, states that applicants should describe the significance of any heritage asset affected, including any contribution to its setting. Furthermore, paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through the alteration or destruction

of the heritage asset or development within its setting.

There are 4 other Listed structures to the north and north-east of St Giles Church including 5 Church House, Lower Street (Grade II) and Memorial Gardens (Grade II), both blocked from view from the site by the Church which provides core feature to the setting of these building in this location and to the north of the application site; The Services Club (Grade II) and 18-20 Lower Street (Grade II). The setting of these buildings is considered to be limited to their immediate surroundings and their immediate group value and therefore the potential for the special interest of these buildings to be negatively impacted by the proposed development is unlikely.

As outlined by Historic England, consideration has been given to minimise any potential impact of the development on St Giles Church. The area to the northwest of the site, known as 'The Damms' comprises a partially overgrown and steep undulating bank rising towards the Church and down the Valley along the western edge of the site. The area adjacent to the Church is proposed to remain undeveloped and become public open space, thus limiting any potential impact on its setting and will retain views towards the Church and into the Ise Valley. This proposal is for an outline application with matters of design and layout reserved. Any future proposal could be designed to create a landscaped or building lined vista to protect views to the Church Spire, a dominant feature in the landscape and building heights and good quality materials will also help to achieve this. This will form part of the conditioned Design Code. Given the increased land level the Church sits on and the surrounding unsympathetic development then it is not considered that further development in this location would harm the significance of this building further.

The proposal is located outside of and a sufficient distance from so as not have an impact on the character or appearance of the Desborough or Rothwell Conservation Areas.

The proposal is therefore not considered to have an unacceptable impact on the special interest of locally Listed Buildings or the Desborough or Rothwell Conservation Areas. The proposal is therefore considered in accordance with Policy 12 of the NPPF and Policy 13(h) of the CSS.

Archaeology

The County Archaeology advisor has commented that due to the location and nature of the site there is unlikely to be much potential for archaeological activity. A condition regarding further archaeological investigation has been requested and applied. The proposal is therefore considered in accordance with Policy 12 of the NPPF and Policy 13(h) of the CSS.

9. Community Facilities

The illustrative Masterplan shows areas of public realm to be created with both hard and green spaces, with open spaces providing a range of leisure and recreation. A new Neighbourhood Equipped Area of Play (NEAP) and Multi-use Games Area (MUGA) is required, to be secured in the s.106. The MUGA will be required to be built to Football Association standards allowing 5 a-side football as well as Netball and Basketball. In addition, open spaces, walking routes and green spaces will be

provided in accordance with the adopted Kettering Borough Council Open Space SPD.

Initially Sports England objected to the proposal on the grounds that the application failed to demonstrate that suitable replacement facilities would be provided to compensate for the loss of facilities at the Hawthorns Leisure Centre, as well as providing sufficient facilities to support the new population in terms of sports.

Further clarity has been sought. Previously, the Hawthorns Leisure Centre had a singular junior football pitch, this has been replaced with 1 adult and 2 junior pitches at the Grange Leisure Centre as well as independent changing facilities. The club has been contacted and have confirmed in writing that they are very pleased with their current provision.

The previous cricket provision at the Hawthorns was inadequate for league cricket so this site never hosted formal games and no informal games since 2005. Desborough Town Cricket Club have now created their own league based club based at West Lodge Rural Centre and have confirmed in writing their satisfaction with the current provision.

A package of sports provision has been secured via the s.106 agreement which would meet the needs of the population in this southern part of the town and include a financial contribution to indoor bowls; the requirement for changing facilities at Dunkirk Avenue recreation ground; a pitch quality report to be undertaken by a qualified person and the pitch improved at Dunkirk Avenue in accordance with the findings of that report. Also, the provision of a MUGA to Football Association standards. These will all provide open space and sports provision within or close to the application site.

Community Services have done a full review of sports infrastructure provision in Desborough. Subject to the above outlined package of sports provision and contributions, and given that football provision has already increased in Desborough and Cricket provision is adequate, then the proposals would adequately meet the needs of the new population created by this development as well as supporting existing provision. On this basis Sports England has removed their holding objection.

Further concerns have been raised about the final provision of open space, which has not been confirmed other than a minimum requirement to meet the open space requirements as identified in the Open Space SPD. The further detailed design of the site could and should include further areas of open space, suitably linked to meet the future needs of this development and compensate in terms of space and clever design that lost by this development. These are all matters to be considered by the conditioned Design Code.

The proposal is therefore considered in accordance with Policy 8 of the NPPF, Policies 5 and 13 (a, f, g and j) of the CSS and emerging Policies 7 and 19 of the JCS.

10 Section 106 requirements

A Section 106 agreement is required to ensure any impacts from the development are suitably mitigated against, subject to those requested meeting the planning obligations and CIL tests as set out in the NPPF and accompanying regulations. On this basis contributions for open space, affordable housing, highways works education, health and town centre regeneration are sought resulting in significant community gain from this development.

Some contributions as requested have not been sought as they are not deemed to meet the tests as outlined in the NPPF or the CIL requirements in terms of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The proposed libraries and fire and rescue contributions have not been sought as these requested contributions do not meet the CIL tests in terms of 5 pooled contributions.

Discussions with regards to Highways contributions are ongoing due to the reasonableness of the requests and their direct relationship with this development.

11. Other Matters

Crime

Northamptonshire Police has raised a concern about the proposed use of parking courts and under-crofts in the final design of the site. As the detailed design is not a matter to be considered through this application a note has been added to ensure these matters are properly considered at reserved matters stage and the use of parking courts and under-crofts are avoided or properly designed to ensure the risks of crime are mitigated in accordance with Policy 13 (b) of the CSS.

Right to a view, devaluation of property and insurance premiums

Right to a view, devaluation of property and impacting insurance are not material planning considerations in the determination of this application.

Loss of Farming

The concerns over loss of farming are material. However, this is a very small element of the site and the site lies within the designated settlement boundary of Desborough. Given the small area of land lost, its detached nature from wider farming opportunities and that the land is Grade 3 and 4 agricultural land, which is not the best and most versatile agricultural land then the development is considered acceptable on this basis.

Cumulative Impacts

The cumulative impacts of the development have been considered and contributions/works secured either via condition or s.106 to ensure the necessary mitigation from this development will be undertaken.

Precedent

The proposal will not set a precedent for further development, as the site lies within

and would fill the southern element of the designated settlement boundary for Desborough where there is a presumption in favour of development. Development outside of settlement boundaries will be considered on its own merits.

Millennium Green

Millennium Green falls outside of the application site and would not be affected by this development.

Density of Development

The proposed density of this development equates to 23 dwellings per hectare, less than the recommended 30 dwellings per hectare. This density reflects the open space provision required on site and the edge of town location to allow for a green transition into open countryside.

Lack of detail submitted

A number of concerns have been raised about the lack of detail submitted with this application, given that it is a Outlined Planning Application with all matters reserved apart from access, then the applicants have submitted sufficient information to meet the requirements of this type of planning application.

Private access to the site

Currently a number of private access points have been made from rear gardens into the application site. These are not material planning considerations in the determination of this application.

Conclusion

The proposal is located within the designated settlement boundary of Desborough, which is considered to be a secondary focal location for growth. Development is supported in principle within settlement boundaries as set out in the Development Plan. The proposal is an outline planning application with all matters reserved except for access. Subject to conditions and s.106 contributions, as set out above, the accesses to the site are appropriate for this development, subject to the detailed design addressing the number of units accessed off Sycamore Drive, which can form part of the consideration at Reserved Matters application stage. The matters of flood risk and ecology can be addressed by suitably worded planning conditions. Design and layout will all be considered further at Reserved Matters stage and the future design of the site can suitably address and protect the historic environment, the landscape and the amenity of neighbouring properties.

The principle of development therefore is accepted and the proposal is considered in accordance with the relevant policies as outlined in the NPPF and Development Plan, as well as those set out in the emerging Joint Core Strategy. Subject to conditions and a Section 106 agreement the proposal is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Rebecca Collins, Development Team Leader on 01536 534316

Previous Reports/Minutes

Ref:

Date:

