

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 05/04/2017</b>	<b>Item No: 1</b>
<b>Report Originator</b>	<b>Richard Marlow Senior Development Officer</b>	<b>Application No: KET/2015/0551</b>
<b>Wards Affected</b>	<b>St. Peters</b>	
<b>Location</b>	<b>Gipsy Lane (land west), Kettering</b>	
<b>Proposal</b>	<b>Outline Application: Residential development of up to 350 dwellings and associated access</b>	
<b>Applicant</b>	<b>Peterborough Diocesan Board Of Finance</b>	

### 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 the following Condition(s):-

1. Details of the appearance, landscaping, layout and scale (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority) and the development shall not be carried out other than as approved.

REASON: In order to secure a satisfactory development and in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

2. 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.

3. 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.

4. No reserved matters applications shall be submitted unless or until a Design Rationale for the site has been first submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing. The Design Rationale shall set out principles and means to achieve them relating to all these relevant matters:

- street types,
- block structure,
- open spaces, landscape and SUDS

character areas including building heights, building types, setback, parking and materials.

REASON: The Design Rationale is necessary to ensure a high quality design in accordance with the Policy 7 of the NPPF and Policy 8 of the North Northamptonshire JCS.

5. Any subsequent reserved matters applications shall be in complete accordance with the approved Design Rationale (as required by conditions 4) and shall be accompanied by a written statement of conformity to the design code that demonstrates how this is the case.

REASON: The Design Rationale 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.

6. Due to 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 Policy 6 of the North Northamptonshire Joint Core Strategy.

7. The development shall be limited to a maximum of 350 dwellings.  
REASON: In the interests of the visual appearance and highway safety in accordance with Policy 7 of the NPPF and Policy 8 of the North Northamptonshire JCS.
8. There shall be no external illumination on the site other than in accordance with a scheme which shall first have been submitted and approved in writing by the Local Planning Authority.  
REASON: To conserve biodiversity in accordance with Policy 11 of the NPPF and Policy 4 of the North Northamptonshire JCS.
9. No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.  
REASON: To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy and Paragraph 141 of NPPF.
10. No development shall commence on site until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the 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 5 of the North Northamptonshire Joint Core Strategy.
11. No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority. The approved maintenance scheme shall be carried out in full thereafter prior to the occupation of residential units, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.  
REASON: In order to ensure that the drainage system associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.
12. 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 5 of the North Northamptonshire Joint Core Strategy.
13. The development shall not be carried out other than in accordance with the conclusions and recommendations of the Updated Walkover Survey and Extended Phase 1 Habitat Assessment by JBA Consultancy Revision A dated February 2015 and received by the Local Planning Authority on 3 July 2015.

REASON: In the interests of protecting ecology in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

14. Reserved matters for landscaping and/or layout shall be accompanied by an updated badger survey, which shall be submitted to and approved in writing by the Local Planning Authority together with details of any required mitigation measures and timing of implementation of these measures. The development shall not be carried out other than in accordance with the approved details and mitigation.

REASON: In the interests of protecting ecology in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy

15. No works shall take place on site unless and until an Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority, the implementation of which should be overseen by a suitably experienced ecological clerk of works. The development shall not be carried out other than in accordance with the approved Ecological Management Plan.

REASON: To protect ecology and secure a net gain in biodiversity in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

16. Reserved matters applications for layout and/or landscaping shall be accompanied by scheme for the retention and removal of trees, hedges and hedgerows on site. The scheme shall include a plan and schedule in accordance with BS 5837: 2012 (or as updated).

REASON: To ensure the continuity of amenity afforded by existing trees, hedges or hedgerows and in the interests of ecology in accordance with policies 4 and 8 of the North Northamptonshire Joint Core Strategy

17. No development shall take place on site until a Construction Method Statement 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 demolition and construction works unless otherwise agreed in writing by the Local Planning Authority. The Statement shall detail the following:

- Site HGV delivery / departure hours;
- Detailed routing plan;
- Supply of pre-journey information on routing and site restrictions to contractors, deliveries and visitors;
- Detailed plan and scheme detailing the location of on-site stores and facilities including the site compound, contractor & visitor parking and turning, un/loading points for plant and materials, turning and queuing for HGVs and storage of plant and materials;
- Details of debris management including location of wheel wash, programme to control debris spill/ tracking onto the highway, sheeting/sealing of vehicles and dust management;
- Site Manager name, contact details and details of any public liaison;
- Route details as required covering culverts, waterways, passing places, tracking of bends/junctions and visibility splays;
- Details of temporary construction accesses and their remediation post project;
- Provision for emergency vehicles;
- Erection and maintenance of any security hoardings/fencing;
- Measures to control the emission of dust and dirt during demolition and construction;
- Scheme for waste minimisation and recycling/disposing of waste;
- Hours of demolition and construction work;

- Control of noise and/or vibration; and
- Details of lighting and measures to control overspill of lighting.

REASON: In the interests of highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy

18. Reserve matters applications shall be accompanied by a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units and noise attenuation for gardens and open space. The approved scheme shall be implemented before occupation of the residential units and thereafter maintained in the approved state.

REASON: In the interest of residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

19. The accesses to the site hereby approved shall only be constructed in accordance with the drawing ref 30750/5501/SK05 H received 22.02.2017 by the Local Planning Authority.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

20. Unless otherwise agreed in writing by the Local Planning Authority, reserved matters applications adjacent to the southern boundary of the site, will provide a vehicle connection to the site boundary, in accordance with the approved access plan for the site drawing ref 30750/5501/SK05 H received 22/02/17 by the Local Planning Authority.

REASON: In the interests of sustainable development and connectivity in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

21. No development shall take place until full engineering, drainage and constructional details of the following highway improvement works (a to c) have been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be occupied until the works have been completed in accordance with the approved details:

a Works to Warren Hill and Gipsy lane junction as set out in drawing ref 30750/2001/102 rev F received 30.01.2017 by the Local Planning Authority

b Improvements to the Rothwell Road and Telford Way junction as set out 30750/5501/SK07 rev A received 30.01.2017 by the Local Planning Authority

c Works to Northampton Road and Lake View Avenue roundabout as set out in 30750/5501/SK09 received 30.01.2017 by the Local Planning Authority

REASON: In the interests of highway safety and to encourage modes of transport other than the private car in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

22. Prior to first occupation of the development the relocated bus stop and new northbound bus stop shall be provided in accordance with inset plan A of drawing ref 30750/5501/SK05 H received 22.02.17 by the Local Planning Authority.

REASON: To encourage alternative modes of transport other than the private car in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

23. No development shall take place until a plan prepared to a scale of not less than 1:500 showing details of intended final ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: To preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with policy 8 of the North Northamptonshire Joint Core Spatial Strategy

24. 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 5 of the North Northamptonshire Joint Core Strategy.

25. Prior to the commencement of development hereby permitted, a scheme and timetable detailing the provision of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the hydrants serving the development have been provided in accordance with the approved details.

REASON: To secure the provision of fire hydrants in the interests of safety in accordance with policy 8 of the North Northamptonshire Joint Core Strategy

26. 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

27. All dwellings shall be constructed to achieve a maximum internal water use of no more than 105 Litres per person per day and a maximum of 5 litres/person/day external use, in accordance with the optional standard 36(2)(b) of Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition).

REASON: In accordance with Policy 9 of the North Northamptonshire Joint Core Strategy

28. Reserved matters applications for layout and/or scale shall be accompanied by a scheme identifying the dwellings that will achieve M4(3) Wheelchair User Dwellings optional category 3 of part M of the Building Regulations 2010 (as amended). Those dwellings identified are required to meet M4(3) and all other new dwellinghouses shall

meet the requirement of M4(2) Accessible and Adaptable Dwellings (optional category 2) of part M of the Building Regulations 2010 (as amended). The development shall thereafter be carried out in accordance with the approved details and be certified by the appointed building control approval body. Prior to the first occupation of the dwellings, a copy of the certification confirming compliance shall be submitted for the written approval of the Local Planning Authority.

REASON: In the interests of catering for current and future accommodation needs and to assist in the creation of sustainable mixed and inclusive communities in accordance with policy 30 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2015/0551**

This application is reported for Committee decision because there are unresolved, material objections to the proposal and the application requires an agreement under s.106.

### **3. Information**

#### **Relevant Planning History**

KET/2015/0278 Environmental Statement Screening Opinion. Residential development for up to 350 dwellings. Environmental Statement Not Required. 14/04/2015.

#### **Site Description**

Officer's initial site inspection was carried out on 30 July 2015. Subsequently, the location has been revisited as additional information has come forward, and proposals for nearby land have been received.

The site with an area of 16.92 hectares is located on the western edge Kettering within the established settlement boundary and comprises of predominantly arable fields. It is contiguous with existing areas of housing to the east, which front onto Gypsy Lane, and is immediately adjacent to the approved West Hill development site (KET/2006/0541) to the south which has planning permission for up to 460 dwellings together with a primary school and local centre. A public footpath VD34 runs east to west across the southern boundary of the site.

The site slopes down some 30 metres from a high point 99m AOD in the north-eastern corner to a low point in the south-western corner beside the A14, where a stream drains the site. However, local topography can be quite varied and some parts of the site, especially around the hedgerow, which separates the northern and central fields, are quite steep and incorporates a stream. The Thorpe Malsor arm of the Slade Brook runs along the south-western corner of the site, set partially within a dense belt of mature mixed wet woodland of approximately 8-10 m in height.

The western side of the site is heavily constrained with three existing pylons and high voltage 132 kv electricity cables crossing the site. A high pressure gas main runs north to south across the site with a no-build zone of 9 metres. There is also a gas main running along the southern boundary to a gas governor station, which provides an additional constraint to the developable area. In addition the A14 to the west has recently been widened and as a busy 24-hour dual carriageway, it presents both acoustic and air quality environmental issues.

Existing housing to the east along Gypsy Lane comprises predominantly two-storeys pitched roof dwellings, interspersed with bungalows, with an avenue of mainly Sycamore trees defining the character of the northern part of the road. Views of the application site are possible, most notably from rising ground to the west of the A14 although it is partly obscured by trees and appears against the backdrop of the existing settlement.

#### **Proposed Development**

The proposal is for outline planning permission for residential development of up to 350 dwellings with associated access.

All matters are reserved apart from access which is to be considered as part of this application. The proposal includes two vehicular access points off Gipsy Lane and one point access with the potential for a vehicular link, with the West Hill development to the south.

#### **Any Constraints Affecting The Site**

Nene Valley NIA Boundary

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

High pressure gas pipe line

Overhead electricity cables and pylons

Public right of way (VD34) running east to west on the southern boundary of the site.

A14 to the west (noise)

#### **4. Consultation and Customer Impact**

##### **KBC Housing Strategy**

No objection. The DAS states that 30% (105) of the units will be provided as affordable housing which meets with our requirements. In Kettering we would seek a tenure split of 70% affordable rent and 30% intermediate. In terms of property types, we would want to see a mix of one, two, three and four bed properties. Our greatest need is currently for smaller properties. Over half of the waiting list is single person households or those requiring one bedroom.

##### **Northamptonshire Highways**

No objection. The proposed access points and provision of a combined footway/cycleway along the frontage of the site are considered acceptable.

The applicant is proposing the signalisation of the junction of Warren Hill with Gipsy Lane, as detailed indicatively on plan ref. 30750/2001/102 rev F. Junction modelling shows that signalisation will provide a notable improvement in the operation of the Gipsy Lane approach, which otherwise deteriorates significantly in the forecast year, but it is noted that this also results in predicted queuing and delay on the Warren Hill approaches, which previously had permanent priority over movements from Gipsy Lane, and the junction will continue to operate over capacity in the forecast year. However the LHA advises that the proposed improvement is the best that can be achieved within existing constraints and would not consider that a highways objection could reasonably be sustained purely on the basis of the above. Conditions to secure offsite junction works are recommended.

Pedestrian and cycling connections across Gipsy Lane are considered acceptable and a £50,000 contribution to off-site combined footway/cycleway improvements is requested. A contribution of £1250 per dwelling will be required in line with other local developments in order to continue to improve the bus service serving the site.

Conditions regarding PRow protection and licensing, Private Streets, CTMP, Travel Plans after 3 months occupation, Off-site Works and the Site Access Plans are required.

##### **Northamptonshire County Council**

No objection and have requested contributions towards, education, libraries, fire and rescue, together with the provision of fire hydrants within the site.

### **Northamptonshire County Council - Lead Local Flood Authority**

If our recommended planning conditions are included as set out, the impacts of surface water drainage will have been adequately addressed at this stage. The conditions require the submission of a detailed design of Surface water drainage scheme together with a detailed scheme for the ownership and maintenance of every element of the surface water drainage system proposed.

### **Anglian Water**

No objection and recommend a foul water strategy condition if the Local Planning Authority is mindful to grant approval.

### **Nene Valley Improvement Area Advisor**

The open space to the west of the site has the potential to greatly enhance local biodiversity, in particular because of its location next to the West Hill open space. The space will need to be designed in a way that both reflects the local ecology and provides continuity with West Hill. I am concerned about the plans for mounds in the linear park, as they do not fit with local topography nor do they appear to offer ecological benefit.

### **Stagecoach Midlands**

There is a large gap in bus stop provision on Gipsy Lane that should be addressed.

### **County Archaeological Advisor**

No objection. The applicant has submitted An Archaeological Evaluation report by MOLA Northampton in June 2015 which identified the presence of archaeological activity within the twenty five trenches excavated. No archaeological activity was identified in the northern two most fields. However in the southernmost field two phases of activity were recorded including an undated ring ditch associated with two internal pits and post-medieval/modern boundaries and trackways. The activity is not of such significance as to prevent development and therefore an archaeological investigation and recording condition is recommended.

### **Community Services**

No objection. On-site community infrastructure and public open space in line with Open Space Supplementary Planning Document is requested together with the payment of a commuted maintenance sum to cover maintenance costs for 15 years and a comprehensive management plan for the open space is agreed via S106 agreement.

There is a requirement for an off-site contribution of £230,000 for community infrastructure to make the development acceptable in planning terms

Kettering Swimming Pool Refurbishment: £200,000

Kettering Synthetic Pitch Resurfacing – Thurston Drive £30,000

### **Natural England**

No comments to make on this application. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the LPA to determine whether or not this application is consistent with nation and local policies on the natural environment.

### **North Northants Badger Group**

18.2.16

Maintain objection to the proposed development as it will be detrimental to a protected species with the probable need to close further badger setts in within the area and place the badgers under severe stress. No clarity is provided with regard to which setts could be retained and which closed.

The Group would wish to keep developer dialogue open should consent be issued and would be willing to contribute to the development of a mitigation plan.

22.09.15

Objection. The full extent of the impact of development upon the badgers should be assessed by undertaking further work, in particular the impact of the current Westhill development, updating clan boundaries, an assessment of the impact of loss of foraging habitat and the construction process, long term management and monitoring.

If planning consent is granted the North Northants Badger Group would support the creation of a new linear park to the east of the A14 including new badger foraging habitat and long term maintenance.

04.08.15

The Badger Survey described the location of setts on the site at Nov 2014. It does not describe the situation which may exist when the sett on the Kier Homes site is finally closed. In our view, a new mitigation plan for badgers should be drawn up which treats the two developments as one. It is vital it is confirmed that all the badgers on the two sites are of the same social group.

### **Wildlife Trust**

No comment or objection.

### **Northamptonshire Police Crime Prevention Advisor**

A number comments have been made which if implemented will reduce the likelihood of crime, disorder and anti-social behaviour. This includes walkaways, cycleways and car parking being overlooked, appropriate boundary treatments, lighting and use of accredited door and window products.

### **Environmental Health**

No objections subject to conditions relating to contaminated land, construction, refuse, lighting and protection from noise.

### **Environmental Care**

Advised that refuse collections are not made from private or shared driveways and they can only take our collection vehicles onto roads built to an adoptable standard.

### **Loddington Parish Council**

The Parish Council are very concerned that the junction of Gipsy Lane and Thorpe Lane is going to be greatly impacted by the above development. This junction is already an issue for residents and has been for some time. The junction opposite the crematorium entrance can be very difficult to get out of or to turn onto Gipsy Lane, this will be compounded by the new development and will increase the back up of traffic. The Parish Council feel that the minimum of a box junction, needs to be put in place at the start of the development.

### **Great Cransley Parish Council**

The Parish Council is very concerned about the probable traffic situation if the above application is approved for 350 dwellings on the Gipsy Lane site.

To enable traffic from Loddington, Thorpe Malsor and Great Cransley to have any chance of reaching Rothwell Rd/ Warren Hill, or obtaining access right or left along Gipsy Lane, Councillors suggest two box junctions are needed. One, where Thorpe Lane joins Gipsy Lane and another stretching from the entrance of the crematorium to the proposed traffic lights. Improvements to the road network need to be in place before any homes are occupied.

### **Thorpe Malsor Parish Council**

The Parish Council has no real objections to the building of approximately 350 houses on this site in recognising the need for more houses but deplores the loss of good agricultural land in meeting this need.

We have significant concerns relating to access onto Gipsy Lane and how this will be affected by whatever traffic management systems are put in place at the junction of Gipsy Lane/ Rothwell Road/ Crematorium. We would strongly recommend that yellow "hatching" be applied to the junction of Gipsy Lane and Thorpe Lane.

### **National Grid**

Assessment on gas and electricity apparatus. National Grid apparatus includes a high or intermediate pressure gas pipes and associated equipment and low or medium pressure gas pipes and associated equipment which may be affected Any development will have to be away from these pipelines in accordance with National Grid's easements, and be a suitable distance from them as per. HSE PADHI requirements. Informatives required which set out the developers responsibilities and obligations.

### **Sport England**

Objection. The site does not form part of, or constitute a playing field and therefore Sport England has considered this a non-statutory consultation. The proposal makes no provision on site or off site for formal sports facilities – indoor or outdoor – by way of planning contributions. Indications of likely demand have been produced using the Sports Facility Calculator.

### **Neighbours**

98 third party representations. Objections are on the following grounds:-

Visual Impacts and character

- The entrance design at the southern access needs to be revised. In the case of the present Gipsy Lane planning application the southern access design is certainly not in its present form a desirable attraction for the KBC Planners to accept.
- Flats and 2.5 house designs are not in character with the east side residential houses in Gipsy Lane. (Bungalows/2 storey houses are).
- The proposal will have a dominating impact. Loss of panoramic views across to Thorpe Malsor and Cransley gone forever.
- With regards to proposed loss of trees, a key part of Gipsy Lane's charm and character are the healthy and mature trees that line the road sides. As well as providing a green and welcoming environment, the trees help provide a healthier environment in the area. It is our strong belief that these trees

should be treated with respect and not be cut down to simply provide access.

- The plans show the highest density of housing opposite existing properties on Gipsy Lane. This will mar the character of the road, which has always been an asset to Kettering.
- The density of development adjacent to existing properties is inappropriate.
- 2.5 storey flats are not in keeping with or sympathetic with other properties in Gipsy Lane.
- The style of the housing fronting onto Gipsy Lane is not synonymous with the style of housing already present. Blocks of flats appear to be facing Gipsy Lane of an unsuitable style and height.
- Strongly object to the first row of properties facing Gipsy Lane being allowed to be 2.5 storey properties.
- It is proposed that the affordable housing should be situated in the south field creating a dense area of housing. This south area is the most unsuitable for this type of housing and instead should be situated in the north field adjacent to the crematorium.

#### Amenity

- Dust, dirt and noise from construction on the site
- Conditions should be placed to restrict times that works can be undertaken and the routes construction vehicles will take.
- The proposed development will have a major significant impact of existing levels of acoustic and air quality.
- More lighting will be detrimental to the quality of our environment.
- Concern that any noise mitigation measures proposed may reflect the noise towards properties on the western side of the A14.

#### Biodiversity and Wildlife

- Save our trees and wildlife as much as possible.
- Object due to removal forever of iconic mature sycamore trees.
- Strongly opposed to the removal of the mature trees and hedgerows along Gipsy lane. These are a haven for wildlife and are a significant asset to the local environment and residents.
- Once removed the trees are lost forever together with the special character of the lane.
- The removal of trees should be avoided completely to maintain the existing character of Gipsy Lane.
- The potential new development will deprive Badgers of local food and drive them further out into the shrinking countryside.

#### Highways, access and traffic generation

- Speeding has clearly been identified as an issue
- They have removed a secondary access point but still consider all the traffic for this development to only use Gipsy Lane with no detrimental effect on the area. If a proper connection was made to the Westhill site instead of just a walk way, surely this would afford commuters a better alternative instead of extra traffic on Gipsy Lane.
- The proposed accesses onto Gipsy Lane are dangerous
- Given the low bridge on Northampton Road, all high sided trucks, articulated lorries and double deck buses are diverted from Northampton Road, towards the town centre, via Gipsy Lane to Warren Hill - Not only creating the noise

and disturbance caused by the presence of heavy goods vehicles but also increase the danger caused by such traffic.

- At rush hours, both Northampton road and Warren Hill suffer from exceptionally high (and often standing) traffic. This makes egress and exit to and from Gipsy Lane very difficult. During our residence in Gipsy Lane, we have noticed the situation to be worsening and adding to the traffic congestion on what is after all a suburban residential area. Additional of primary access to the proposed housing development will only serve to make matters worse for road users, existing and new
- Provision of primary access to the proposed housing development via Gipsy lane will add further burden, traffic, noise, pollution and disturbance to Gipsy Lane and its residents.
- Access should be provided via Thorpe road that would make use of a very lightly used local road, Provide an exclusive access through the proposed development.
- Object that all traffic from the 350 houses will be accessing on to Gipsy Lane.
- The proposed traffic light system will only exacerbate current traffic flow problem at both ends of Gipsy Lane and cause serious congestion.
- The current and proposed road systems will not be capable in dealing with the increased traffic flow on Gipsy Lane.
- The area already has a problem with traffic; these roads are used at peak times and cannot cope with any more traffic. The only way to keep traffic moving is a roundabout at the junction not traffic lights.
- Using some of the proposed 'Manor Oak Homes' land to build a roundabout with 5 exit roads so to keep traffic moving.
- Gipsy lane and Rothwell Road are already at capacity due to traffic into and out of town, the hospital and Telford Way Industrial Estate.
- Unless major development are also planned to improve the arterial routes into Kettering from all directions, this development risks creating a negative impact for all local residents.
- Mini roundabouts would be better and improve traffic flow.
- Disappointment that the plan submitted by residents at our meeting in July namely the existing main road through the Westhill development should connect to the main road in this site has been rejected and they are still proposing two access roads into Gipsy Lane.
- There will be heavy goods construction traffic in constant use for some years.
- The option of taking the access through the 2 estates should be paramount to granting this development.
- Pleased that the central access road and five private driveways have been removed from the proposal. We still do not want to see any access points onto Gipsy Lane from the remaining two access points. We still believe that one access point from Thorpe Lane and one from Westhill would be preferable if the development goes ahead.
- We strongly believe that planning permission should be refused on a development of this scale because, quite simply, the current and proposed road infrastructure cannot and will not be able to cope.
- There is room for a roundabout at Warren Hill.
- There have been many accidents on these roads and with a further increase in traffic there can only be more.
- 350 homes means 700 additional vehicles accessing Gipsy Lane. The junctions with Rothwell Road and Northampton road are already regularly congested. The increased volume of traffic will cause considerable additional congestion. The proposed traffic lights at each end of Gipsy Lane will only

add to the congestion. It seems to us that roundabouts would be a far better solution to assist traffic flow.

- It should be clear to any observer that a traffic light solution will not suffice in the medium term. The documentation notes that “a higher rate of capacity” will demand a roundabout and notes that “this will require the use of 3<sup>rd</sup> party land.
- Objection to the positioning of the primary access to the new development with a bus stop virtually opposite and can’t see this as viable.
- Speed humps could be used on the roads to slow traffic through the existing and proposed development.

#### Insufficient local services

- There does not appear to be any provision for a doctors surgery or a school.
- Where is all the sewage going?
- Secondary school provision needs to be taken into consideration.

#### Other matters

- This planning application has made no provision within its design for the elderly to down size to suitable affordable accommodation, releasing sizable properties for families to purchase within Kettering and its surrounding areas
- Article 8 of the Human rights Act states that a person has the substantive right to respect for their private and family life.
- The proposal will devalue property.
- A gas pipeline runs through the site. Damage or disturbance to a gas pipeline can have serious impact on properties for a considerable distance on both sides of the pipeline. This would affect existing properties on Gipsy Lane.
- There are brownfield sites in Kettering Borough yet to be developed.

## 5. **Planning Policy**

### **National Planning Policy Framework (NPPF)**

Paragraph 17 Core planning principles

Policy 4. Promoting sustainable development

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

Part 12: Conserving and enhancing the historic environment.

### **North Northamptonshire Joint Core Strategy (JCS)**

Policy 1: Presumption in favour of Sustainable Development

Policy 2. Historic Environment

Policy 3. Landscape character

Policy 4. Biodiversity and Geodiversity

Policy 5. Water environment and flood risk management

Policy 7. Community assets

Policy 8: North Northamptonshire Place Shaping Principles

Policy 9: Sustainable Buildings

Policy 10: Provision of Infrastructure

Policy 11: The Network of Urban and Rural Areas

Policy 15: Well-Connected Towns, Villages and Neighbourhoods

Policy 22: Delivering Economic Prosperity  
Policy 28: Housing Requirements  
Policy 29: The Distribution of New Homes  
Policy 30: Housing Mix and Tenure

### **Kettering Town Centre Area Action Plan**

Policy 7. Road networks and junctions  
Policy 11. Public realm and public art

### **Saved Local Plan policies**

Policy 35. Housing within towns

### **Emerging Development Plan Documents**

Site Specific Part 2 Local Plan for Kettering Borough.  
Emerging Site Specific Proposals LDD (Options Paper March 2012)

### **Supplementary Planning Documents**

Open Space SPD  
Biodiversity SPD

### **Financial/Resource Implications**

The developer has agreed to the following S106 contributions requested, all of which meet the statutory tests set out in Regulation 122 of CIL; 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.

#### Section 106 Contribution:

- 30% affordable housing
- Off site highway works including Warren Hill/ Gipsy Lane, Rothwell Road/Telford Way, Northampton Road/ Lake View Avenue and a contribution towards the Rothwell Road/Northfield Avenue junction.
- £230,000 off site sports facilities
- £50,000 combined footway cycleway extension to the north of Warren Hill junction.
- £1250 per dwelling for public transport improvements.
- £283,500 town centre regeneration
- Education contribution for primary and secondary school places (formula based)
- On site open space, including LEAP, long term management by management company
- Libraries
- Provision of bus shelter adjacent to 102 Gipsy Lane and commuted sum for ongoing maintenance.
- Travel plan and travel plan monitoring
- £10,000 monitoring fee.

## **Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Access and Highways
3. Appearance Layout and Scale
4. Landscaping
5. Residential Amenity
6. Affordable Housing
7. Contaminated Land
8. Flood Risk and Drainage
9. Ecology
10. Archaeology
11. Sustainable Design

### **1. Principle of Development**

The proposal comprises residential development of up to 350 dwellings, with associated public open space, on a site which falls within the town boundary of Kettering as defined by saved policy 35 of the Local Plan for Kettering. Policies 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS) also focus new housing development within the growth town of Kettering. The site is also identified in the Site Specific Proposals Local Development Options Paper as a preferred option to meet housing requirements (option 59).

The National Planning Policy Framework (NPPF) sets out the Government's planning policies and through paragraph 14 details the presumption in favour of sustainable development which should be seen as a golden thread running through plan making and decision making. Policy 1 of the JCS sets out that when considering development proposals Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

In conclusion, the scheme falls within the town boundary of Kettering and its development is consistent with policies 11 and 29 JCS and saved policy 35 of the Local Plan for Kettering Borough. Subject to the detailed matters considered below the principle of housing development on the site accords with policy.

### **2. Access and Highways**

It is recognised that there is significant concern regarding the impact of traffic. The Highway Authority have applied the evidence of the Transport Assessment (TA) and knowledge of the existing network in concluding that what is being proposed in highway mitigation objectively represent sustainable solutions.

Policy 8 (b) of the JCS states that new development should make safe and pleasant street by, amongst other ways, ensuring a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards whilst also resisting developments that would prejudice highway safety. Objections have been received regarding highway safety and traffic congestion caused by the development.

The applicant has submitted a Transport Assessment to support the application. The proposed development will be served from two vehicular accesses off Gipsy

Lane to the north east and south east of the site, with a third central vehicular access having been removed from the scheme by the applicant during the application process. The accesses would include a 6.5m carriageway with 2m footpath on either side. The TA demonstrates that the site can be accessed solely via Gipsy Lane with no capacity issues at the site accesses and the access plan is considered acceptable by Northamptonshire Highways.

The Transport Assessment and Framework Travel Plan set out measures to encourage sustainable transport behaviour and contribute to the 20% modal shift targets set out in the Northamptonshire Transport Plan. The Highways Authority has sought a contribution to public transport to support strategic bus services and infrastructure enhancements in the locale and this can be secured through the S106. A Travel Plan will link to phases of the development, include early liaison with bus operators, and incentives for prospective residents to use public transport being made explicit at the marketing of dwellings and will also be included as a S106 requirement.

Consideration of the impacts of the proposed development on the local highway network is set out in the Transport Assessment and subsequent supporting Highway Technical Notes, with the transport modelling considering the transport impacts of the development for the assumed base year of 2021 and design year of 2026. Analysis of the capacity of surrounding junctions shows that noticeable negative impacts at the Warren Hill/ Gipsy Lane and Gipsy Lane/ Northampton Road junctions. Improvements for the latter are secured through obligations attached to the Westhill Development, to a signalised junction, and modelling demonstrates that a viable signalised junction layout is possible which would accommodate background growth and the development proposed.

Works to junctions are proposed to mitigate the impact of the development as set out below:-

#### Warren Hill/ Gipsy Lane

Signalised junction - delivered by developer

Northamptonshire Highways consider that the Junction modelling shows that signalisation will provide a notable improvement in the operation of the Gipsy Lane approach, which otherwise deteriorates significantly in the forecast year with or without the development, but it is noted that this also results in predicted queuing and delay on the Warren Hill approaches, which previously had permanent priority over movements from Gipsy Lane, and the junction will continue to operate over capacity in the forecast year. However Highways consider that the proposed improvement is the best that can be achieved within existing constraints and would not consider that a highways objection could reasonably be sustained purely on the basis of the above. The existing junction operates beyond capacity and therefore the proposed mitigation results in nil detriment in highway terms. Accordingly Northamptonshire Highways do not object to the proposal and have recommended conditions to secure an appropriate form of development.

Concern has been expressed about the signalised junction with a preference for a roundabout solution. The concerns have been explored and the agent has stated that a number of options to improve the layout have been investigated including both a roundabout and signal option. They consider that a roundabout would offer more capacity than signals but would require the use of third party land outside of the

applicant's control. However, the signals option offers adequate capacity and more control of the traffic as well as better options to integrate pedestrians through safer crossing points.

The bus stop at the northern end of Gypsy Lane will need to be relocated south due junction works and road alignment to a position in proximity to no 30 Gypsy Lane. In addition a new northbound stop is proposed opposite the relocated stop. Highways have requested that the existing bus stop outside no. 102 Gypsy Lane is to be provided with a bus shelter and commuted sum to cover its ongoing maintenance.

#### Rothwell Road/ Telford Way roundabout

Carriageway widening and new offset footway - delivered by developer

#### Northampton Rad/ Lake Avenue Roundabout

Carriageway widening and new offset footway - delivered by developer

#### Rothwell Road/ Northfield Avenue roundabout

Lining changes - proportional contribution towards future works secured through S106.

Concerns have been expressed about the impact of the development and proposed highways works on the existing Thorpe Lane and Gypsy Lane junction, a key access for those villages to the west including Loddington and Thorpe Malsor for whom this is the main vehicle access into Kettering. The TA concludes that the proposed Warren Hill/ Gypsy Lane improvements will reduce queueing in the modelled year 2026 from those that would result from background traffic growth alone without any improvement. The queueing is modelled to allow the existing Thorpe Road/ Gypsy Lane junction to operate within capacity. Highways have no objection to this element but consider that works may be required depending on the outcomes of the Warren Hill detailed design and approval process which falls within the remit of Northamptonshire Highways as Local Highway Authority.

Provision for cyclist and pedestrians includes a combined footway/cycleway (CFC) running along the frontage of the site and connections across Gypsy Lane all of which are considered acceptable to Highways together with a £50,000 contribution towards an extension of the CFC north on the Warren Hill/ Gypsy Lane junction secured via obligation.

Connectivity with the Westhill development to the south, which is to include a primary school and local centre, has been highlighted by numerous third parties especially the desire for a vehicle link. The amended access plan (30750/5501/SK05 rev H) include provision for a 6.5m carriageway and two 2m footways to be provided up to the site boundary with a condition requiring compliance with the approved access plan for any reserved matters adjacent to the southern site boundary. The TA demonstrates that the two vehicular accesses on Gypsy Lane provide sufficient capacity for the development and therefore the delivery of the site would not be constrained should to link through to the adjacent development, which would ultimately require agreement with the adjacent developer, not subsequently be achievable.

With the proposed conditions and S106 requirements, the application accords with JCS policy 8(b)

### Other Reserved Matters

The full details relating to the remaining reserved matters of appearance, landscaping, layout and scale fall to be determined as part of later submission(s).

### 3. Appearance, Layout and Scale

Policy 7 of the NPPF and Policy 8 of the JCS both require that developments be of a high standard of design and architecture and respect and enhance the character of their surroundings.

The application is in outline form, with all matters except access reserved, however an indicative layout has been provided along with scale parameters which suggest a mix of house types ranging between two and two and a half storeys. The indicative layout demonstrates that 350 dwellings can be accommodated on site. This amount of development is considered appropriate to the size of the developable area within the site (net 9.78 hectares), resulting in a net density of 35.8 dwellings per hectare and to the character of surrounding residential area.

The illustrative masterplan includes three character areas and a mixture of detached, semi-detached and terraced properties with substantial public open space and surface water attenuation proposed within the linear park to the west.

Concerns have been expressed about the highest density of development being located within the southern character area and the indication of flatted development adjacent to the southern access off Gipsy Lane. A number of residents also consider that the use of 2.5 storey dwellings fronting existing properties on Gipsy Lane is at odds with the existing built form and character of the area. Whilst the concerns expressed are noted, appearance, layout and scale are reserved for future consideration and would be subject to appropriate consideration during later applications. It is considered that subject to conditions, including a scheme for the design rationale of the site, and consideration of reserved matters, a high quality scheme of up to 350 dwellings can be achieved on site that would accord with the place shaping principles established through policy 8 of the North Northamptonshire Joint Core Spatial Strategy.

### 4. Landscaping

Policy 11 of the National Planning Policy Framework requires that the planning system should protect and enhance valued landscapes, geological conservation interests and soils. Policy 8 (d) of the JCS states development should create a distinctive local character by responding to the local topography and the overall form, character and landscape setting of the settlement.

Landscaping is not being considered at this outline stage. The design and access statement notes that the landscape strategy for the development draws together the physical assets of the site, which are primarily east-west hedgerows and landscape corridors running from Gipsy Lane towards the A14, combined with the man-made constraints which largely consist of north-south corridors parallel to the A14 on the western side and Gipsy Lane itself on the eastern side. This means that the site naturally splits into two – the linear park on the west and the developable area to the east which due to constraints represents only 58% of the area is developable. The linear park proposed to the west would provide a relatively low maintenance ‘natural’ landscape of wetlands, grasslands, wildflower meadows, and native shrub and tree planting areas, designed for maximum biodiversity and wildlife interest. It would incorporate informal play provision including five Local Areas of Play (LAPs) and a

Local Equipped Area of Play (LEAP) within a 400 m walking distance of all homes on the site.

The site is seen within the context of neighbouring development to the east, contained along the western boundary by the A14 and influenced by the overhead power lines. Given the location of the site within the town boundary of Kettering, and it being contained by the A14, it is not considered that the release of the site would adversely impact on the wider rural setting of Kettering or the integrity of the open countryside. The majority of hedgerows can be retained within the development and opportunities for landscape enhancement and provision of open space, most notably along the western boundaries, will provide opportunities for a transition in landscape from urban to rural. Subject to the provision and maintenance of appropriate landscaping, which will be dealt with at reserved matters stage and can be secured by conditions and the S106 obligation, it is considered that the scheme will respect both the character of the built up development to the east and the open countryside to the west.

Concerns have been expressed regarding the loss of mature trees and impact on the avenue of trees located to the north of Gipsy Lane, which fall within Highway Land and therefore sit outside the application site. In support of the application the submitted Tree and Hedgerow Survey considers the arboricultural implications created by the proposed development. The report concludes in addition to trees which require felling irrespective of the development, due to their condition, it is necessary to fell four low quality/poor longevity individual trees and sections of ten landscape features in order to achieve the proposed layout which is indicative only. It is recommended that a detailed Arboricultural Method Statement and Tree Protection Plan should be provided

An update Tree Survey has been provided which supplements the previous report and considers only those specimens in the vicinity of the proposed access arrangements. In addition to the previous report, it is necessary to fell one individual tree, two landscape features and sections of a further four landscape features in order to achieve the proposed access arrangements. Both reports note that an accurate topographical survey was not available and therefore the position of each tree shown must be considered indicative at this stage.

Landscaping is not determined at this stage and therefore full landscaping details can be secured at reserved matters stage. However a condition requiring the landscaping of site, including the site boundaries, is recommended to ensure a satisfactory form of development and appropriate landscaping measures.

Conditions have been added to require a tree and hedgerow retention scheme and a landscaping and management plan to be submitted and approved together with tree and hedgerow protection measures during construction.

#### 5. Residential Amenity

Policy 8 (e) of the JCS seeks to protect amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking;

The detailed design, scale and layout of the buildings is not subject of consideration at this stage and the implications upon neighbouring properties and future occupiers

cannot therefore be fully considered in accordance with JCS Policy 8 until the reserved matters stage.

Any future application will need to pay careful attention to those dwellings located to the east of the site, at Gipsy Lane to ensure no overlooking, overbearing impact or overshadowing will result. Impact on the development approved at Westhill to the south of the site will also need to be considered. However, it is considered that suitable spacing and garden sizes can be achieved to protect the amenity of existing properties and future residents.

The application site is located immediately to the east of the A14 and the site will have to be laid out in such a way that provides for a suitable level of amenity for future occupiers of the development particularly by way of noise. A noise assessment accompanies the application which concludes that the noise environment is dominated by vehicle movements on the A14 to the west. The surveyed noise levels indicate that with mitigation internal and external noise can achieve BS8233:2014 levels. External noise mitigation could include 2m height dense close boarded fence or the use of earth mounds to provide sufficient attenuation. Internally mechanical ventilation or the use of acoustic trickle vents will be required and those dwellings whose windows face the A14 will require a suitable double glazing specification to meet required levels. Elsewhere standard double glazing can be used.

In addition the submitted air quality assessment concludes that the air quality with the development fully operational will meet the current national air quality objectives. The report highlights the potential for construction air quality impacts which can be mitigated through appropriate construction management conditions.

The Council's Environmental Protection team have considered both reports and have no objection to the scheme subject to the imposition of appropriate conditions as requested.

#### 6. Affordable Housing

JCS policy 30 states that to deliver sustainable residential communities, a balanced mix of housing tenures and types should be provided. An identified need for 30% affordable housing will be sought.

The application proposes 350 dwellings of which 30% (105 dwellings) are proposed to be affordable. The Council's Housing Strategy team have advised that the provision should be split 70% affordable rent and 30% intermediate with a mix of one, two, three and four bed properties. The location of the affordable units and the exact mix would be approved at the reserved matters stage.

In conclusion the affordable housing meets the policy target and can be secured through a legal agreement.

#### 7. Contaminated Land

The applicant has submitted a Phase 1 Environmental Assessment in support of their scheme. This concludes that ground conditions will not prevent future development on the site. The Council's Environmental Protection team request a phased environmental survey, to consider naturally occurring contaminants across Northamptonshire that can present a risk to human life. Subject to that condition the application is in accordance with policy 11 of the NPPF.

## 8. Flood Risk and Drainage

When determining planning applications policy 10 of the NPPF requires LPAs to ensure flood risk is not increased elsewhere (para 103). Policy 5 of the JCS, amongst other things, also seeks development to reduce flood risk and contribute toward flood risk management.

The submitted Flood Risk Assessment (FRA) and Surface Water Drainage Strategy demonstrate that the majority of the site lies in flood zone 1. A very small area in the south west corner of the site, comprising the Slade Brook Thorpe Malsor Arm, falls within flood zones 2 and 3. Due to the constraints of the site this area will comprise soft landscaping and as a result all proposed development within the site is seen to fall with flood zone 1 and thus in an area of low probability of fluvial flooding. The NPPF Technical Guidance states that in zone 1, developments should seek to reduce the overall level of flood risk through the layout and form of development and the appropriate application of sustainable drainage systems. Houses are an appropriate use in flood zone 1.

The FRA highlights that there is a significant risk of shallow flooding due to springs and shallow groundwater in some areas of the site. This risk can however be mitigated by the use of interceptor drains and swales.

Surface water management will be required as part of the proposals with the submitted Surface Water Strategy providing an illustration of potential mitigation measures so that potential risks can be evaluated. Surface water discharge to the Slade Brook Thorpe Malsor Arm will be restricted to match existing greenfield rates, with the scheme demonstrating use of four detention basins along the western boundary of the site; dry basins that attenuate surface water runoff by providing temporary storage whilst providing a multi-functional use as part of the open space. These are supplemented by swales and permeable paving although the specific details will be subject to detail design at the reserved matters stage.

With respect to waste water, Anglian Water has no objection to the proposed development and confirms that the application site is within the catchment area of the existing Sewage Treatment Works at Broadholme, near Wellingborough, and there is sufficient capacity to deal with the level of waste flows from the proposed development. Due to the topography of the site it is anticipated that the proposed solution is likely to include two on site pumping stations to enable discharge via rising main and gravity sewers, with the foul water drainage offered to Anglian Water for adoption.

The submitted Flood Risk Assessment is considered acceptable to both the Lead Local Flood Authority and Anglian Water subject to the imposition of conditions requiring a Surface Water and Foul Water Drainage Strategy to be submitted and approved, together with a detailed scheme for the ownership and maintenance of every element of the surface water drainage system proposed.

## 9. Ecology

The National Planning Policy Framework states that the planning system should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Paragraph 99 of Circular 06/05 states that: it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted,

otherwise all relevant material considerations may not have been addressed in making the decision. Likewise section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: every public authority must in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity. JCS policy 4 sets out that existing biodiversity assets will be protected and ecological networks enhanced. The approach is supported by the NPPF.

Submitted with the application is an extended Phase 1 Habitat Survey, a Tree and Hedgerow survey, badger survey and badger mitigation plan which assess the potential for adverse impacts on wildlife and biodiversity. There are no statutory designated sites within 2 km of the site, and no Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or RAMSAR sites within 7 km. There are three non-statutory conservation sites within 2 km of the site. The outline application is supported by an Extended Phase 1 Habitat Survey and additional information, responding to initial consultation comments. The habitat survey concludes that that the hedgerows on site are species poor although three mature ash trees provided potential roosting opportunities for bats and are proposed to be retained. The site provides poor quality habitat for reptiles and amphibians but potential for bird nesting. The survey sets out recommendations for bat and bird boxes, retention of mature trees and hedgerows and creation of reptile hibernacula , Together with native tree and hedgerow planting which would link habitats throughout the site, the site could be enhanced for local wildlife post development. Badger activity on site was noted and accordingly additional surveying and mitigation strategies proposed.

The Badger survey found that the site provides good habitat for Badgers with three setts within the site boundary, which due to their location are likely to require closure before commencing work on site if disturbance cannot be avoided. Artificial setts within the public open space may be required and continuity of suitable habitat should be maintained through additional planting and creation of public open space to create corridors and foraging areas for badgers. Any sett closure would require an appropriate Licence from Natural England.

Northants Badger Group has commented on the proposal and consider that whilst the principle of development of the site is accepted insufficient survey and mitigation measures have been set out. Following concerns from the North Northants Badger Group the applicant provide an assessment of foraging potential before and after development. An updated response has been provided which maintains their objection and raises concerns that the survey produced is inaccurate and concludes that there remains insufficient evidence and analysis of the impact of the proposed development on a protected species i.e. Although harm may be caused to badgers, it is considered that the development will not result in significant harm which cannot be mitigated in accordance with paragraph 118 of the NPPF. Mitigation will be possible and this will address any impacts that the development has on this protected species. Officers consider that further assessment work should be completed, as recommended in the submitted survey, which will inform a robust mitigation strategy and long term management.

North Northants Badger Group, the Wildlife Trust and the Nene Valley Improvement Area Project Officer have assessed the information submitted. Subject to a number of conditions it is considered that the development of the site will not harm biodiversity. There is an opportunity for ecological enhancement focussed on the western half of the site that would effectively extend the habitats and green space

being planned for the Westhill development (KET/2006/0541) directly south of the site and link with the Nene Valley Nature Improvement Area which covers the application site.

The recommended planning conditions include securing the recommendations of the completed survey report, an ecological management plan and some additional survey work before works commence. It is also considered that full details of tree retention and removal should be submitted with reserved matters applications to ensure that it is fully considered what trees/hedgerows are suitable for retention and their location within the site design.

#### 10 Archaeology

Paragraph 128 of the NPPF states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The above is reinforced by Policy 2 of the JCS where development proposal should conserve the heritage significance.

A Geophysical Archaeological Survey and Trial Trenching within twenty five trenches have identified no archaeological activity in the northern two fields. The southern field contains an undated ring ditch and evidence of medieval to post-medieval trackway. NCC Archaeology has confirmed that the activity is not of such significance as to prevent development and therefore an archaeological investigation and recording condition is recommended.

#### 11 Sustainable Design

Policy 9 of the JCS seeks to incorporate measures in all residential developments to limit water use to no more than 105 litres/ person/ day and external water use to more than 5 litres/ person/ day. Although limited information regarding water usage has been provided as part of this outline application, a suitably worded condition can ensure that detailed reserved matters applications will incorporate these sustainability measures.

Policy 30 of the JCS also seeks new residential developments to be constructed to National Space Standards and meeting Category 2 of the National Accessibility Standards with a proportion meeting Category 3 of the National Accessibility Standards. The National Accessibility Standards was never formally adopted by the Government, however Category 2 and 3 equates to Part M4(2) and M4(3) of The Building Regulations respectively. It is considered appropriate that a suitably worded condition is added to ensure detailed reserved matters applications are built to in accordance to Part M4(2) and M4(3).

#### Other Matters

Comments have been made highlighting the adjacent land to the north which is subject to an outline application for up to 81 dwellings (KET/2017/137). In considering the adjacent application officers will have regard to what is being proposed here.

## **Conclusion**

The proposal is in accordance with the relevant policies of the Development Plan and there are no material considerations which indicate planning permission should not be granted. The principle of development is established. Access is the only matter to be considered at this stage and is acceptable subject to the imposition of the recommended conditions, and the signing of a S106 legal agreement. The outline application is therefore recommended for approval.

Future reserved matters for layout, scale, external appearance and landscaping would need to be submitted and approved prior to any works commencing on site.

### **Background Papers**

Title of Document:

Date:

Contact Officer:

Richard Marlow, Senior Development Officer on 01536  
534316

### **Previous Reports/Minutes**

Ref:

Date: