

BOROUGH OF KETTERING

Committee	Full Planning Committee - 12/03/2019	Item No: 5.1
Report Originator	Christina Riley Senior Development Officer	Application No: KET/2017/1019
Wards Affected	Desborough Loatland	
Location	Buxton Drive & Eyam Close (land off), Desborough	
Proposal	Outline Application: Development of up to 135 no. dwellings with means of access considered	
Applicant	A Bamber & M Bates Central England Co-Operative Ltd & HBH Developments 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 access, 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: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and in order to secure a satisfactory development.

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. The development hereby permitted shall not be carried out other than in accordance with the approved plans, including the Parameters Plan and Reserved Matters.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. The total number of dwellings (Use Class C3) within the approved site shall not exceed 135.

REASON: To define the development and in the interests of the amenities and character of the area and to secure a satisfactory form of development.

6. No earthworks or groundworks shall take place until a plan/sections prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels for all buildings has been submitted to and approved in writing by the Local Planning Authority. The proposed and existing ground and finished floor levels shall be marked out on site for inspection by the Local planning Authority prior to the construction of any dwelling. The development shall not be carried out other than in accordance with the approved details.

REASON: Finished Floor Levels are necessary to preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with Policy 3 and 8 of the North Northamptonshire Joint Core Strategy.

7. No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have 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: Details of materials are necessary in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. Works likely to cause harm to protected species, i.e. Great Crested Newts as identified in the Baseline Ecological Appraisal (reference number 103264EC1R1 prepared by REC) shall not in any circumstances commence unless the local planning authority has been provided with either:

a. A licence issued by Natural England pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or

b. Written confirmation from Natural England that the application site has been registered with the great crested newt Low Impact Class Licence scheme; or

c. A statement in writing from a suitably qualified ecologist to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat

in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and Policy 4 of the North Northamptonshire Joint Core Strategy.

9. No development shall take place until a surface water drainage scheme for the site, based on Flood Risk Assessment document reference number DES-BWB-EWE-XX-RP-YE-0001_FRA S2 Revision P2 dated 26th July 2017 and Sustainable Drainage Statement document reference number DES-BWB-HDG-XX-RP-CD-0001_SDS S2 Revision P1 dated 26th July 2017 prepared by BWB Consultants has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1in100 year plus climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details of the scheme shall include:

a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins.

b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydro brakes and any other flow control devices.

REASON: To prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site. In accordance with the National Planning Policy Framework and Policy 4 of the North Northamptonshire Joint Core Strategy.

10. No development shall take place until a detailed scheme for the maintenance and upkeep of the surface water drainage system proposed for the site has been submitted to and approved in writing by the Local Planning Authority. The maintenance plan shall be carried out in full thereafter. This 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 systems 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 the National Planning Policy Framework and Policy 4 of the North Northamptonshire Joint Core Strategy.

11. 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 part C below has been complied with.

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.

REASON: Contaminated land remediation 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 in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

12. No development shall take place until a programme of archaeological work, in accordance with a written scheme of investigation, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

REASON: These details are required prior to the commencement of development, to ensure that features of archaeological interest are properly examined and recorded, in accordance with Policy 16 Paragraph 199 of the NPPF and Policy 2 of the North Northamptonshire Joint Core Strategy.

13. No development shall take place until a scheme and timetable detailing the provision of fire hydrants and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

REASON: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire. In accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. No development above slab level shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenity and protecting the privacy of the neighbouring property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

15. Prior to the commencement of the development hereby permitted, a CTMP (Construction Traffic Management Plan) shall be submitted to and be approved in writing by the local planning authority. The Plan is to include the following elements;

- Detailed work programme / timetable.
- Site HGV delivery / removal hours to be limited to between 10:00 - 16:00 Mondays to Fridays
- Detailed routeing for demolition, excavation, construction and abnormal loads.

- Supply of pre-journey information on routeing and site restrictions to contractors, deliveries and visitors.
- Detailed plan showing the location of on-site stores and facilities including the site compound, contractor & visitor parking and turning as well as un/loading point, turning and queuing for HGVs.
- Breakdown of number, type, size and weight of vehicles over demolition & construction period.
- Details of debris management including location of wheel wash, programme to control debris spill/ tracking onto the highway to also include sheeting/sealing of vehicles and dust management.
- Details of public impact and protection to include road, footway, cycleway and PRow. Details of TROs and road / footway / cycleway / PRow closures and re-routeings as well as signage, barriers and remediation.
- Public liaison position, name, contact details and details of public consultation/liaison.
- Route details as required covering culverts, waterways, passing places, tracking of bends/junctions and visibility splays.
- Pre and post works inspection of the highway between points A and B as requested to identify remediation works to be carried out by the developer. Inspections are to be carried out in the presence of a member of the Highway Authorities Inspection team. To also include the removal of TROs, temporary signage, barriers and diversions.
- Details of temporary construction accesses and their remediation post project.
- Provision for emergency vehicles.

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

16. Construction and delivery shall not occur other than between the hours Monday to Friday 08.00 to 18.00 hrs, but excluding works on Bank Holiday Mondays and Fridays and at no time whatsoever on Saturdays, Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

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

Officers Report for KET/2017/1019

This application is reported for Committee decision because:

- i) there are unresolved, material objections to the proposal;
- ii) the application requires an agreement under s.106; and
- iii) the proposal would constitute a material departure from the "local plan".

3.0 Information

Relevant Planning History

On that part of site within town boundary

KE/1988/0622 Development of land for housing and recreational purposes including formation of clubhouse and associated car park OUTM Approved 03/08/1988

On that part of application site within town boundary and adjacent land to the north and east

KE/1997/0310 - Erection of 97 x 2,3,& 4 bedroom houses, some with garages, and construction of new roads access (Revised Scheme) Approved 20/03/1998

On that part of application site outside town boundary and adjacent land to the east

KE/1988/0166 Development of land for housing and recreation purposes including formation of club house and associated car park Approved 30/03/1988

Adjacent land to the north of the application site

KE/1999/0652 Erection of 35 no. dwellings with detached or integral garages and associated roads/driveways. Land to south of Ashbourne Drive, Approved 11/01/2000 (part of 97/310 site)

Adjacent land to east of the application site

KET/2012/0780 - Residential development of up to 75 dwellings with associated open space, landscaping, highways and utility infrastructure Harrington Road (land at), Approved 30/10/2013.

KET/2014/0688 - Access, appearance, landscaping, layout and scale in respect of KET/2012/0780, residential development of up to 75 dwellings with associated open space, landscaping, highways and utility infrastructure Approved 16/01/2015

Site Description

The application site is located to the west of Desborough and consists of two fields (measuring 4.96ha) which are well contained by existing residential development along the northern and eastern boundaries. The site is bordered on the north and east by existing residential development. To the north is existing residential development accessed off Buxton Drive, Ashbourne Drive and Matlock Way. To the east is the new Persimmon development accessed off Harrington Road. The southern boundary to the site is hedgerow and trees, after which is open countryside.

To the west the boundary is a hedgerow and trees beyond which is Green Lane and open countryside.

The two fields are separated by a hedge and mature trees which run broadly north to south. In the smaller western field is a pond which the application seeks to retain, making it a feature of an area of informal open space, with a more formal play area proposed elsewhere on the site. This field is bordered by bungalows on Bleaklow Close, Buxton Drive, Grindleford Close and dwellings on Eyam Close.

The larger eastern field is roughly square shaped, with dwellings on Elton Close, Upper Dane, Green Crescent and Carriage Close to the northern and eastern edge of the application site.

Proposed Development

The proposal is for Outline Planning Permission for residential development of up to 135 dwellings provision of means of access, highways and drainage infrastructure, open space and landscaping. 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 vehicular access points to the site, one off Buxton Drive and one off Eyam Close and two pedestrian links, one off Elton Close and one via Green Lane rural highway, see below under section 3 of planning considerations.

The application proposes an area of informal space which runs in a roughly north-south direction from Eyam Close to the southern boundary of the site. This area of open space will incorporate the existing pond and hedgerow boundary between the two fields. A more formal area of open space is also required. The indicative master plan shows this area being within the development proposed in the larger eastern field.

The original (illustrative) plans proposed a large field on the northern side of Arthingworth Road as informal open space. Due the distance between this field and existing and proposed residential areas, which means it is not overlooked, plus the fact that users would have to cross Arthingworth Road; this area is considered to be unsuitable as open space, and does not form part of the consideration of this application.

Any Constraints Affecting the Site

Approximately 3.1 ha of the application site are outside the existing town boundary as defined through saved Policy 7. This has been considered and is addressed under the issue of principle of development, later in this report.

Approximately 1.70 ha of the application site are inside the town boundary

Housing and Strategic Sites

European Protected Species

4.0 Consultation and Customer Impact

Town Council – Object. Concern with traffic movements. Environmental green space needs to be enforced and ensured in its development

Highways England – No objection

NCC – Highways – No objection to the proposal for the following reasons:

The principle of vehicular access into the application site from Buxton Drive and Eyam Close and the principle of non-motorised access from Green Lane and Elton Close are acceptable.

The proposed mitigation scheme identified in the Traffic Assessment (TA) for the junction of Gold Street with High Street (providing lane gain on Gold Street approach and an increased length on two lanes on High Street approach) appears reasonable.

The additional information submitted (Traffic Assessment (TA), Traffic Assessment Addendum (TAA) and Technical Note DES-BWB-GEN-XX-RP-TR-0005_TN-S2-P2 (TN1) shows that the A6 / Desborough Rd roundabout should operate within capacity and that no further assessment or mitigation is required as a result of this development.

The additional information submitted in the Technical Note DES-BWB-GEN-XX-RP-TR-0006_TN-S1-P2 (TN2) shows that the vehicular visibility splays at the Arthingworth Road/Braybrooke Road junction exceeds requirements.

The Local Highway Authority considers that the Framework Travel Plan is acceptable, however a full Travel Plan based on the Framework Travel Plan is required.

The Local Highway Authority requests conditions requiring i) full access and layout plans, ii) engineering, construction and drainage plans for site access works and internal layout, RSA 1 / 2 and; iii) engineering, construction and drainage plans and RSA 1 / 2 for off-site works identified in the TA.

A bus contribution of £1000 per dwelling to improve the service in the locality and increase the sustainability of the site is requested. Each dwelling should be provided with electric vehicle charging points and secure, covered and over-looked cycle parking (at a rate of one space per bedroom)

Access to the site from Green Lane for any vehicular traffic is not acceptable.

NCC – Development Management - Requests for S106 Contributions for i) possibly early years; ii) Primary; iii) Secondary; with the amount of contribution for

all items based on Department for Education cost multipliers. A contribution is also requested for the library, plus a condition relating to the provision of fire hydrants.

NCC – Archaeology – Desk Based Assessment submitted with the application indicates the remains of ridge and furrow earthworks on site and finds and sites of various dates in the area though nothing is recorded on the site itself apart from the ridge and furrow. The proposed development will have a detrimental impact upon any archaeological deposits present, but this does not however represent an over-riding constraint on the development provided that a condition requiring an archaeological programme of works is added to any consent.

NCC – Ecological Advisor - Due to presence of protected species on site require conditions i) detailed mitigation strategy for reptiles with REM; ii) a detailed mitigation strategy for amphibians submitted with REM; iii) following works cannot start until licence has been issued; and iv) Landscape and Ecological Management Plan and details what should be in plan.

Natural England - No comment

North Northants Badger Group - No observations to make

Lead Local Flood Authority - No Objection subject to conditions being imposed requiring no development until the submission and approval of a Surface Water Drainage scheme in accordance with referenced Flood Risk Assessment, no development until the submission and approval of a scheme for maintenance and upkeep of Surface Water Drainage system; and No occupation of dwellings until a verification report for installation of the Surface Water Drainage scheme is received and approved.

KBC Environmental Care – No objection - Request conditions relating to arrangements for on plot bin storage, collection points and vehicular access.

KBC Environmental Health - No objection subject to conditions and Informatives relating to Contaminated Land, Construction Management Plan, Protection of Noise and Radon. Request that the applicant gives consideration to air quality mitigation measures in line with the draft East Midlands Air Quality guidance (measures could include electric charging infrastructure and low NO_x and PM producing boilers).

KBC Housing – Require 30% affordable housing on site, with a tenure split of 70% social or affordable rent and 30% intermediate.

Anglian Water – Systems have sufficient capacity for foul drainage and sewerage generated by the proposal, Anglian Water has No objection to the proposal, subject to a condition relating to SuDS. The preferred Surface Water Disposal is SuDS, as proposed here, however submitted Sustainable Drainage System and Flood Risk Assessment provides no evidence to show the surface water hierarchy has been followed. Recommend a condition requiring the submission of a Surface Water

Management Plan before drainage works start on site. Request that an informative is placed on any consent in relation to Anglian Water assets close to/crossing the site.

Police (Crime Prevention Design Advisor) No Objection, however the following comments if implemented will reduce the likelihood of crime, disorder and anti-social behaviour occurring : - i) terrace properties should have internal gated rear access as rear access alleyways can cause confusion with reference to ownership/maintenance and make properties more vulnerable to intrusion; ii) Car parking to rear can blur the line between public and private space, and as residents do not use them, this clutters up residential roads, can cause neighbour tensions and access issues for emergency vehicles. If courtyards are unavoidable the access should be restricted; iii) All doors and windows in domestic dwelling should meet the requirements of Approved Document Q of Building Regulations; iv) Important that within lighting scheme adopted and unadopted areas are similarly treated for safety and security reasons; v) Internal boundary treatment should be a minimum of 1.5m high for the length of the garden. Rear and external boundary treatment should be at least 1.8m; vi) Buildings should provide active frontage to all public space, including walkways and play areas; vii) The edge of the green corridor should discourage parking and vehicular access; viii) New dwellings should preferably be back to back with the existing dwellings; rather than have a planting/hedgerow strip between them, as the planting/hedgerow strip could make the properties more susceptible to crime and anti-social behaviour.

Sport England - Additional housing will generate additional demand for sport. If existing facilities do not have the capacity to absorb the additional demand, new and/or improved sports facilities should be secured and delivered.

Desborough Civic Society - Object on grounds that Desborough already has more than its quota of housing development, with more being submitted all the time.

Neighbours or local people

40 letters of objection have been received from residents within Desborough and those with a local interest.

The comments received have been summarised below:

Objections on Policy Grounds

- NNJCS Policy 10 requires development to be supported by timely delivery of infrastructure etc. to meet the needs arising from development and to support development of North Northants. Desborough Neighbourhood Plan says population has increased by 32.5% between 2001 and 2011; implemented developments since 2011 will increase this further with no increase in infrastructure, health, education and Public Transport services have remained static.
- Number of dwellings approved in Desborough since 2011 is 1313, with 582 awaiting a decision, this will take total to 1895 which exceeds NNJCS target

of 1360 (by the year 2031) by 535 dwellings, this is 40% above requirement only 7 years into the plan and cannot be considered to be sustainable development as defined in the NNJCS and is contrary to Policy 10.

- The outstanding balance for homes in Desborough is 96. With applications at Pipewell Road (202 dwellings) and Braybrooke Road (245 dwellings), plus possible sites in the town such as Dunklemans, and other factory sites there is clearly no need to provide more housing in Desborough and it has to be questioned whether this development is necessary if the core strategy plan is being followed.
- This is a greenfield site, under agricultural use. Policy 6 of NNJCS seeks to maximise previously used land and buildings within urban areas (such as Lawrences and the Gaultney Farm site on Pipewell Road – an old quarry, and subject of application KET/2017/1030) which have better access to town centre, services etc. and would reduce car use. The development on greenfield rather than previously developed land is contrary to Policy 6.
- With vacant brownfield land in the centre of Desborough, approving this development on greenfield land on the outskirts will lead to ‘doughnut effect’ which might be such a unique approach to planning that it could become an exemplar used in planning and geography texts worldwide.
- There are other more suitable sites such as the proposal for development from Gladman Developments on land off Braybrooke Road (KET/2018/0060) or land at Guantley Farm (KET/2017/1030). New JCS should consider sites such as this.
- No weight can be given to emerging Kettering Site Specific Part 2 Local Plan and the inclusion of this site within it.
- Policy D13 of the 1995 Local Plan for Kettering Borough states that the area covered by the northern portion of this site will be used for playing fields in association with committed housing development (which includes Eyam C lose). The playing fields have never been provided, but this is an existing policy of Kettering Borough Council and should be adhered to. If houses are to be built here it will require the rescinding of this policy and full consultation with residents of Desborough.
- The playing field required as part of the William Davies development should be provided.

Comments made by third parties in relation to Desborough Neighbourhood Plan (Draft 2017) where part of site is considered under Policy 4.b.

- The size of and access to the site is contrary to the Desborough Neighbourhood Plan
- The development is contrary to the emerging Desborough Neighbourhood Plan.
- Desborough Neighbourhood Plan proposes Priority 1 sites for development, this is a Priority 2 site and should not be considered
- Site is a Priority 2 site in Desborough Neighbourhood Plan and as Desborough has exceeded its housing requirements there is no need to give consideration to this development.
- Desborough Neighbourhood Plan consultation showed that 70% of respondents disagreed with the site as ‘this site is the right place for providing

more housing development in Desborough?' 56% of them strongly disagreed. This result should be respected or what is the point of consultation?

- Desborough Neighbourhood Plan for the smaller part of the site states that site should be accessed off Arthingworth Road, to avoid extra strain on existing streets. If this is stated in reference to the smaller part of the site then it must surely be true for the larger part of the site, and should not be reneged upon.
- Due to confusion in the Desborough Neighbourhood Plan regarding this site (one page has a plan covering the site as submitted for this application, other pages show a smaller site) so consultation process for the site is invalid and any outcomes from it are flawed and invalid.
- Desborough Neighbourhood Plan states that if proposals for the southern part of the site come forward they must be accompanied by adequate transport and access impact evaluations. The TA is inadequate. The Desborough Neighbourhood Plan states these evaluations are needed to alleviate any unnecessary stress and negative impact on the community' And these issues have not been alleviated.

Amenity

- Traffic noise and disturbance level should be kept to current levels, in an area of elderly residents who enjoy and appreciate the peace and quiet of the area.
- Noise and especially traffic generated from construction traffic accessing the site
- Additional traffic will increase noise and pollution on dwellings on all access routes to the site.
- Overshadowing, loss of light, overlooking (increased by fact new dwellings will be on higher land than existing dwellings in Green Crescent) and loss of privacy (for 27 Green Crescent) as dwellings and 6 car parking spaces will be close to rear garden which will cause noise/ disturbance and prevent enjoyment of garden.
- Loss of light to properties on Whitehill Road.
- Noise and disturbance from living next to a building site (have done this for a year already as development we live on has not been completed). Moved due to health issues had hoped for a quieter more relaxed way of life, not a building site for 4 years.
- Chose this house as there were no neighbours behind, solicitor looked for planning applications at that time
- Additional noise from development would generate need for triple glazing and gardens would become a no go area.
- Overdevelopment of site
- Loss of privacy for surrounding properties, many of which are bungalows
- 2 storey development opposite dwellings on Eyam Close lead to loss of sunlight especially in winter months, and loss of privacy. Suggest bungalows should be located here.
- Junction opposite my house will result in car headlight pollution into my property

Flooding

- Existing houses suffer in winter with saturated lawns; land subject to the application has been ankle deep in water November and December the proposal will make this worse.
- Water run-off from field behind house is made worse because of the considerable slope of the land; this will be made more severe by the proposed buildings.
- Are sewers designed to cope with the increased volumes
- Harrington Grange development is already experiencing some unforeseen waterlogging and flooding problems which this development is unlikely to improve.
- Concern that SUD and its location will not adversely affect property either by water ingress or land slippage either during the construction and/or life of SUD.

Health and Recreation

- Green Lane is a well-used road/green space that will be lost if these houses go ahead.
- Green Lane and surrounding area and footpaths are heavily used by local community for walks, enjoyment of local countryside.

Biodiversity and Wildlife

- Loss of natural green space which is largely being eroded in Desborough by other developments.
- The proposal would have an unacceptable impact on wildlife, biodiversity and habitat.
- Impact on Wildlife in area needs to be taken into account. Site is a haven for species in decline including Bats, Great Crested Newts, Skylarks, Lapwing, Song Thrush, (all the RSPB at risk register) Sparrows, Swallows, Red Kites, Buzzards, Kestrels, Owls, Muntjac deer, Badgers and foxes, etc., all of which will most likely be lost with the planned development.
- Believe that level of wildlife is much higher than that measured in the application.
- The hedgerow is a vibrant ecosystem with uncommon birds such as Bullfinch and Starling. Deer have been witnessed in neighbouring field. Would like assurances and monitoring that the hedgerow will be protected during and after construction.
- Impact on bats, which fly and forage in the area, needs to be taken into account. Council has a duty to regard bats and have sufficient information before any application is determined. If the application is allowed provisions for bats should be provided (including new roosting opportunities, new foraging and commuting opportunities).
- Area should be included as part of GI corridors and HVI to ensure the future of the wildlife that use it. Habitat corridors should be maintained and existing road and rail already bisect these corridors. The bypass and new warehouse development has added to this by increased road usage (24/7) and save movements through the area are being impinged on, resulting in wildlife losses.

Historic Impacts

- Destruction of Medieval ridge and furrow field earthworks on site (although not the largest or most visible compared to other nearby excellent examples), should be avoided.
- Medieval ridge and furrow means fields which are registered on the SMR should be designated as historically and visually important open space/. They are part of the history of Desborough and should not be lost as they are a constant visual reminder of the areas agricultural history.

Car parking, access and traffic generation

- Increased traffic on road network will cause significant delays
- Proposal will generate 1000 plus exits and returns via the two entry points and existing residential developments that experience congestion, parked cars/vans leading to pedestrians walking on the road. Will turn these streets into rat runs.
- Overspill parking from new development onto existing streets
- Matlock Way, Ashbourne Drive and Eyam Close are not wide enough to accommodate additional traffic and buses generated by the development, many cars park on these streets leading to congestion and limited access for emergency vehicles.
- Matlock Way/Ashbourne Way junction is safety hazard as cars cut the corner.
- Ashbourne Way/Eyam Drive Close junction forms a dog leg junction which will form further hazard and is totally unsuitable for this amount of traffic
- Road surface on Matlock Way is not suitable for additional traffic
- Eyam Close is not suitable for the additional traffic that will be generated by the development, which will make it a thoroughfare/main road;
- Resident paid extra to live in a Close; and if they had wanted to live on busy street would have brought a house on one; traffic will result in devaluation of property/what compensation offered to residents;
- Eyam Close should be a dead end, as it says in the street name, freedom enjoyed by children who have grown up playing here will be lost
- Alternatives to Eyam Close should be looked at including the opening up Green Lane or access off Arthingworth Road and Elton Close (which has an entrance that has been used by farm traffic for many years) or off Harrington Road.
- Castleton Road, which could be used to access site from Arthingworth Road, has limited visibility. Proposal will increase traffic wanting to turn from this road onto Braybrooke Road, the speed limit is 30mph, but traffic is probably nearer to 50 – 60mph. Modest increase in traffic here could have dramatic effects.
- Roads within estate are already congested therefore most traffic will leave via Castleton Road, which is a short road with limited capacity leading into Arthingworth Road.
- Castleton Road and Arthingworth Road are quiet roads with low volumes of traffic and pedestrians, cyclists, horse riders use it to access open countryside.

- Width of Arthingworth Road between Castleton Road/Arthingworth Road junction and Braybrooke Road is insufficient for even a modest increase in traffic, but particularly construction traffic.
- Lack of parking, there should be two car parking spaces per dwelling as a minimum or cars will park on Buxton Drive
- Object to access off Buxton Drive, moved to area as was quiet and this is needed for disabled resident; development will turn Buxton Drive for an access road to a main through road, which will no longer be safe.
- Additional cars parked on Buxton Drive could block bin collection and emergency vehicles which is concerning as a lot of residents are elderly;
- Roads are already blocked by parked cars, vans and mini buses
- Braybrooke Road is busy and dangerous due to parked cars (including some double parking), lack of visibility due to rise and curve of road when passing parked cars, vehicles using it as a cut through to the A6 bypass and when the football match is on.
- Increased traffic on Braybrooke Road which is reduced to single carriageway due to parked cars.
- Traffic Assessment has not taken into account narrow roads and traffic on roads (including Braybrooke Road)
- Braybrooke/Harrington Road junction is already dangerous due to high volume of traffic and parked cars, which is a hazard for emergency services.
- Braybrooke Road/Gold Street provide access to over 1000 dwellings, primary school, factory, care home, football club and Marlow House, access for much of Desborough for the A6, and for villages Arthingworth, Harrington and Braybrooke into Desborough. Roads are heavily congested with impacts on safety and air quality, the additional vehicle movements created by the development will degrade it further.
- Developers should help pay for installation of staggered traffic lights at the Gold St/Rothwell Rd/High Street junctions to help flow of traffic.
- Green Lane should be used as the access point to the site, thus reducing the impact on the existing estate. Despite work that will be needed to Green Lane this is a more viable option.
- NCC Highways objections to the use of Green Lane as access is not balanced against the impact to existing residents. Many of the reasons for objections by NCC can be overcome and the Green Lane reinstated after work has ceased.
- Construction traffic should use Green Lane (not go through the existing estate) and not park on existing roads as misery that construction traffic will cause along Buxton Drive for 2 or 3 years is unacceptable.
- There are weight limits on the estate roads which will prevent construction traffic using them, and the roads are congested (parked cars) and construction traffic would pose a risk to the safety of children and pets playing on the road.
- A new survey is required as baseline data from 2012 was used which does not take into account new development e.g. 75 dwellings off Harrington Road, Weavers Mead etc. and the bulk of data was collected in April 2017 when the A6 was closed, and Braybrooke Road was only used by traffic going to Braybrooke.

- Introduction of traffic calming measures, speed humps and/or chicanes on Arthingworth Road before the junction with Castleton Road would be a gesture that would be welcomed and appreciated
- The proposed loop road through the development will see excessive speed and possible injury. Several exit/entry points to development will overcome this.

Insufficient local services

- Lack of infrastructure: schools, doctors, health care, appear to have reached capacity, library is at threat of closure;
- Only 1% of crimes committed in Desborough in the last year have been solved, crime is on increase due to rapid expansion of town with no investment in amenities, policing or infrastructure.
- Town has been denied supermarkets
- Lost bank, travel agent amongst others
- Residents have to travel to obtain goods/services
- Additional dwellings proposed here will not be supported by an increase in jobs or infrastructure and will increase out commuting; contrary to NNCJS Policy 10b.
- No guarantee that necessary improvements to town's infrastructure will actually take place.
- Presume the JCS considered the local infrastructure and services provision to be adequate for the 1360 units required by Policy 29. Before permitting new units existing consents should be completed and the impact of infrastructure and services assessed and given the chance to catch up, particularly when Rothwell has 700 plus dwellings approved.
- To add to growing queue for services is intolerable particularly in period of austerity funding of local services.
- Comprehensive strategy to review infrastructure and services provision when all permitted dwellings are complete, as part of a new plan beyond 20131.
- Further permissions are not required and their impact is unknown and unforeseen. To build beyond the existing strategy is not 'planning' it is anarchy.
- Development will exacerbate existing problems with traffic and parking at Kettering and Market Harborough railway stations

Sustainability

- Site is 1.7km from town centre and Desborough Post Office, 1km from nearest primary school, and 0.5km from nearest bus stop and will encourage more vehicle movements and congestion which is contrary to Policies 8b, 10b and 15a on NNJCS which seek to minimise use of cars, and encourages public transport, cycles etc.;
- Roads at 5.5m wide are insufficient width for bus routes, so encourage more car use
- There are sites closer to the town centre (Lawrence Factory, Gauntley Farm which should be developed. Allowing this site contradicts policy, distances the population from the town centre and will increase car use.

Off-site Play Area.

Comments were made in relation to the off-site play area, on the opposite side of Arthingworth Road to the application site. After comments from your officers stating that this was an unacceptable location for play space this is no longer included within the application. For the sake of completeness they are included below.

- Off-site play area is not a loss for open ecological space and any new play area itself removes open space.
- Play area is proposed across Arthingworth Road which is a 60mph speed limit, and excessive speed is common, this is unacceptable as it would present severe road safety issue for users of the playing field,
- The field has no overlooking; it would be unused and become a focus for antisocial activity.
- Play area would be a ready-made site for travellers

Other matters

- Co-op should develop properties in centre of Desborough to serve pre-existing communities, rather than increasing the problem of too many residents, too few amenities.
- Covenant on northern part of this land prevents erection of houses on it. (HM Land Registry title NN129153) 'For the benefit of the land hereby transferred and each and every part thereof and so as to burden the Recreation Land and each and every part thereof the seller hereby covenants with the buyer that no dwelling shall be erected upon the Recreation Land. Note: - The Recreation Land referred to above is the land in this title. This prevents dwellings being built on the land.
- Concern that I will still be able to maintain boundary fence once estate has been built, will Party Wall Act protect it concern it could be damaged/undermined by construction or future residents – there should be no planting of trees/bushes along boundary that could disrupt fencing or undermine house foundations
- Site was a WW2 US Army Camp and resident has been told by several sources that after the war it was not considered viable to return equipment back to the USA. As a result equipment and possible ammunition were buried on site. Developers should be requested to carry out full geological survey of the area before works are carried out.
- If development goes ahead will put in for a reduction in Council Tax due to extra noise and disruption.
- If Arthingworth Road is used an access to the site (which is preferred to the use of Buxton Drive) and a vehicle speeding on this road ends up in garden assume the Council will immediately rectify damages.

Comments

One letter makes the following comments - Proposal must not adversely affect us/our property in terms of traffic, overshadowing, overlooking or loss of privacy, ongoing noise and disturbance or loss of amenities; effect on existing trees and hedgerow; design and appearance.

One letter writer does not oppose the build, just access from Eyam Close for the following reasons: Traffic generation, highway safety, parking issues, noise, disturbance, loss of trees, protected land for rare newts to be taken into consideration

One letter writer does not object to the development but asks that the following is taken into account: access from Eyam Close should be reviewed as it is close to large established tree and will cut through established hedgerow/trees causing damage to wildlife; impact on wildlife including newts and snakes; access point will turn a quiet cul-de-sac into noisy through road; access should be from a new road and roundabout off the bypass taking traffic away from Desborough and maintaining current living conditions we enjoy and paid for; increased traffic will bring noise, risk to young family; and impact on privacy as hedgerow opposite our house will be replaced by a road; junction opposite my house will result in car headlight pollution into my property;

One letter writer has no objection to the proposal but has concern regarding the Construction access and that the use of Green Lane will distress a number of people who use it for walking and cycling. Would like confirmation that Green Lane will only be used as a Construction Access (and asks how other vehicles can be stopped from using it) and returned to a traffic free bridleway after work has ceased.

5.0 Planning Policy

National Planning Policy Framework (February 2019)

Policy 2 – Achieving Sustainable Development

Policy 5 – Delivering a Sufficient Supply of Homes

Policy 8 – Promoting Healthy and Safe Communities

Policy 9 – Promoting Sustainable Transport

Policy 12 – Achieving well-designed Places

Policy 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Policy 15 – Conserving and Enhancing the Natural Environment

Policy 16 – 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 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 10 – Provision of Infrastructure

Policy 11 – Network of Urban and Rural Areas

Policy 15 – Well connected Towns, Villages and Neighbourhoods
 Policy 19 – Green Infrastructure
 Policy 28 – Housing Requirements
 Policy 29 – Distribution of New Homes
 Policy 30 – Housing Mix and Tenure

Kettering Local Plan:

Policy 7 – Environment: Protection of the Open Countryside
 Policy RA5 – Housing in the Open Countryside
 Policy 35 - Housing Within Towns
 D13 - Desborough: Green Lane – Provision will be made for playing field(s) on land adjacent to Green Lane in association with a committed housing development

Supplementary Planning Documents

Sustainable Design
 Open Space SPD
 Biodiversity SPD

Emerging Development Plan Documents

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

6.0 Financial/Resource Implications

Paragraph 56 of the NPPF is a material consideration which advises:

Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

A Section 106 Obligation is under negotiation with the applicant to ensure that the impacts of the development are appropriately mitigated. These are summarised in the table below:

Affordable Housing
Primary Education Contribution
Secondary Education Contribution
Libraries
Highway works and Public Transport Contributions
On-site Open Space
Off-site toddler play area
Town Centre/ Environmental Improvements
Travel Plan management including engagement of Travel Plan co-ordinator

The applicants have agreed in principle that payments are required for the above items, with the exact amount and timing of each item still to be agreed.

As such this application is recommended for approval subject to the signing of the S106 Agreement after CIL compliant requirements have been concluded.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Design and Character
3. Access, Highways and Parking
4. Residential Amenity
5. Flood Risk and Drainage
6. Ecology
7. Archaeology (Heritage Asset)
8. Contamination
9. Sustainable Design

1. Principle of Development:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. As detailed above, the Development Plan consists of the North Northamptonshire Joint Core Strategy (JCS) and the Saved Policies of the Local Plan.

The application site is located to the west of Desborough and measures 4.96ha. Approximately 3.1 hectares of the application site are outside, but immediately adjacent to the town boundary, with the remaining 1.70 hectares of the site being inside the town boundary. The part of the site that is located within the boundary is the western portion of the site which is off Buxton Drive. The site comprises two fields which are well contained by existing residential development along the northern and eastern boundaries, and to an extent on the western boundary.

Paragraph 12 of the NPPF is clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. If a planning application conflicts with an up-to-date development plan, then permission should not usually be granted. Local planning authorities can however take decisions that depart from an up-to-date development plan, but only if material considerations in that particular case indicate that the development plan should not be followed.

Policies 1, 11, 28 and 29 of the North Northamptonshire Joint Core Strategy (2016) direct residential development elsewhere than the open countryside

Desborough is identified in the Joint Core Strategy as a Market Town. Policy 11 sets out the role of Market Towns as providing a more secondary role in development terms to the Growth Towns (Kettering), with a lesser scale of growth and a strong service role for their local communities and surrounding rural areas with growth in homes and jobs to support regeneration and local services, at a scale appropriate to the character and infrastructure of the town.

Policy 28 of the JCS sets out housing requirements for the Borough, this being 10,400 dwellings in the period 2011-2031. Policy 29 sets out the distribution of new housing in accordance with the Spatial Strategy. The housing requirement for Desborough in the period 2011-2031 is 1,360 houses.

The following table provides an update on housing requirements for Desborough.

Table 1: Housing number requirements 2011-2031 (base date: 1st April 2017)

	JCS requirement 2011-2031	Completions 2011-17	Commitments 2011-17	Residual JCS requirement	Residual JCS requirement with additional 10% buffer
Desborough	1360	345	751	264	400

This table shows that at the 1st April 2017 the residual requirement for Desborough was 264 dwellings. Since the 1st April 2017, planning permission has been granted for up to 304 dwellings at Land to the South of Desborough (KET/2016/0044). There is also a recent resolution to grant planning permissions for upto 70 dwellings on another site within the defined settlement boundary under ref: KET/2018/0623

The Council can demonstrate more than a five year housing land supply including the appropriate 5% buffer. An appeal under ref: APP/L2820/W/16/3149835 relating to another site elsewhere beyond the settlement boundary of Desborough resulted in a decision on 16th June 2017 that found that the Council could demonstrate a 5.7 year land supply, including a 5% buffer. More recently, it was reported as 6.98 years.

Measured against housing requirement housing completions in 2016-17 were 706 and in 2017-18, it was 495. As the Council has a five year housing land supply, paragraph 11 of the NPPF is not engaged and Development Plan policies relating to housing supply discussed below, should be considered up to date and should attract due weight.

Consideration of the saved policies

Saved Local Plan Policy 7 states that planning permission for development within the open countryside will not be granted except where otherwise provided for in the Local Plan. Policy RA5 of the Local Plan and Policy 13 of the JCS set out exceptional circumstances in which development in the open countryside may be allowed.

The relevance of saved Policy 7 of the 1995 Plan was also examined at the Public Inquiry in 2017. The appellants at that Inquiry argued that the policy was out of date because it presented a blanket ban, contrary to the NPPF. Based on legal argument the LPA were of the view that ‘the reason that some planning policies by their very nature are not time limited is because they are restated in each iteration of planning policy at both national and local levels’.

The Inspector in that decision stated:

“There is a dispute between the parties as to whether saved Local Plan Policy 7 is out of date. This policy seeks to protect the countryside from unjustified development. It allows only limited development otherwise provided for in the plan, such as rural exception sites. It appears to me that the purpose of this policy is to protect the countryside; it does not impose a blanket ban on all development in such areas”

It remains the Council’s position that a policy that allows for the non- time limited objective to protect open countryside should be given significant weight.

With regard to proposals for the land off Buxton Drive and Eyam Close, it is a fact that the site’s location on the outskirts of Desborough is surrounded by existing residential development on three sides, with the remaining area of the land to the west (of the undeveloped land) shown as inside the settlement boundary,

The location on the settlement edge presents no significant barriers (such as a road or river) between the existing and proposed development which means that rather than it being seen as separate to Desborough, the application site is more likely to be perceived as a part of it. The land to the east developed for housing was approved in 2013.

The proposed new dwellings will be viewed against the existing adjacent residential development on Bleaklow Close, Buxton Drive, Grindleford Close, Eyam Close and Green Crescent, and as a result, (with careful and sympathetic design through the Reserved Matters process), it is considered that the impact on the countryside setting of this part of Desborough will be limited.

As a result development on the site is considered to be a logical extension to the existing settlement pattern. This is further evidenced by the sites inclusion as a proposed housing allocation in the Site Specific Part 2 Local Plan (SSP2) – Draft Plan, and the Desborough Neighbourhood Plan for residential development. If the draft

allocation remains in the SSP2 the settlement boundary would be drawn to include the entire site.

Whilst these plans have been given limited weight, the review of the settlement boundaries is being addressed. The settlement boundary for Desborough was last defined through the 1995 Local Plan for Kettering Borough. Saved Policy 35 (Local Plan) is used to define the extent of the settlement boundary and supports housing development within it, provided the development accords with other relevant planning policies.

At the 2017 appeal there was also consideration as to whether the settlement boundaries were out of date but then as now it is recognised that settlement boundaries are being reviewed through the work of the emerging Part 2 Local Plan

Saved Policy D13 of the 1995 Local Plan identifies the western section of the site as an area to provide playing field(s) in association with a committed housing development. This requirement relates to the development to extend Buxton Drive, by an additional 35 dwellings, which has been long since delivered, without the provision of playing fields. It has not been possible to establish why these playing fields failed to come forward. Given the length of time since the housing on this site was completed, it is not considered that the Local Planning Authority would be able to insist upon the provision now. It is therefore felt that the weight that that can be given to this policy is limited and certainly not sufficient reason to refuse the application.

Whilst a part of the site is outside the current settlement boundary, for the reasons explained it is considered that other material considerations weigh in favour of the current proposals.

Emerging policy

As indicated above, the application site is included within the Draft Site Specific Part 2 Local Plan (SSP2) for residential development. This would result in the settlement boundary for Desborough being re drawn to include the entire site. Whilst the designation within the SSP2 carries limited weight at this stage, it will be afforded greater weight as the Plan progresses through to adoption. However, weight is applied to the existing settlement boundaries

The emerging Site Specific Part 2 Local Plan (SSP2) will allocate sites to meet housing requirements identified in the JCS. In addition to the housing requirements in the JCS it has been agreed by the Planning Policy Committee that in Kettering and the market towns the SSP2 will allocate sites to meet the housing requirement with an *additional* 10% buffer, resulting in a total requirement for Desborough of 400 dwellings (at 1st April 2017 – see final column of Table 1 above).

When the 304 dwellings approved at Land to the South of Desborough (KET/2016/0044) are taken into account the requirement for new dwellings in

Desborough is reduced to 96. The SSP2 will therefore need to allocate sites to meet the requirement of 96 dwellings which equates to the Residual JCS requirement with additional 10% buffer, minus the 304 dwellings at Land to the South of Desborough.

The draft Desborough Neighbourhood Plan has been published for public consultation purposes (Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, as amended).

In the October 2017 draft of the Desborough Neighbourhood Plan (the latest version of the Plan), the overview map appears to show the full site within a settlement boundary whereas a more detailed plan in the document shows only a part of the site within the settlement boundary. All or part of the site therefore is identified as an acceptable option, however, at this stage little weight can be afforded to the Draft Neighbourhood Plan document.

Other material considerations affecting the principle of development are taken into account in formulating the recommendation for this application.

This application would provide for up to 135 additional dwellings for Desborough. Approving the application would result in Desborough's requirement for residential development within the Plan period, including the additional 10% buffer, being met and exceeded.

The approval of dwellings on this site would meet required housing numbers for the town that is consistent with existing and planned infrastructure that can support the development; an approach that has underpinned other recent permissions and is reflected in emerging policy work.

As a potential site for development of this nature it reduces the pressure for developing other less suitable sites, for example those further from the town centre, on busier roads or sites outside the settlement boundary and exposed as part of the countryside.

The site is approximately 20 - 30 minutes' walk from services within Desborough Town Centre and from the schools in the town. Whilst this distance is outside the ideal walkable distance, (based on Manual for Streets this is 800m, or about a 10 minute walk) the revised NPPF (Feb 2019) is clear that development in locations which can be made sustainable (for example through limiting the need to travel and offering a genuine choice of transport modes) is acceptable.

Allowing the application in its current form ensures a comprehensive development of the site, with more flexibility to achieve the best possible layout to minimise the impact on neighbouring residents. There is more scope for play areas, open space and better relationships between buildings and streets.

Sub-division of the site brings with it greater barriers to good quality development. For example if the site were to be divided up this would make it difficult to ensure linkages through the site, these linkages help to ensure a better form to the overall layout, and a more sustainable form of development. If, for example the development off Harrington Road (Green Crescent and Carriage Close) had been part of this proposal then the possibility of a footpath link between the sites and on to the school would have been more likely to happen.

A comprehensive development also means that development costs are shared across the wider site area, which makes the proposal more likely to viable, thus resulting in better S106 contributions. Splitting the site up means that the impact of the development on highway safety would be shared across a number of applications, which is likely to mean the collection of S106 monies would take longer (as one site may start fairly quickly and one may not start until towards the end of the consent), this mitigation measures are likely to take longer to be put in place. In the worst case scenario, if one of the proposals did not come forward, mitigation may not happen at all.

Summary conclusion regarding the principle of development:

Whilst part of the site is outside the currently delineated town boundary it has been explained that the reasons why development on this site is considered acceptable. All existing policies have been considered and weighed. The proposals would fit with the JCS policies identified in regard to location and the quantum of development is to be supported by existing and planned infrastructure requirements.

Attention is now turned to other issues.

2 Design and Character

Policy 12 of the NPPF requires development to be of a good design, which adds to the overall quality of an area over the lifetime of the development. Development should be visually attractive and sympathetic to local character and history, establishing or maintaining a strong sense of place, whilst optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development. The NPPF is clear that an increase in density is not on its own a reason to refuse an application.

Policy 3 of the JCS states that new development (amongst other criteria) should conserve and where possible enhance local landscape character and qualities; make provision for the retention and where possible enhancement of features of landscape importance; protect the landscape setting and contribute to maintaining individual and distinct character and separate identities of settlements by preventing coalescence. Policy 8 of the JCS states that new development should be of a high quality of design which responds to the sites immediate and wider context; responds to the environmental character of the area; designs out crime and reduces the fear of crime.

The application site adjoins existing housing development to the north, north east, and east, with open countryside to the south, south-west and west.

From Harrington Road the site is largely obscured by existing housing on Green Crescent and Carriage Close and will then be viewed against existing housing development on and accessed off Buxton Drive and Ashbourne Drive. Similarly from some points on Arthingworth Road the site will be obscured by existing housing development between Buxton Drive and Arthingworth Road, and will then be viewed against a backdrop of housing on Bleaklow Close, Grindleford Close, Eyam Close, Elton Close and Upper Dane, with the Green Crescent and Carriage Drive housing in the longer distance. Again, when seen from the A6 the site will be set against the existing housing referred to above.

In addition the proposal would retain the existing field boundaries (including hedgerows and trees) forming a buffer along the southern edge of the development and an ecological feature through the centre of the site. This will ensure the retention of some of the natural features of the site. These features will not lie within residential curtilages and their long term maintenance will be included with the Ecological and Landscape Management condition discussed in the Ecology section of this report.

As such, when seen from a distance it is considered that the proposed site would not be viewed as an incongruous addition to the rural edge of Desborough and therefore would not have an adverse impact upon the character of the surrounding landscape. The proposal therefore accords with Policy 3 of the JCS.

This is an outline application with all matters but the access reserved and therefore the layout and detailed design of the dwellings is not to be considered as part of this application. An indicative layout was submitted with the applications to demonstrate that up to 135 dwellings can be provided on the site with an appropriate density, acceptable road layout, the provision of public open space and footpath links through the site, and the provision of a Sustainable Urban Drainage System.

In support of the proposal the applicant has submitted a Design and Access statement and Indicative Masterplan, and amended Indicative Masterplan after concern was expressed about the location of the play area. This supporting information gives an indication of key items that need to be considered for the detailed planning of the site, (see the Design and Access statement) and shows via the Illustrative Masterplans two ways in which this could be achieved.

The design of individual dwellings and amenity issues can be considered fully under any reserved matters applications, (also see the Residential Amenity section below). The proposed road layout which provides for two vehicular access points and a separate pedestrian link into the site is considered to provide legibility within the site. The detailed route of the roads within the site, location of junctions within the site, parking areas and the arrangement of properties to the roads will be dealt with as

part of the reserved matters application. It is at this point that the exact route of the road through the site will be determined, and issues such as the width of the road, a design for the road which limits vehicular speed through the site, the number of parking spaces for each new dwelling and car headlight pollution into existing dwellings will be considered.

Other issues such as on plot bin storage and collection points will also be considered at the Reserved Matters stage of the process. Conditions as requested by Environmental Care relating to bin storage will be added to the permission.

Comments on the application have been made by Northamptonshire Police Crime Protection Design Advisor; it is considered that these relate to design considerations which can be addressed through the details submitted in any Reserved Matters Application. A condition requiring each reserved matters application to comply with Secured by Design principles will be included in the planning permission.

An amended illustrative plan was submitted during the course of the application to address some concerns about the location of formal play space within the site. The provision of informal open space within the centre of the site and a more formal LEAP in the north-eastern part of the site will provide two green focal areas within the development. In addition, the proposed existing hedgerows along the southern boundary are to be retained and will provide a soft boundary to the adjoining field which is welcomed.

Due to the size of this site (maximum of 135 dwellings) a requirement to provide a Design Code is not considered necessary. One possibility would be to condition the Reserved Matters application to accord with the amended Indicative Masterplan, although this would need further changes so that for example; distances between proposed and existing dwellings on certain parts of the site and the relationship of junctions to existing dwellings are satisfactory. These issues are discussed in more detail in the residential amenity section of this report, and could easily be overcome.

It is however considered important that key elements of the development such as the access points, the requirement for bungalows (along that part of the site that adjoins Bleaklow Close, Buxton Drive and Grindleford Close) and safeguarding of the ecologically sensitive areas are fixed at this stage. Limiting the 'fixing' to these items only will allow greater flexibility to other aspects of the development such as the route the road takes through the site and the exact location of dwellings. The applicants have submitted a parameters plan which shows the location of the items referred to above and an agreed version of this will be conditioned, requiring the Reserved Matters to accord with the parameters plan.

It is considered that the information provided in the Design and Access Statement, the indicative layout and the parameters plan demonstrates that it will be possible to provide on the site a development of up to 135 dwellings with a high quality design which would respect the visual amenity and character of the surrounding area. As

such the proposal accords with Section 12 of the NPPF and Policy 3 and 8 of the JCS.

3. Access, Highways and Parking

Policy 8 of the JCS requires development to make safe and pleasant streets by integrating into the wider settlement and existing movement networks, prioritising the needs of pedestrians, cyclists and public transport users, ensuring a satisfactory means of access and provision for parking, serving and manoeuvring in accordance with adopted standards. Developments which prejudice highway safety should be resisted. Section 9 of the NPPF 'Promoting sustainable transport' requires development to ensure that appropriate opportunities to promote sustainable transport modes can be taken up; a safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The outline application is for all matters except access and is accompanied by a Transport Assessment (TA) and Travel Plan (TP). The TA sets out the transport issues relating to the development and includes an assessment of predicted traffic flows and the impact upon the surrounding highway network. Due to objections from residents and the Local Highway Authority a Transport Assessment Addendum (TAA) was submitted which further assessed the impact of the proposal on the two junctions within Desborough which were shown to be over capacity; namely the Gold Street/Harborough Road/High Street/Rothwell Road staggered crossroad junction and the Rothwell Road/Lower Street junction. At the request of the Local Highway Authority an up to date Manual Classified Survey (traffic survey) was carried out at the A6/Desborough Road junction (see Technical Note DES--BWB-GEN-XX-RP-TR-0005_TN-S2-P2 NTT2573). Further information was then provided in Technical Note DES--BWB-GEN-XX-RP-TR-0006_TN-S1-P2 NTT2573 in relation to the impact of the development on the Castleton Road/ Arthingworth Road junction and the Braybrooke Road/Arthingworth Road junction.

As a result of findings of the various documents detailed above the application proposes a mitigation scheme for the Gold Street/Harborough Road/High Street/Rothwell Road staggered crossroad junction, consisting of the widening of both Gold Street and High Street. The proposed mitigation would result in to the creation of two 3.5 metres wide lanes approaching the junction with Harborough Road (B576 previously the A6). The Local Highway Authority is satisfied with the mitigation proposed at this junction.

The suite of TA documents concludes that whilst the proposal will impact on the Rothwell Road/Lower Street this impact will not be significant and as a result mitigation is not required at this junction. Similarly mitigation is not required at the

Castleton Road/Arthingworth Road junction and the Braybrooke Road/Arthingworth Road junction, or the Braybrooke Road/A6 roundabout. This conclusion has not been the subject of an objection from the Local Highway Authority.

It is therefore concluded that subject to the inclusion of conditions /S106 requiring the mitigation proposed for Gold Street/Harborough Road/High Street/Rothwell Road staggered crossroad junction the application is acceptable in terms of the impact on the wider road network.

Vehicular access to the application site is proposed via Buxton Drive and Eyam Close, with pedestrian access via Elton Close and Green Lane. The Local Highway Authority has no objection to the two proposed vehicular access points subject to conditions.

A number of local residents have suggested that access to the site would be better if taken from Green Lane. This possibility was raised with the Local Highway Authority who have confirmed that the use of Green Lane as either the permanent or construction access to the site is unacceptable for the following reasons:

- Green Lane is adopted highway; however it is crossed (width ways) by two small sections of PRow, one near the junction of Arthingworth Road (UC15), and one nearer the junction with Harrington Road (UC14). This arrangement effectively blocks Green Lane to vehicular traffic and means that it is unlawful to drive along the lane unless the underlying land is in the ownership of the developer. Green Lane itself is not a Public Right of Way.
- Green Lane is narrow in width and of unknown construction; it is highly unlikely that it is of a suitable construction to carry the weights and movements of construction traffic.
- To upgrade the lane would require the improvement of the visibility splays at the junctions with the subsequent removal of hedging that currently screens the rear aspects of the dwellings that back onto Arthingworth Road. It would also require the widening of the lane surface and corridor which would require the removal of hedging and trees. The ownership of the vegetation and trees is unknown and the ecological impact of any loss must not be overlooked.

The applicant has confirmed that they do not have the right to drive on Green Lane.

Other possible access routes into the site have been investigated by your officers. This includes access via land to the front of 17 and 19 Green Crescent (off Harrington Road); this is not possible as the land in question is not in the ownership of the applicant or the Local Highway Authority. It is also unlikely that the land is of sufficient width to accommodate the required access standards. A separate access off Harrington Road has also been considered, again the land is not within the ownership of the applicant, and traffic issues along Harrington Road are worse than

those experienced in Buxton Drive, Eyam Close and the neighbouring residential estate.

The possibility of using Elton Close as a vehicular access has been investigated (as suggested by some local residents) however due to land ownership issues (use of access is restricted to agricultural and pedestrian rights only) it is only possible to have a pedestrian access here. The limited width of Elton Close also restricts its use as a vehicle access.

As a result of the above your officers are of the opinion that access via some existing development is the realistic possible means of accessing the site. The Local Highway Authority also has no objection to the use of roads within the neighbouring residential estate such as Buxton Drive, Castleton Road, Matlock Way and Ashbourne Drive as through roads to the proposed development. It is accepted that the application will make these roads, and roads which feed off them busier, which is of concern to local residents. The Local Highway Authority do not however object to the proposal and paragraph 109 of the NPPF which states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In the light of paragraph 109 of the NPPF and lack of objection from the Local Highway Authority it is not felt that the impact of the proposal on the highway network is a sufficient reason to refuse the application.

Construction traffic

Concerns have been raised about the use of Buxton Drive, etc. as a route for construction traffic. Alternative options for a construction access to the site have been investigated. These have included Green Lane, but for the reasons outlined above, this is not acceptable to the Local Highway Authority. Other options such as an access off Arthingworth Road or Harrington Road and the construction of a haul road over the farmland have also been reviewed. None of this land is in the ownership of the applicant so the possibility of constructing a haul road over it is severely limited.

The Local Highway Authority consider that roads through the existing residential estate are capable of accommodating construction traffic however, the concerns of local residents have been considered further. The shortest route for construction would be via a part of Buxton Drive and Castleton Road and then via Arthingworth Road, whilst some residents will be affected using this or any other roads a full Construction Management Plan will need to be submitted, approved and implemented were this development to proceed.

Therefore a condition requiring the submission of a Construction and Traffic Management Plan (CTMP) is conditioned in the recommendation. The CTMP will include details such as delivery hours, waiting areas within the site for delivery vehicles, contact numbers for site managers etc.

Consultation comments received from Highways England raise no objections to the scheme and its impact on the wider national highway network.

Other related issues

It is considered that with appropriate measures such as electric vehicle charging points; secure, covered and over-looked cycle parking spaces for each dwelling, and a contribution towards bus services, are potential measures have been identified to further support this as a sustainable location.

The applicants have agreed in principle to a contribution towards bus services, with the exact amount still to be agreed.

The Framework Travel Plan details the measures to be implemented to encourage residents of the site to adopt more sustainable travel options. Measures suggested include a Travel Plan Co-ordinator, a Travel Plan Welcome Pack, and Walk to school club. To further encourage sustainable transport choices a more detailed Travel Plan based upon this Framework Travel Plan will be required.

4. Residential Amenity

Policy 12 (Paragraph 127(f)) of the NPPF requires Local Planning Authorities to seek a high standard of amenity for all existing and future occupants of land and buildings. Policy 8 of the NNJCS requires that development does not result in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area by reason of noise, vibration, pollution, loss of light or overlooking.

In this outline application all matters except access to the site are reserved for subsequent approval. The detailed design of the development, including the full layout, precise design, height, footprint and orientation of each individual dwelling, and the precise impact of the proposal on the residential amenity of neighbouring and future occupiers would be considered and controlled as part of the subsequent reserved matters applications.

Two indicative masterplans showing how the site might be developed have been submitted as part of the application; the second (attached to this report) shows a layout with a generally acceptable form of development for the site which would, in the main, adequately respect and safeguard the amenity of existing neighbouring residents and future occupiers within the site.

If this were a full planning application, amendments would be sought to the indicative layout to achieve greater distance between the proposed dwellings and some dwellings on Green Crescent and Carriage Close, and changes to the layout to limit overlooking of the rear gardens of some properties on Elton Close. Issues relating to possible car headlight pollution into existing dwellings resulting from the road layout within the site would also be considered at the Reserved Matters stage of the application.

New two storey dwellings located adjacent to existing bungalows on Bleaklow Close, Buxton Drive and Grindleford Close could have an adverse impact from overlooking and overshadowing on the existing bungalows. To prevent any adverse impact to these bungalows (which would be contrary to NPPF Policy 12 and Policy 8

of the JCS) a condition has been added to ensure that any new dwellings on these shared boundaries will be single storey, with no windows in the roof planes facing the existing bungalows.

It is important to stress however that this application is in outline form only and such changes can be sought later in the planning process. The changes detailed above would all be sought as part of the Reserved Matters. A refusal of planning permission on these grounds could not be sustained at appeal.

Environmental Health has been consulted on this application and has no objections in relation to noise and disturbance subject to a condition limiting work audible at the site boundary to Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors. As the application site is adjacent to residential properties, and it is possible that the site will be accessed via some existing residential streets a suitable condition is considered to be reasonable and necessary.

Policy 30 of the JCS also seeks new residential developments to be constructed to National Space Standards and meet Category 2 of the National Accessibility Standards with a proportion meeting Category 3 of the National Accessibility Standards. The National Accessibility Standards were never formally adopted by the Government, however Category 2 and 3 equate to Part M4(2) and M4(3) of The Building Regulations respectively. To ensure that the proposed development will in accordance with this policy a condition is added requiring the new dwellings to be built in accordance with the National Space Standards and to Part M4(2) and M4(3).

Environmental Health has requested the applicant considers the inclusion of air quality mitigation measures, such as electric charging infrastructure and low NO_x and PM producing boilers. An informative to this effect will be added to the planning permission.

Subject to the conditions and informative discussed above it is considered that the proposed development would not have an adverse impact on the residential amenity of nearby existing residents, or future residents of the site. As a result the application is considered to be in accordance with Policy 15 of the NPPF and Policy 8 and 30 of the JCS.

5. Flood Risk and Drainage

Policy 5 of the JCS, amongst other things, seeks development to reduce flood risk; and contribute toward flood risk management and be designed to incorporate Sustainable Urban Drainage systems from the start of the development. This approach is consistent with Policy 14 of the NPPF, which says that proposals should not result in an increased chance of flooding on site or elsewhere.

The site is located entirely within Flood Zone 1, the lowest area of flood risk. Due to its size (4.96 hectares) a Strategic Flood Risk Assessment is required and this and

a Sustainable Drainage Statement were submitted with the application. The Lead Local Flood Authority) and Anglian Water have been consulted on the application.

The Lead Local Flood Authority have reviewed the submitted documents and have no objection to the application subject to the inclusion of planning conditions requiring i) the submission of a Surface Water Drainage Scheme for the site (based on the submitted documents); ii) scheme for the maintenance and upkeep of the Surface Water Drainage system for the site; and iii) the submission of a Verification Report for the installed Surface Water Drainage system to include elements such as 'as built drawings and accompanying photographs

Anglian Water has confirmed that capacity for both waste water and sewerage from this development is available at Broadholme Water Recycling Centre (foul drainage) and within the existing sewerage system. Anglian Water have commented that the submitted Flood Risk Assessment needs additional detail to show that the surface water hierarchy has been followed, however they do not require this information before the grant of planning permission and have recommended a condition requiring the submission of a Surface Water Management Strategy to be approved by the Local Planning Authority.

Subject to the above mentioned conditions it is considered that the application will comply with Policy 14 of the NPPF and Policy 5 of the JCS. The application is therefore acceptable in these respects.

6. Ecology

The Local Planning Authority has a duty under the Conservation of Habitats and Species Regulations 2010, the EU Habitats Directive and the Natural Environment and Rural Communities Act 2006 to take into account protected species when determining planning applications.

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"*

Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that *"every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity"*.

Policy 15 of the NPPF requires decisions to (amongst other things) protect sites of biodiversity value, and minimise impacts on and provide net gains for biodiversity. If significant harm to biodiversity resulting from a development cannot be mitigated, or as a last resort compensated for, applications should be refused. Policy 4 of the JCS states that planning permission will not normally be granted for proposals that adversely affect a sites conservation value.

The application is accompanied by a 'Baseline Ecological Assessment' that included an extended Phase 1 habitat survey. The assessment included a Desk Based Study followed by Field survey work, which included a systematic site walkover, survey of the on-site pond (as well as four off-site ponds), hedgerow assessment and visual tree assessment. Any signs of suitable habitat for protected species were noted as part of this fieldwork. Evidence of Great Crested Newts on the site resulted in a specialist survey and report on this species, similarly evidence of reptiles on the site resulted in a specialised Reptile Survey and report, all included within the Baseline Ecological Assessment. No evidence of Badgers was found on the site, and Northamptonshire Badger Group has no objection to the proposal.

The Biodiversity Officer has been consulted on the application and considered the level of information submitted to be acceptable for this point of the planning process. As a result of the information submitted the Biodiversity Officer has recommended a number of conditions requiring the submission of detailed mitigation strategies for Reptiles and Amphibians (this will include the Great Crested Newts) with the Reserved Matters applications. To further ensure the protection of the Great Crested Newts during the construction element of the development a condition is also recommended stating no work can commence on site until evidence is provided to the Local Planning Authority of the relevant licence relating to Great Crested Newts from Natural England or confirmation that Natural England do not consider a licence is necessary.

Due to the large area of informal open space to the middle of the site, which includes a pond, a condition is also recommended requiring the submission of a Landscape and Ecological Management Plan, to be submitted pre-commencement. The site also contains breeding opportunities for birds, it will therefore be necessary to add an informative relating to the timing of clearance works to avoid bird nesting season.

Subject to the conditions detailed above it is considered that the site does not have any biodiversity features that would preclude development. As such the proposal would comply with Policy 4 of the JCS.

7. Archaeology (Heritage Asset)

Section 16 'Conserving and enhancing the historic environment' of the National Planning Policy Framework outlines considerations in relation to the historic environment. Paragraph 189 requires applications on sites which include or have the potential to include heritage assets with archaeological interest, to be accompanied by the appropriate assessment/evaluation.

Policy 2 of the North Northamptonshire Joint Core Strategy 2011 - 2031 seeks that development will protect and, where appropriate enhance the historic environment, including archaeological remains. Proposals should demonstrate an appreciation and understanding of the impact of development on heritage assets in order to

minimise harm; and where loss of archaeological remains is unavoidable and justified, provision should be made for recording, archive and reporting of findings.

The archaeological Desk Based Assessment (DBA) which accompanies the application indicates that the western part of the site contains the remains of ridge and furrow earthworks relating to the pre-Enclosure open field system. Within the area, but not in the site itself the DBA indicates finds and sites of prehistoric, Romano-British and Saxon date.

Northamptonshire Planning Services (Archaeology) advise that the development of the site would result in the loss of the ridge and furrow. The proposed development will have a detrimental impact upon any archaeological deposits present, however this does not represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. It is advised that a programme of evaluation, to be carried out before the submission of any reserved matters application, is secured by condition.

Subject to this condition the application is considered to accord with Policy 16 of the NPPF and Policy 2 of the JCS.

8. Contamination

Policy 15 of the NPPF and Policy 8 of the JCS requires new development to take into account any possible contamination and provide the necessary mitigation. Environmental Health has been consulted on this application and due to the underlying geology present throughout Northamptonshire, and has no objections no objection subject to a Contaminated Land Condition and an informative relating to Radon.

Local residents have expressed concern that the application site was used in the Second World War as a US Army Camp. Residents have been told by several sources that after the war it was not considered viable to return equipment back to the USA. As a result they have concerns that equipment and ordnance were buried on site. The Phase 1 Geo-Environmental Assessment submitted with application notes that an RAF base was located to the east of the application site and this is borne out by the historic maps held by the Local Planning Authority. The possibility of ordnance on the site has been discussed with colleagues in Environmental Health who have confirmed that the Contaminated Land Condition requested would reveal if this is the case. If equipment and ordnance were to be found the terms of the condition require the developer to propose measures to safely deal with them, which would first have to be approved by the Local Planning Authority. It is therefore considered that this issue can be satisfactorily dealt with by condition and is not considered to be a constraint to development. Subject to this condition and informative the proposal is considered to be in accordance with Policy 15 of the NPPF and Policy 8 of the JCS.

9. Sustainable Design

Policy 14 of the NPPF requires new development to mitigate the impact on climate change and, (amongst other criteria) encourage the re-use of existing resources, and take into account impact on water supply. 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. A condition will be added requiring the submission of details showing how this will be achieved. These details to be approved by the Local Planning Authority and development to be carried out in accordance with the approved details.

The application includes a Waste Audit and Management Statement as required by the 'Site Waste Management Plans Regulations (April 2008). As this is required by other legislation it is not considered that a condition is necessary, however an informative reminding the applicant of the need to comply with the Waste Audit and Management Statement will be added to the permission.

Subject to the above condition and informative the proposal is considered to accord with Policy 9 of the JCS.

Comments on other points raised by proposal

The covenant on northern part of this land (HM Land Registry title NN129153), and issues such as potential requests for a reduction in council tax if this development goes ahead, and an assumption that the Council will immediately rectify damages if a vehicle speeding on Arthingworth Road ends up in a garden are not material considerations in the determination of this application.

Issues relating to damaging caused by the development to boundary fencing or undermine house foundations are civil matters dealt with by other legislation including the Party Wall Act. As a result they are not matters which can be considered as part of this planning application.

Comments that the Co-op should develop properties in centre of Desborough to serve pre-existing communities, rather than increasing the problem of too many residents and too few amenities are noted, however this is not a material consideration in the determination of this application.

Comments about mistakes in the Desborough Neighbourhood Plan, can only be given limited weight as explained in the Policy section above.

The Planning Balance

Whilst part of the site is outside the currently delineated town boundary it has been explained why development on this site is considered acceptable in principle. All existing policies and material considerations have been evaluated and weighed. These considerations weigh in favour of the application.

Conclusion

Subject to the completion of a S106 and conditions, it is recommended that outline planning permission be granted

Background Papers

Title of Document:

Date:

Contact Officer:

Christina Riley, Senior Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date:

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