

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 22/02/2011</b>	<b>Item No: 4.1</b>
<b>Report Originator</b>	<b>Louise Haggan-Craig Development Officer</b>	<b>Application No: KET/2010/0741</b>
<b>Wards Affected</b>	<b>St. Peters</b>	
<b>Location</b>	<b>Thurston Drive (land off), Kettering</b>	
<b>Proposal</b>	<b>Full Application: 43 no. dwellings and associated roads and parking</b>	
<b>Applicant</b>	<b>Mr S Lambley Orbit Homes (2020) Ltd</b>	

### **1. PURPOSE OF REPORT**

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

### **2. RECOMMENDATION**

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

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. No development 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: In the interests of the visual amenities of the area in accordance with policy 13 h) of the North Northamptonshire Core Spatial Strategy.

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

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

report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part B, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part C.

REASON (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with PPS23.

4. No development shall take place until a cross-sectional plan of the site, prepared to a scale of not less than 1:500, showing the existing and intended final ground levels and land contours has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: To protect the privacy of the occupiers of neighbouring properties in accordance with policy 13 l) of the North Northamptonshire Core Spatial Strategy.

5. No development 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 amenities and privacy of neighbouring properties in accordance with policy 13 l) of the North Northamptonshire Core Spatial Strategy.

6. There shall be no development on site other than in accordance with the landscaping plan reference number RDC17535-10 received on 29th November 2010. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development whichever is the sooner. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity in accordance with policy 13 o) of the North Northamptonshire Core Spatial Strategy.

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

- i. the parking and turning of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- vi. wheel washing facilities;
- vii. measures to control the emission of dust and dirt during construction;
- viii. a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works.
- ix. design of construction access
- x. hours of construction work

The approved method statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

REASON: In the interests of highway safety and residential amenity in accordance with Policy 13 l) of the North Northamptonshire Core Spatial Strategy.

8. Prior to commencement of development a scheme to provide recycling facilities for residents shall be 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 scheme.

REASON: To minimise waste production and to ensure a satisfactory level of recycling in accordance with PPS1, PPS 10, Policy 38 of the East Midlands Regional Plan, the Northamptonshire Waste Local Plan 2003 - 2016 and Policy 13 m) and Policy 14 of the CSS for North Northamptonshire.

9. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of amenity in accordance with policy 13 l) of the North Northamptonshire Core Spatial Strategy.

10. The development hereby permitted shall not be occupied until the temporary construction access to the site has been permanently closed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

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

11. No development shall take place on site until a scheme for mitigation measures to provide bat roost units, incorporate new foraging opportunities, provide sensitive lighting and achieve biodiversity gain has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied.

REASON: In the interests of safeguarding protected bat species in accordance with PPS9 and Policy 13 o) of the North Northamptonshire Core Spatial Strategy.

12. Prior to commencement of development a strategy including provision, implementation, ownership and maintenance for surface water drainage shall be submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved details.

REASON: To prevent environmental and flooding problems arising from the development in accordance with PPS25.

13. Prior to the commencement of development an archaeological programme of works shall be submitted to and approved in writing by the local planning authority. The programme of works shall take into account the advice contained within paragraph HE12.3 of PPS5 - Planning for the Historic Environment. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of archaeological conservation in accordance with PPS5 and Policy 13 o) of the North Northamptonshire Core Spatial Strategy.

14. Prior to the commencement of development a site specific Waste Audit and Waste Management facilities Strategy must be submitted to and approved in writing by the local planning authority. The audit and the strategy must address the provisions set out in Section 2, Part A of the Northamptonshire County Council Development and Implementation Principles SPD (adopted March 2007). The development shall not be

carried out other than in accordance with the approved details.

REASON: In the interests of sustainable development and in accordance with the Development and Implementation Principles SPD (2007) and Policy 14 b) of the North Northamptonshire Core Spatial Strategy.

15. There shall be no development on site other than in accordance with the Energy Statement report dated 4th November 2009 submitted with the application. The development shall make provision for 10% of the total demand for energy through on-site and renewably and/or from a decentralised renewable or low-carbon energy supply as detailed with the approved Energy Statement and this shall be retained thereafter.

REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 b) of the North Northamptonshire Core Spatial Strategy.

16. Prior to the commencement of development a scheme detailing the security standards to be incorporated within all openings associated with the development shall have been submitted to and approved in writing by the local planning authority. The submitted details shall accord with the recommendations of Secured By Design and be implemented in accordance with the approved details.

REASON: In the interests of the security and quality of life for future occupiers in accordance with Policy 13 b) of the North Northamptonshire Core Spatial Strategy.

17. There shall be no development on site other than in accordance with the Bat mitigation Strategy (ref RTMME - 108994 - 04) and the Reptile Mitigation Strategy (ref RTMME - 108994 - 05) as produced by Middlemarch Environmental Ltd dated January 2011.

REASON: In order to ensure that these species are protected in accordance with PPS9 and Policy 13 o) of the North Northamptonshire Core Spatial Strategy.

18. The development shall not be carried other than in accordance with the following documents including the mitigation measures and recommendations set out within these:

- i. Thurston Drive Otter Survey January 2011
- ii Thurston Drive Initial Badger Survey January 2011
- iii Thurston Drive Great Crested Newt Habitat Suitability Index Assessment January 2011.

REASON: In the interests of improving and conserving the ecological and biodiversity interest and value of the site in accordance with PPS 9, Policy 2 and 29 of the East Midlands Regional Plan and Policy 5 and 13 (o) of the Core Spatial Strategy for North Northamptonshire.

19. The development shall not be carried out other than in accordance with the details contained within the revised noise impact assessment dated 11th January 2011 (report no: AAL/BS10100).

REASON: In the interests of residential amenity in accordance with PPG24 and Policy 13 l) of the North Northamptonshire Core Spatial Strategy.

20. Prior to the commencement of development, a scheme for a noise assessment to assess the implementation and effectiveness of the acoustic mitigation measures required as part of this development and set out in report no: AAL/BS10100 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the person(s), who must suitably competent, who shall carry out and complete this noise assessment and a methodology for carrying out the noise assessment.

REASON: In the interests of residential amenity in accordance with PPG24 and Policy 13 l) of the North Northamptonshire Core Spatial Strategy.

21. Prior to first occupation of any dwelling hereby approved, a noise assessment shall be undertaken in accordance with the scheme approved pursuant to condition 2. The assessment shall be carried out by a person(s) agreed by the Local Planning Authority to be suitably competent (in accordance with the approved scheme pursuant to condition 2) and shall demonstrate that noise levels within habitable rooms do not exceed the good standard for residential accommodation as defined in BS8233:1999 or any revision thereof, and noise levels within external garden areas do not exceed the levels specified within BS8233:1999 of any revision thereof.

REASON: In the interests of residential amenity in accordance with PPG24 and Policy 13 l) of the North Northamptonshire Core Spatial Strategy.

22. Prior to the commencement of development, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the local planning authority. The development shall only be undertaken in accordance with the approved details and they shall be retained thereafter.

REASON: In the interest of fire safety in accordance with policy 6 of the North Northamptonshire Core Spatial Strategy.

23. Prior to the commencement of development, full details of secure cycle storage facilities including their design, materials, location, exact dimensions and openings shall be submitted to and approved in writing by the local planning authority. The cycle stores shall be provided in accordance with the approved details prior to the first occupation of the development and shall be permanently retained in that form for the purposes of storing cycles only.

REASON: To promote a modal shift in the transport user hierarchy in accordance with PPG13, Policy 46 of the East Midlands Regional Plan and Policy 13 e) of the North Northamptonshire Core Spatial Strategy.

24. The development shall not be carried out other than in accordance with the approved Flood Risk Assessment (Report ref: L4504/FRA01 Revision B).

REASON: In order to prevent flooding in accordance with PPS25 and Policy 13 q) of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- NONE

### **Justification for Granting Planning Permission**

The proposal is in accordance with national and local policies as set out in Planning Policy Statements/Guidance PPS1, PPS3, PPS9, PPG13, PPS23, PPG24, PPG25 Policies 1, 2, 3, 14, 35, 38, 39, 45, 46 and 48 of The East Midlands Regional Plan, Policies 1, 5, 6, 7, 9, 10, 13, 14 and 15 of the North Northamptonshire Core Spatial Strategy. The proposal is also in accordance with adopted Supplementary Planning Document on Open Space. There are no material considerations that indicate against the proposal.

## **Officers Report**

### **3.0 Information**

#### **Relevant Planning History**

No relevant history.

#### **Site Description**

This application site is situated to the south of Kettering, north east of the A14. The land is located at the end of Thurston Drive, a route which serves Kettering Conference Centre and a large, modern residential area. The application site is a parcel of unused land which is currently fenced off from Thurston Drive. The Midland Mainline railway line directly borders the site to the north east, existing housing is situated to the north west and Slade brook runs along the southern edge of the site. Sir Robert McAlpine Group occupies land to the south of the application site.

#### **Proposed Development**

This proposal is for the development of 43 affordable dwellings. It will comprise 2, 3 and 4 bed units consisting of two storey housing, two storey flats and also a bungalow. The application includes the provision of on site open space in the form of a Local Area of Play (LAP), in addition to access and associated infrastructure.

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

Flood Zone 2

Mineral Consultation Area

Anglian Water Easement

6 metre noise buffer due to the proximity to the railway

### **4.0 Consultation and Customer Impact**

#### **Highway Authority**

Response received 28<sup>th</sup> January 2011. It is accepted that the junctions assessed in the agreed Transport Assessment could adequately manage the traffic generated by the proposed development. No objection in principle to this application subject to a legal agreement to a Pooled Development Contribution to highways improvements of £132,805.50. This figure is reduced from the full amount of £160,863.00 because 65% of the proposed dwellings would be retained as social housing. The application site is not affected by a Public Right of Way.

#### **Northamptonshire County Council – Minerals and Waste**

Response received 13<sup>th</sup> December 2010. Policy CS7 of the Minerals and Waste Development Framework (MWDF) states that new development should seek to utilise the efficient use of resources in both the construction phase and its operation. Policy CS8 encourages the integration of waste management facilities in areas of significant new development. The accompanying SPD also requires developers to prepare a waste audit which should accompany the application. All forms of development should also prepare and submit a Waste Management Facilities Strategy.

### **Northamptonshire County Council – Archaeology**

Response received 21<sup>st</sup> December 2010. In light of the background nature of the archaeological evidence, on this occasion an archaeological condition for a programme of works will be acceptable.

### **Northamptonshire County Council – Principal Projects**

Response received 15<sup>th</sup> December 2010. Reduced contributions are being sought in this instance taking into account the affordable nature of the development.

#### Library contribution

Two bedroom unit - £150 x 30 units = £4,650.00

Three bedroom unit - £229 x 11 units = £2,519.00

Four bedroom unit - £290 x 2 units = £580.00

As the development is for an affordable scheme the total contribution will be a third of the original value.

Total Library contribution = £7,749.00 / 3 = **£2,583.00**

#### Fire and Rescue

£92 per household - £92 x 43 = **£3,956.00**

#### Education

This development is served by Bishop Stopford School and Greenfields Primary School. The primary school has a surplus of 90 spaces and as such a primary contribution will not be required. Bishop Stopford School as of September 2010 was 58 pupils over capacity. It is therefore necessary to request a Secondary School contribution in order to expand the school.

Two bedroom unit - £588 x 30 units = £17,640.00

Three bedroom unit - £2,757 x 11 units = £30,327.00

Four bedroom unit - £5,010 x 2 units = £10,020.00

A discount is offered taking into account that the units will be affordable.

Total Education contribution = £57,987.00 / 3 = **£19,329.00**

### **Primary Care Trust**

Response received 20<sup>th</sup> December 2010. The PCT does not usually seek a contribution for affordable housing as such housing is primarily intended for existing local residents for whom the PCT already provides health services.

### **Highways Agency**

Response received 13<sup>th</sup> December 2010. No objection.

### **Anglian Water**

Response received 14<sup>th</sup> December 2010. No objection. Recommendation of a surface water drainage strategy condition.

### **Wildlife Trust**

Response received 24<sup>th</sup> January 2010. We recommend that this application cannot be determined until such a time as the additional biodiversity/GI information and its assessment /evaluation is made available.

No further response provided at the time of writing the report.



### **Environment Agency**

Response received 22<sup>nd</sup> December 2010. In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on the basis that the FRA does not comply with requirements set out within Annex E of PPS25.

Response received 28<sup>th</sup> January 2011. The revised Flood Risk Assessment has now been undertaken in line with the requirements set out in annex E of PPS25. We remove our objection and request a surface water drainage condition to be attached to the planning decision if approved.

### **Natural England**

Response received 6<sup>th</sup> January 2011. Objection. Inadequate information provided to show whether or not the development would have an adverse effect on species protected by the law. Our concerns relate to bats, badgers, great crested newts, reptiles and otter.

Response received 10<sup>th</sup> January 2011. A precautionary mitigation and method statement could be secured by way of a planning condition to include checks for species prior to commencement of development. If species are found on site, a suitable translocation exercise should form part of the mitigation solutions within the condition requirements. Further survey work requested.

Response received 31<sup>st</sup> January 2011. No objection now the survey work has been carried out. Subject to the imposition of conditions relating to bats, badgers, otters, reptiles, great crested newt.

### **Kettering Borough Council Environmental Health**

Response received 28<sup>th</sup> January 2011. The submitted noise report concludes that the noise environment of the site falls within NEC (Noise Exposure Category) B, as defined by PPG24. The noise insulation and mitigation measures are considered to be satisfactory and as such noise conditions are recommended if the application is approved. With respect to contaminated land, the standard contaminated land investigation condition is also recommended for this application.

### **Neighbours**

Nine objection letters have been received from local residents which raise the following concerns:

- The location of the construction access. Will it be a permanent or temporary measure? If it is permanent the road could be used as a main route through to Tesco. This would increase traffic movements along Thurston Drive.
- Overdevelopment of the area.
- The site provides inadequate parking provision.
- New development would increase traffic movements creating further congestion along Thurston Drive.
- People who rent social housing may be on benefits and not have their own private transport. Shops and services are a long walk away.
- There is insufficient infrastructure to accommodate this development. The nearest school is over subscribed.
- There would be serious problems with access for emergency vehicles.

- The houses are too close to the railway and would suffer from structural disturbance. Existing houses along Thurston Drive already experience these problems.
- The wildlife habitat in this area should not be disturbed. It is an important natural area. This wasteland is home to a range of protected species and should be left alone. Will the hedgerows remain? They are home to a number of small birds.
- There must be other land in the town which is more suitable for housing and will be nearer to amenities instead of taking away green land.

## **5.0 Planning Policy**

### **National Policies**

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS9 – Biodiversity and Geological Conservation

PPG13 -

PPG23 – Planning and Pollution Control

PPG24 – Planning and Noise

PPS25 - Development and Flood Risk

### **Development Plan Policies**

#### **East Midlands Regional Plan**

Policy 1 – Regional Core Objectives

Policy 2 – Promoting Better Design

Policy 3 – Distribution of New Development

Policy 14 – Regional Priorities for Affordable Housing

Policy 35 – A Regional Approach to Managing Flood Risk

Policy 38 – Regional Priorities for Waste Management

Policy 39 – Regional Priorities for Energy Reduction and Efficiency

Policy 45 – Regional Approach to Traffic Growth Reduction

Policy 46 – Regional Approach to Behavioural Change

Policy 48 – Regional Car Parking Standards

Policy MKSM SRS Northamptonshire 4 – Corby, Kettering and Wellingborough

#### **North Northamptonshire Core Spatial Strategy**

Policy 1 – Strengthening the network of settlements

Policy 6 – Infrastructure Delivery and Developer Contributions

Policy 5 – Green Infrastructure

Policy 7 – Delivering Housing

Policy 9 – Distribution and Location of Development

Policy 10 – Distribution of Housing

Policy 13 – General Sustainable Development Principles

Policy 14 – Energy Efficiency and Sustainable Construction

Policy 15 – Sustainable Housing Provision

#### **SPD's**

Open Space Supplementary Planning Document

Northants County Council Development and Implementation Principles

## **6.0 Financial/Resource Implications**

Planning Obligations will be required as part of the development proposals as it is a major development. Financial contributions have been sought in respect of Open Space, Libraries, Fire and Rescue, Education and Pooled Developer Contributions towards highway improvements as detailed above.

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle
2. Design and Layout
3. Access
4. Noise
5. Contaminated land
6. Waste Management
7. Landscaping
8. Biodiversity
9. Flooding
10. Archaeology
11. Planning Obligations
12. Sustainable Construction and Energy Efficiency

### **Principle**

PPS3 states that the Government is committed to providing high quality housing for people who are unable to access or afford market housing for example vulnerable people and key workers as well as helping people make the step from social rented housing to home ownership.

This application site comprises 100% affordable housing and will provide 43 of the 71 forecast affordable housing completions for 20011/12. This will help significantly with housing delivery within Kettering in line with Policy 7 of the North Northamptonshire Core Spatial Strategy which seeks to ensure that a deliverable 5 year supply of housing sites for North Northamptonshire is maintained. It will also help meet the affordable housing targets set out within Policy 14 of the East Midlands Regional Plan, specifically for North Northamptonshire which is to provide 14,300 affordable dwellings for the period 2006-26.

The application site is situated within Kettering town. Policy 1 of the North Northamptonshire Core Spatial Strategy directs development towards the urban core, focused on the three growth towns of Corby, Kettering and Wellingborough. However, the site is not designated Brownfield land; it is a parcel of Greenfield land within the confines of Kettering town's settlement boundary. Although high priority is given to the reuse of suitable Brownfield sites within the urban areas, North Northamptonshire has a limited supply of such sites and with the substantial amounts of growth required in this area it is estimated that a significant proportion of housing will need to be built on Greenfield sites by 2021.

Policy 9 states that priority will be given to the reuse of previously developed land

and buildings within urban areas, followed by other suitable land in urban areas. Although a Greenfield site, this parcel of land is surrounded by development of one form or another including housing, commercial development and the railway line. Given that the application provides for much needed affordable housing for the local area, it seems the site is suitable and broadly accords with Development Plan policies.

### **Design and Layout**

The application site has a number of constraints both within it and surrounding it which has determined the basic overall layout of the proposed development. The main constraint within the development is the Anglian Water Easement which runs through the centre of the site. Easements have to be kept clear of permanent buildings. As such, the access into the site is a continuation of Thurston Drive which has been located in line with the easement in order to make the most efficient use of land.

Another constraint which has affected the layout of the development is the railway located to the north of the site. Due to the proximity of the railway, the northern boundary of the site has to include a 6 metre buffer zone which means that no development can be built within 6 metres of the railway boundary. This has resulted in constrained development opportunities to this part of the site. As such the majority of the proposed housing is located within the southern half of the red line plan.

Slade Brook is situated to the south of the site and part of the land to which this application relates lies within Flood Zone 2. Potential flooding issues will be dealt with in more detail later on in the report.

The proposal includes a large proportion of family housing, much of which fronts onto the proposed access to create the street scene. All properties are two storeys in height except for the proposed bungalow which is situated off the main access along a private drive in the south eastern corner of the development. A good amount of parking provision has been allocated to this development with at least one car parking space per property. There are also 4 visitor spaces situated to the eastern side of the development. Although the scheme includes some parking provision to the rear of the properties, it is not a typical rear courtyard arrangement. Some properties are also located within these areas and as such it appears more as a private drive arrangement than an area purely for parking purposes which will assist with active surveillance and better use of these areas. A number of the dwellings on site have dedicated parking spaces in front of or adjacent to the properties and the proposed bungalow benefits from an attached garage.

The proposed development also includes the provision of a Local Area of Play (LAP) which is located on entrance to the development site. It is therefore in a prominent position and in close proximity to a number of properties, five of which look directly onto the play area.

Gardens are provided to all dwellings, the majority of which are good sizes. However the proposed apartments (Plots 37-38, 39-40 and 42-43) have small gardens which have to be shared by two flats. This is not an ideal situation but it is

noted that other flats within the Kettering area do not offer private amenity space. For this development garden space is provided albeit is both small and shared. It is considered that with the provision of a Children's play area on site, this space will help to offset the omission of larger/individual gardens for the apartments in this instance.

### **Access**

In accordance with PPG13 a Transport Assessment was submitted as part of this planning application. The local highway authority accepts that the junctions assessed within the TA can adequately manage the traffic generated by the proposed development and as such raises no objection to the proposal. However, this is subject to the requirement of a pooled developer contribution towards highway improvements of £132,805.50. This figure is reduced from the full amount of £160,863.00 because the application comprises affordable housing.

A temporary access is proposed as part of this application for construction traffic purposes. It is included as part of the proposal in order to help alleviate traffic along Thurston Drive. It is not a permanent feature and if this application is approved a condition is included to ensure that this temporary access is closed before the occupation of the dwellings on site.

In terms of access considerations it is recommended by the local highway authority and fire and rescue services that a fire hydrant is designed into the scheme. This is included as a condition as per the advice received from the Fire and Rescue services.

With respect to parking, as discussed in the previous section, revisions have been made to the layout of the development in order to make the scheme more acceptable in design terms. The parking provision has been reduced in order for the development to appear less highway dominated. A number of local resident objections have been received with respect to traffic and parking concerns. Notwithstanding this, the local highway authority has not objected to the development and in terms of parking provision every property on site has at least one car parking space and the majority are in sight of or in close proximity to the property to which they are assigned. The development will also provide dedicated on street visitor spaces. Overall, it is considered that this development is acceptable in highway terms and accords with the provisions of the Development Plan.

### **Noise**

The application site is located on land in close proximity to the A14 and a large storage depot for construction plant and equipment. It also abuts the Midland Mainline Railway which is a significant source of noise. PPG24 states that noise sensitive development should not normally be permitted in areas subject to unacceptably high levels of noise. In assessing planning applications regard must be given to planning guidance contained within PPG24 – Planning and Noise. This document provides for a system of noise exposure categories (NECs) which range between A-D. They help local planning authorities to consider applications for residential development near transport related sources.

Noise Exposure Category A – Noise unlikely to be a determining factor  
Noise Exposure Category B – Noise should be taken into account when determining planning applications  
Noise Exposure Category C – Planning permission should not normally be granted unless conditions can overcome the issues  
Noise Exposure Category D – Planning permission should be refused

The noise report submitted with the application concludes that this site falls within NEC B as defined in PPG24. The report includes significant information regarding the requirements for acoustic mitigation measures to ensure the development satisfies the good standard of BS88233:1999 for residential accommodation. It is considered that satisfactory noise insulation and mitigation measures can be included within the development. Conditions are therefore recommended to ensure these measures are implemented if the application is approved in accordance with PPG24 and Policy 13 of the North Northamptonshire Core Spatial Strategy.

### **Contaminated Land**

Due to the underlying geology present across the county which commonly presents high levels of naturally occurring arsenic, chromium and vanadium and the sensitive end use being proposed i.e. housing, a condition needs to be attached to the decision if approved requiring a contamination investigation followed by any necessary remediation measures in accordance with PPS23.

### **Waste Management**

In accordance with Northamptonshire County Council's Development and Implementation Principles SPD and Policy 14 of the Core Spatial Strategy all development proposals should demonstrate that there is provision for waste minimisation including the provision of waste facilities. Sustainable waste management is essential in the move towards sustainable communities. It is accepted that the scale of development is relative to waste production implications. This is a major development as it involves the construction of more than 10 dwellings. The SPD requires developers to prepare and submit a Waste Audit and a Waste Management Facilities Strategy. It is considered in this instance that although a site waste management plan has been submitted as part of the application details, further information is required. Therefore a condition is recommended to ensure these matters are resolved prior to the commencement of any development on site.

### **Landscaping**

As part of the planning application submission, details of the proposed landscaping on site in addition to a tree survey were included. The tree report states that there are no trees of note within the development site. There are also few tree numbers and these consist primarily of immature Hawthorns, Oak, Crack Willow and Goat Willow. The submitted landscaping plan shows an overall net increase in vegetative cover and the proposed shrub and tree species to be used within the development are acceptable particularly the use of the relatively rare *Sorbus torminalis*. Given the detailed nature of the landscaping plan it is recommended that proposed landscaping on site can be conditioned in accordance with these submitted details and is in accordance with the requirements of Policy 13 of the North Northamptonshire Core Spatial Strategy.

## **Biodiversity**

In accordance with PPS9 – Biodiversity and Geological Conservation, local planning authorities should take measures to protect the habitats of protected species from decline and ensure species are protected from the adverse effects of proposed development. Developments should also maximise opportunities for building in beneficial biodiversity features as part of good design. East Midlands Regional Plan (EMRP) Policy 29 supports a step change increase in the level of the region's biodiversity. Policy 13 (o) of the CSS also supports this approach to conserve and enhance. Green Infrastructure (GI) is also a key requirement of building sustainable communities and delivering the growth agenda. New development should demonstrate a specific contribution towards producing a net gain in GI. The role of GI is underpinned by all levels of planning policy including EMRP Policy 28, MKSM Sub-Regional Strategy Strategic Policy 3 and CSS Policies 5 and 13 (o).

The application was originally accompanied by an Extended Phase 1 Habitat Survey. Both Natural England and Northamptonshire Wildlife Trust requested further survey work to be carried out as the findings of the Habitat Survey revealed that more information was recommended in respect of badgers, bats, great crested newts, otters and reptiles.

Further survey work was submitted to the Council on 27<sup>th</sup> January 2011. Natural England is now satisfied that the development would be unlikely to adversely impact upon species particularly those protected by law. Subject to the inclusion of conditions to protect those species mentioned within the submitted work it is considered that this proposal accords with Development Plan Policy mentioned above and is therefore acceptable in terms of biodiversity considerations.

## **Flooding**

In determining planning applications, local planning authorities must ensure that developments are supported by site specific flood risk assessments (FRAs) where appropriate. PPS25 – Development and Flood Risk states that undeveloped sites such as this generally rely on natural drainage to convey or absorb rainfall. The effect of development is to reduce the permeability of at least part of the site. The effective disposal of surface water from development is a material planning consideration in determining proposals. The application site lies within Flood Zone 2 as defined by PPS25 and as such has a medium probability of flooding. The proposed scale of development may present risks of flooding if surface water run off is not effectively managed.

The original FRA as submitted was not compliant with Annex E of PPS25 which sets out general principles that need to be considered as part of a robust Flood Risk Assessment. A revised FRA was therefore submitted to the Council in January 2011. It has been assessed by the Environment Agency and found to be in accordance with requirements of PPS25. They recommend a condition securing a surface water drainage strategy be added to the planning decision if approved. The development is therefore considered to be acceptable when assessed against flood risk and PPS25.

## **Archaeology**

As mentioned previously, the application site is situated to the south west of Kettering between the railway line and the A14. The Extensive Urban Survey indicates possible elements of the medieval road system running through the site. The site also lies in an area identified as part of the Saxon settlement of Cytringan. The potential for remains of archaeological interest is therefore possible. It is accepted that the proposed development will have a detrimental impact upon any archaeological deposits present. This does not however present an overriding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. In accordance with PPS5, a condition is recommended if the planning application is approved for an archaeological programme of works.

## **Planning Obligations**

This is a major application for 43 dwellings within Kettering. Where the need for infrastructure arises from the development, the developer has an important role to play in funding and delivery. Financial contributions are required to offset the impacts the development will have upon the wider area and local services and facilities in accordance with Policy 6 of the CSS. Planning obligations therefore allow for necessary improvements to be made to key facilities. As this application is for the provision of 100% affordable housing, the total contributions being sought are significantly lower than those which would be required for market housing. Again, due to the affordable nature of the site, the Primary Care Trust is not seeking financial contributions for this development. In this instance, the following contributions have been sought and negotiated:

Fire and Rescue - £3,956.00

Libraries - £2,583.00

Education - £19,329.00

Open Space - £43,014.00

Highway Improvements - £132,805.50

In addition to the financial contribution for open space, the developer is also providing a Local Area of Play (LAP) on site. This has been agreed with the Council to be an acceptable form of on site open space provision. Originally, a Locally Equipped Area of Play (LEAP) was required by Community Services. A LEAP is a larger and better equipped children's play area in comparison to a LAP. However, as the site provides for 100% affordable dwellings and is limited in terms of development due to the number of constraints on site, the provision of an on site LEAP would have made the scheme unviable. In this instance it was agreed through negotiation that an enhanced LAP would be an acceptable compromise for this site.

## **Sustainable Construction and Energy Efficiency**

Policy 14 of the North Northamptonshire Core Spatial Strategy requires development to meet the highest viable standards of resource and energy efficiency and reduce carbon emissions. Specifically for residential developments involving 10 or more dwellings at least 10% of the demand for energy will be met from a renewable source.

The energy statement submitted with this application states that all units on the development will achieve Code Level 3 for sustainable homes and part L 2010 of the



Building Regulation Standards. Level 3 of the Code requires that all dwellings must separately demonstrate a 25% reduction in Carbon Dioxide emissions.

For this development a number of renewable energy options were considered. The outcome of these considerations as detailed within the submitted energy statement concludes that the use of solar thermal panels is the favourable option on this site. Solar thermal panels provide good reductions in Carbon Dioxide levels and are relatively cheaper when compared with other viable technologies. The submitted energy statement confirms that these panels will enable the 10% on site renewable energy target to be met. As such it is considered that the application is acceptable when assessed against the requirements of Policy 14. A condition is recommended which requires a 10% energy reduction in line with the submitted energy statement if the application is approved.

### **Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. Taking all the above matters (detailed above) into account the proposal accords with Development Plan policies and subject to a number of conditions and Planning Obligations this application is recommended to Members for approval.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

#### **Previous Reports/Minutes**

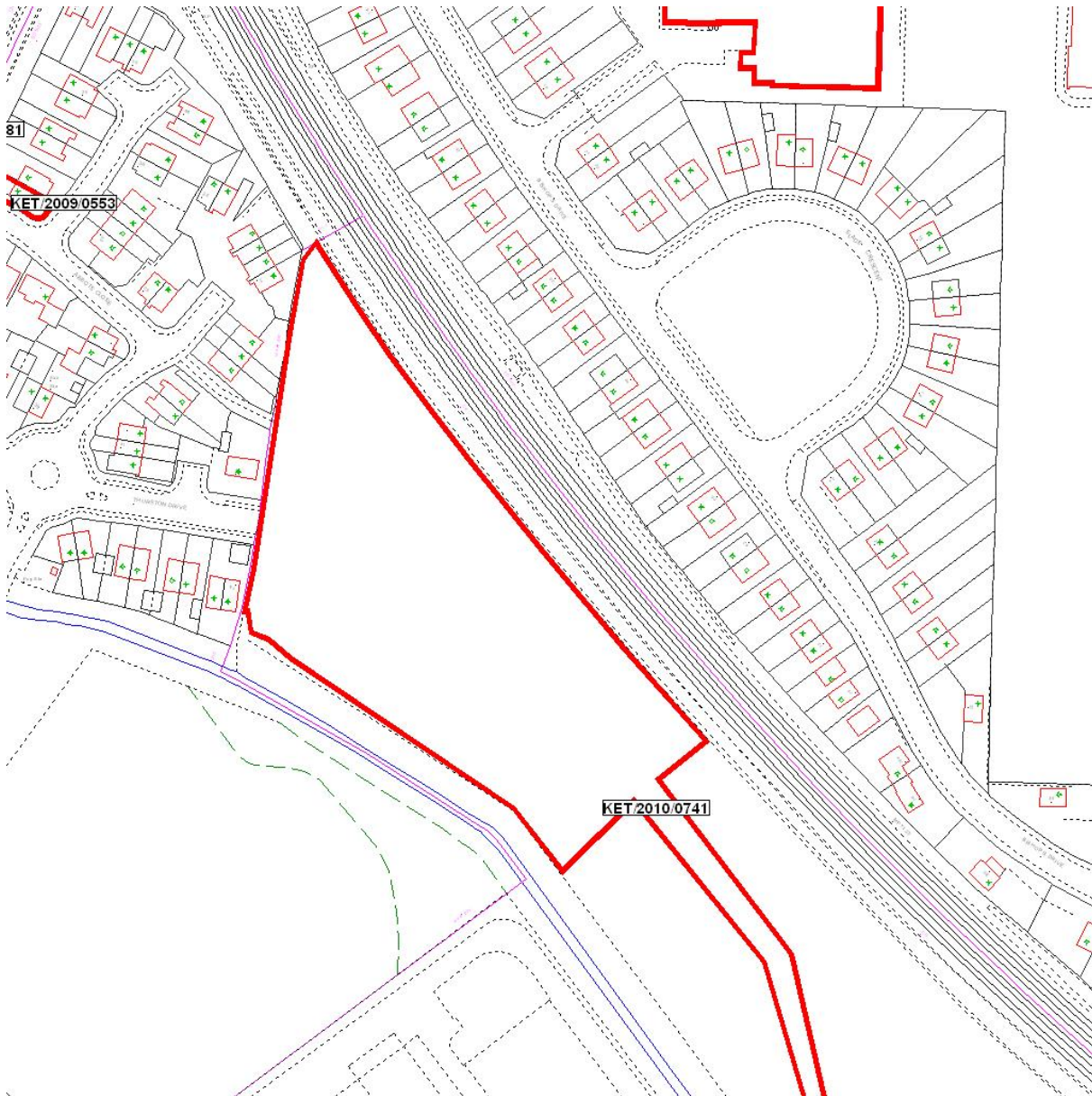
Ref:

Date:

Louise Haggan-Craig, Development Officer on 01536 534316

# SITE LOCATION PLAN

Thurston Drive (land off), Kettering  
Application No.: KET/2010/0741



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