

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 06/11/2012</b>	<b>Item No: 4.1</b>
<b>Report Originator</b>	<b>Christina Riley Senior Development Officer</b>	<b>Application No: KET/2011/0235</b>
<b>Wards Affected</b>	<b>Desborough Loatland</b>	
<b>Location</b>	<b>North Desborough (Land at), Desborough</b>	
<b>Proposal</b>	<b>Outline Application with EIA: Residential development of up to 700 dwellings including provision of a local centre, primary school, green infrastructure and creation of accesses</b>	
<b>Applicant</b>	<b>CJC Development Co. 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 Section 106 Obligation being completed on or before 6<sup>th</sup> February 2013 and subject to the following conditions, or, if not completed by that date, that the application then be determined by the Development Control Manager under delegated powers.

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced in respect of that part of the site to which the approval of reserved matters relates and the development shall not be carried out other than as approved.

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 permission.

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.

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. Prior to the first submission of any reserved matters application, a phasing

programme shall be submitted to and approved in writing by the Local Planning Authority. The phasing programme shall include:

- Phasing of the dwelling construction and predicted occupation;
- Timing of off-site highway works and all access points;
- Public Open Space and Green corridors;
- Sustainable Urban Drainage Systems (SUDS);
- Renewable/low-carbon energy infrastructure;
- School; and
- Local Centre (including recycling facilities)

The development shall not be carried out other than in accordance with the approved phasing programme.

REASON: In the interests of achieving a well designed and laid out development which provides adequate access and public space phased in such a way to be commensurate with the delivery of housing, in accordance with the Core principles and parts 6, 7 and 8 of the NPPF, policy 2 of the East Midlands Regional Plan and Policy 13 ((d), (e), (h), (k) and (n)) and 16 of the CSS for North Northamptonshire.

5. The development to which this permission relates shall accord with the Residential, School and Local Centre, Swale, Informal Open Space and Formal Open Space areas shown on the Access and Land Use RDC865\_103 Rev B (received 21 November 2011). For the avoidance of doubt the Main Boulevard, Streets, Pedestrian Access, Vehicle Access and Construction Traffic Access shown on the plan are not approved.

REASON: To define the terms of this permission and ensure sustainable development and a high standard of design in accordance with Core principles and parts 6, 7 and 8 of the NPPF, policies 1 and 2 of the East Midlands Regional Plan (2009) and Strategic Policy 3 of MKSM Sub-Regional Strategy and Policies 1, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

6. No reserved matters applications shall be submitted for the development until and unless a Design Code for the site has been submitted to and approved in writing by the Local Planning Authority. Any proposed revisions to the approved Design Code shall be submitted to and approved by the Local Planning Authority.

REASON: To ensure a high quality design in accordance with the Core principles and parts 7 and 8 of the NPPF, Policies 1 and 2 of the East Midlands Regional Plan, Strategic Policy 3 of the MKSM Sub Regional Plan and Policy 13 (h) and 16 of the CSS for North Northamptonshire.

7. The Design Code submitted to the Local Planning Authority for approval under Condition 6 shall consist of guidance and coding relating to the following matters unless otherwise agreed in writing by the Local Planning Authority:

- character areas;
- school
- local centre
- strategic landscaping and public realm strategy;
- movement network including route hierarchy,
- block typologies;
- boundary treatments;
- building heights and details;

- open spaces, landscape and SUDS;
- environmental standards;
- implementation.

The Design Code shall accord with the principles of the Access and Land Use Drawing Number RDC865\_103 Rev B (received 21 November 2011) as defined in condition 5.

REASON: To ensure a high quality design in accordance with the Core principles and parts 6, 7 and 8 of the NPPF, Policies 1 and 2 of the East Midlands Regional Plan, Strategic Policy 3 of the MKSM Sub Regional Plan and Policy 13 (h) and 16 of the CSS for North Northamptonshire.

8. Each reserved matters application shall accord with the approved Design Code (required by conditions 6 and 7) and shall be accompanied by a written statement of conformity to the Design Code which demonstrates how this is the case.

REASON: To ensure a high quality design in accordance with the Core principles and parts 6, 7 and 8 of the NPPF, Policies 1 and 2 of the East Midlands Regional Plan, Strategic Policy 3 of the MKSM Sub Regional Plan and Policy 13 (h) and 16 of the CSS for North Northamptonshire.

9. The residential development hereby permitted shall not comprise more than 700 dwellings (use class C3).

REASON: To define the permission and in the interests of the visual appearance and character of the development in its surroundings in accordance with the Core principles and parts 6, 7 and 8 of the NPPF, Policies 1 and 2 of the East Midlands Regional Plan, Strategic Policy 3 of the MKSM Sub Regional Plan and Policy 13 (h) and 16 of the CSS for North Northamptonshire.

10. The development shall not be carried out other than in accordance with the approved plans, namely those to be submitted as part of the design code and reserved matters.

REASON: To secure a satisfactory development.

11. No reserved matters application shall be submitted unless and until there has been submitted to and approved in writing by the Local Planning Authority a comprehensive traffic access and impact assessment to deal with all impacts arising from access to the development. The assessment shall include a detailed methodology for investigation, modelling, testing, and evaluation of potential alternative schemes (i.e. alternatives to the scheme submitted with the application) and shall take account of highway safety and efficiency, highway capacity (proving junctions operate within 85% of practical capacity) and all identified environmental and residential amenity impacts, together with full details of proposed measures and methods for impact mitigation. The development shall not be carried out other than in accordance with the approved measures.

REASON: In the interests of road safety, efficiency, sustainability, and amenity in accordance with Core Principles and parts 4 and 7 of the NPPF, policies 43, 45 and 46 of the East Midlands Regional Plan, MKSM Policy 3 and policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

12. Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity, highway safety, visual amenity and waste minimisation in accordance with Core principles and part 4 of the NPPF, Policy 38 of the East Midlands Regional Plan (2009), Policy 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

13. No development shall take place within a phase (as defined by the phasing programme required by condition 4) details of the existing and proposed site levels and finished floor levels for all buildings within that phase 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 details.

REASON: In the interest of visual appearance of the development, residential amenity and to ensure a high quality design in accordance with Core Principles and parts 7 and 8 of the NPPF, Policy 2 of the East Midlands Regional Plan and Policy 13 ((h) and (l)) of the CSS for North Northamptonshire.

14. No development shall take place within a phase (as defined by the phasing programme required by condition 4) until samples of the materials to be used in the construction of the external surfaces of all the buildings within the phase to which they relate have been submitted to and approved in writing by the Local Planning Authority. The development shall not take place other than in accordance with the approved details.

REASON: In the interests of the visual appearance of the development in accordance with Core Principles and parts 7 and 8 of the NPPF, Policy 2 of the East Midlands Regional Plan and Policy 13(h) of the CSS for North Northamptonshire.

15. No dwelling shall be occupied until its designated car parking spaces and in the case of flats, its covered cycle store(s) have been provided and constructed ready for use in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The cycle stores shall thereafter be retained for the storage of cycles only.

REASON: In the interests of the transport requirements of the development in accordance with PPS 1, PPG 13, Policies 2 and 45 of the East Midlands Regional Plan and Policy 13 ((d), (e), (k) and (n)) of the CSS for North Northamptonshire.

16. As part of any reserved matters application involving any non-residential buildings and/or any external plant a scheme to acoustically insulate these buildings or plant shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: To prevent an increase in background noise levels and protect residential amenity in accordance with Core Principles and part 11 of the NPPF, Policy 2 of the East Midlands Regional Plan and Policy 13 (l) of the CSS for North Northamptonshire.

17. A maximum total floorspace of 200 square metres of A1 (retail) and a

maximum total floorspace of 200 square metres of A5 (hot food take-away) shall be provided at Local Centre as shown on the Access and Land Use Drawing Number RDC865\_103 Rev B (received 21 November 2011) as defined in condition 5. The space shall be provided as detailed in the phasing plan required in Condition 4.

REASON: To provide facilities for the 700 homes in the development in accordance with in accordance with the Core principles and parts 2, 6, 7 and 8 of the NPPF, Policy 1 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policies 6, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

18. No construction of the Primary School shall take place unless and until a strategy has been submitted to and approved by the Local Planning Authority, which sets out how that school and its facilities will be made available for community use during the day, evening, weekends and school holidays. The strategy shall detail the total floorspace and facilities to be made available for community use. The development shall not be carried out other than in accordance with the approved strategy.

REASON: To provide community facilities for the development in accordance with the Core principles and part 7 of the NPPF, Policy 1 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policies 6, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

19. Prior to the submission of the Design Code (required by condition 6) and the Energy Strategy (required by condition 20) a Framework Energy Strategy shall be submitted to and approved by the Local Planning Authority. The Framework Strategy shall include (as a minimum) the proposed methodology for estimating the potential for renewable/low zero carbon energy and details of an overarching strategy for the provision of on site energy generating systems. The Energy Strategy required by condition 33 shall accord with the approved framework document.

REASON: In the interests of sustainable development and energy efficiency in accordance with PPS 1 and the supplement to PPS 1, PPS 22, Policy 2 of the East Midlands Regional Plan and Policy 14 (a) (iii) of the CSS for North Northamptonshire.

20. Prior to the submission of a Design Code for the site (required by condition 6) , an Energy Strategy, for energy supply incorporating renewables and/or from decentralised renewable or low carbon sources shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how a target of at least 30% of the demand for energy will be met on site and renewably and/or from decentralised renewable or low carbon energy supply in accordance with the approved Energy Strategy Framework. If the 30% target cannot be met a technical and economic viability assessment shall be submitted, together with the energy strategy, for the approval of the Local Planning Authority. The strategy shall include details and a timetable of the physical works on site. The strategy shall be implemented as approved and retained operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of sustainable development and energy efficiency in accordance with PPS 1 and the supplement to Core principles and part 11 of the NPPF, Policy 2 of the East Midlands Regional Plan and Policy 14 (a) (iii) of the CSS for North Northamptonshire.

21. Those dwellings completed 1 January 2013 to 31 December 2015 shall meet CSH code level 4 as a minimum and those completed 1 January 2016 onwards shall meet CSH code level 6 as a minimum (or the equivalent standard which replaces CSH and is to be the assessment in force when the residential units concerned are registered for assessment purposes).

REASON: In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with the Core Principles and parts 7 and 10 of the NPPF, Policy 2, 32 and 39 of East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton

Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

22. The design and layout of all residential units shall accord with the 'Lifetime Homes' standard (or any standard(s) which replaces the 'Lifetime Homes' standards in force when the residential units concerned are commenced). Each Reserved Matters application for residential development shall be accompanied by a written statement of conformity which demonstrates compliance with the relevant 'Lifetime Homes' standards.

REASON: To ensure dwellings within the development are capable of being adapted to meet the needs of all people in accordance with Core Principles and parts 7 of the NPPF, Policy 1 of East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 15 of the North Northamptonshire Core Spatial Strategy (2008).

23. Non-residential buildings shall achieve a minimum of Building Research Establishment Environment Assessment Method (BREEAM) level "very good" (or the equivalent standard which replaces BREEAM and is to be the assessment in force at the time when the non-residential unit or units concerned are registered for assessment purposes). In the event that the BREEAM standard achieved for the actual building falls short of the "very good" standard (or the equivalent standard which replaces BREEAM and is to be the assessment in force at the time when the non-residential unit or units concerned are registered for assessment purposes) achieved at design stage, a programme of remediation works shall be agreed in writing by the Local Planning Authority and carried out in accordance with a timetable to be agreed.

REASON: In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with Core Principles and parts 7 and 10 of the NPPF, Policies 2, 32 and 39 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

24. Reserved matters applications shall be accompanied by a Sustainability Report that demonstrates how environmental sustainability issues have been addressed during the design process and sets out the way in which the credits under the relevant BREEAM Rating and relevant Code for Sustainable Homes (CSH) level (or the equivalent standards which replace BREEAM or CSH and is to be the assessment in force at the time when the non-residential or residential units concerned are registered

for assessment purposes) will be achieved based on the actual design of the non-residential or residential units.

REASON: In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with Core Principles and parts 7 and 10 of the NPPF, Policy 2, 32 and of the 39 East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

25. Prior to the commencement of development within a phase (as defined by the phasing programme required by condition 4) a copy of the Interim Design Stage Assessment Certificate shall be provided to the Local Planning Authority to demonstrate that any residential or non-residential units to be constructed within that phase or part thereof will achieve the required CSH and BREEAM levels (pursuant to conditions 21 and 23).

REASON: In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with Core Principles and parts 7 and 10 of the NPPF, Policies 2, 32 and 39 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

26. Within six months of the completion any residential or non-residential unit(s) a copy of the Post Construction Final Certificate shall be provided to the Local Planning Authority to prove that the unit(s) have been constructed in accordance with the Sustainability Report and that the development has achieved the relevant BREEAM and CSH levels.

REASON: In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with Core Principles and parts 7 and 10 of the NPPF, Policies 2, 32 and 39 East Midlands Regional Plan (2009) Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

27. Condition relating to submission a site specific Waste Audit.

28. Condition relating to the submission of Waste Management Facilities Strategy

29. A waste management facility shall be provided at the Local Centre. This facility shall be provided in accordance with the details provided pursuant to condition 27 and 28.

REASON: To provide residents and workers of the development with waste management facilities in accordance with Core Principles of the NPPF, Policies 1, 2 and 38 of the East Midlands Regional Plan (2009) and policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008) and Policy 6 of the Northamptonshire Waste Local Plan.

30. No development shall take place unless and until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted

to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Any attenuation required should include an allowance for climate change. The scheme shall be in accordance with Drawing No. 4361-L-02 (rev B): Landscape Parameters Plan and letter from Michael Thomas Consultancy LLP dated 03 April 2012, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also:

- Demonstrate that the hierarchy of drainage has been followed;
- Include detailed surface water design drawings and supporting calculations, based on the Greenfield run-off rates and impermeable areas set out in the letter from Michael Thomas Consultancy LLP, dated 03 April 2012;
- Consider the overland flood flows. Overland floodwater should be routed away from vulnerable areas. For acceptable depths and rates of flow, please refer to Environment Agency and Defra document FD2320/TR2 "Flood Risk Assessment Guidance for New Development Phase 2".

REASON: To prevent the increased risk of flooding, both on and off site in accordance with part 10 of the National Planning Policy Framework and Policy 13(q) of the Core Strategy for North Northamptonshire.

31. No development shall take place unless and until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.

REASON: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure.

32. A management plan detailing the long-term management of the Sustainable Urban Drainage Systems (SUDS) shall be submitted to and approved by the Local Planning Authority no later than the first submission of any reserved matters application. The management plan shall include management regimes, implementation and monitoring programmes (which shall include an Ecological Clerk of Works). The plan shall be implemented as approved.

REASON: In the interests of the enhancements to biodiversity and to secure a net gain in Green Infrastructure in accordance with the Core principles and part 11 of the NPPF, Policy 2, 28 and 29 of the East Midlands Regional Plan and Policies 5 and 13 ((g) and (o)) of the CSS for North Northamptonshire.

33. No development other than that required to be carried out as part of an approved scheme of remediation shall take place unless and until points A to E below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until point D has been complied with in relation to that contamination.

A. Site Characterisation

A (i) An investigation and risk assessment, in addition to any assessment provided



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

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

A (iii) an assessment of the potential risks to:

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

A (iv) 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. 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 point A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 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 point C.

#### E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed in advance, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: 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 the Core principles and part 11 of the NPPF, Policy 1, 2 and 32 of East Midlands Regional and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

34. Prior to commencement of development shall commence on any phase (as defined by the phasing programme required by condition 4) arrangements for the ongoing management of the public realm within that development parcel (excluding areas of open space dealt with by condition 38), street furniture and any unadopted roads shall 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: To ensure a continued high quality public realm in accordance with Core Principles and parts 7 and 8 of the NPPF, Policy 1 of the East Midlands Regional Plan (2009) and policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

35. A scheme of hard and soft landscaping for each phase (as defined by the phasing programme required by condition 4) shall be submitted to and approved in writing by the Local Planning Authority no later than the first submission of any reserved matters applications relating to land within that phase. The scheme shall include planting plans, written specifications, schedules of plants, noting species, plant sizes, proposed numbers/densities and an implementation programme. The scheme shall also indicate all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of

development. All hard and soft landscaping works shall be carried out in accordance with the approved details and implementation programme. If, within a period of five years from the date of planting, any trees or plants or any replacement planting is removed, uprooted, destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective), replacement trees and plants of the same species and size as that originally planted shall be planted in the next planting season.

REASON: In the interests of the visual appearance of the development and enhancement to biodiversity in accordance with Core Principles and parts 7, 8 and 11 of the NPPF, Policy 2, 28 and 29 of the East Midlands Regional Plan and Policies 5 and 13 (h) of the CSS for North Northamptonshire.

36. No works shall take place on site including any tree felling, tree pruning demolition works, soil moving, temporary access construction/widening, or any operations involving the use of motorised vehicles or construction machinery shall take place on site unless and until a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the local planning authority. The development and all other operations shall not take place other than in accordance with the approved Method Statement. The Method Statement shall include details of the following:

a) Implementation, supervision and monitoring of the approved tree protection measures outlined in conditions 46(iii) and 47 (iii).

b) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved tree protection measures outlined in conditions 46 (iii) and 47 (iii).

c) Timing and phasing of Arboricultural works in relation to the approved development.

REASON: To ensure the continued well being of the trees in the interests of the visual appearance of the locality and the preservation of biodiversity in accordance with Core Principles and parts 7 and 11 of the NPPF, Policy 2, 28 and 29 of the East Midlands Regional Plan (2009) and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy (2008).

37. The existing hedgerows which are identified for retention within the Design Code pursuant to Condition 6 shall be retained in perpetuity and shall not be cut down, grubbed out or otherwise removed, or topped or lopped so that the height of the hedge falls below 2 metres at any point, without the written consent of the Local Planning Authority. Any hedges removed without such consent or which die or become severely damaged shall be replaced with hedging plants of such size and species as approved in writing by the local planning authority.

REASON: To ensure the continued well being of hedgerows in the interests of the visual appearance of the locality and the preservation of biodiversity in accordance with Core Principles and parts 7 and 11 of the NPPF, Policy 2, 28 and 29 of the East Midlands Regional Plan (2009) and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy (2008).

38. Prior to the occupation of each phase (as defined by the phasing programme/plan required by condition 4) a landscape management plan for the landscaping works approved under condition 23 shall be submitted to and approved by the local planning authority. Such management plans shall include long term objectives, management responsibilities and maintenance schedules for all

landscaped areas, other than domestic gardens. The development shall not be carried out other than in accordance with the approved landscape management plan.  
REASON: In the interests of the visual appearance of the development and enhancement to biodiversity in accordance with Core Principles and parts 7 and 11 of the NPPF, Policy 2, 28 and 29 of the East Midlands Regional Plan (2009) and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy (2008).

39. No works shall take place on site unless and until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority, the implementation of which should be overseen by a suitably experienced ecological clerk of works. The Ecological Management Plan shall be in accordance with the Green Infrastructure Strategy (received 14 April 2011) and the updated Species Surveys required by condition 42. The development shall not be carried out other than in accordance with the approved Ecological Management Plan.

REASON: To secure a net gain in biodiversity and enhancements to the Green Infrastructure network in accordance with Core Principles and part 11 of the NPPF, Policy 1, 2, 28, 29 and 30 of the East Midlands Regional Plan (2009) and Policies 5, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

40. An updated species survey and mitigation proposals for all species surveyed in the Environmental Statement (received April 2011) shall be submitted to and approved by the Local Planning Authority no earlier than 6 months before the start of work on that part of the site to which the survey relates. The development shall not be carried out other than in accordance with the approved mitigation.

REASON: In the interests of the enhancements to biodiversity and to secure a net gain in Green Infrastructure in accordance with the Core principles and part 11 of the NPPF, Policy 2, 28 and 29 of the East Midlands Regional Plan and Policies 5 and 13 ((g) and (o)) of the CSS for North Northamptonshire.

41. Prior to submission of the Design Code (required by condition 6) a written scheme of archaeological investigation and works shall be submitted to and approved by the Local Planning Authority. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with the written scheme. The development shall only take place in accordance with the detailed scheme of investigation approved pursuant to this condition.

REASON: In the interests of ensuring that any archaeological remains affected by the development are suitably dealt with in accordance with advice given in Core Principles and part 12 of the NPPF and Policies 27 and 28 of the East Midlands Regional Plan and MKSM: Strategic Policy 3.

Notes (if any) :-

- Noise: The scheme required by condition 16  
The scheme shall ensure that the background noise level at the boundary of the site or the nearest noise sensitive dwelling does not increase. For the avoidance of doubt calculated noise levels at the measurement point should be 10dBA below the existing background level.

## Construction Management Details

The Statement shall detail the following:

- i. Overall strategy for managing environmental impacts which arise
  - ii. Control of noise emanating from the site during the construction period;
  - iii. measures to control the emission of dust and dirt during construction;
  - iv. Hours of construction work for the development;
  - v. Location, scale and appearance of contractors' compounds, materials storage and other storage arrangements, for cranes and plant, equipment and related temporary infrastructure;
  - vi. Designation, layout and design of construction access and egress points;
  - vii. Internal site circulation routes
  - viii. Directional signage (on and off site);
  - ix. Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials;
  - x. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
  - xi. Details of measures (including wheel washing facilities) to prevent mud and other such material migrating onto the highway from construction vehicles
  - xii. Routing agreement for construction traffic
  - xiii. Enclosure of phase or development parcel and the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; and
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

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

KETTERING BOROUGH COUNCIL, having considered a valid application submitted on 27 May 2011 and associated Environmental Statement, for the above development in pursuance of their powers under the above mentioned Acts, with the following justification, that:-

The proposal accords with national policy and guidance as set out in the National Planning Policy Framework Core Principles and parts 4, 6, 7, 8, 10, 11 and 12. The proposal also accords with Policies 1, 2, 3, 11, 13b, 14, 17, 26, 27, 28, 29, 32, 35, 39, 41, 43, 44, 45, and 46 of East Midlands Regional Plan March 2009, and MKSM Sub-Regional Strategy, Strategy Policy 1, Strategic Policy 3, Northamptonshire Policy 1, Northamptonshire Policy 4, Policies 5, 6, 7, 9, 10, 13, 14, 15 and 16 of the North Northamptonshire Core Spatial Strategy and policies 35 and D2 of the Local Plan.

The issues relating to housing supply and growth, local and strategic infrastructure, design, residential and visual amenity, access and transport, flood risk, drainage, ecology and biodiversity, green infrastructure, the historic environment including archaeology, sustainable design and construction and sustainable housing provision are material considerations and, in reaching the decision to approve the proposal, have been carefully weighed against all relevant Development Plan policies, and guidance and there are no material planning considerations that outweigh this. There

are no valid grounds on which to refuse this planning application.

## **Officers Report**

### **3.0 Information**

This application was reported to Planning Committee on 31 January 2012 to advise members on progress to that date. Issues were outstanding in relation to flood risk and the S106. The flood risk issues have been resolved and discussions on the S106 are ongoing as detailed in Section 7.

#### **Relevant Planning History**

There is no relevant planning history for this site, however a number of applications for residential development have been submitted and approved on land to the south of the site resulting in the existing Grange development, with applications for industrial development to the west of the site on the Magnetic Park development. An application for a supermarket (Sainsburys) to the west of the site was refused on 27 January 2012. This decision has not been subject to an appeal.

An application for an Energy Centre with the capacity to produce Combined Heat and Power through Energy from Waste technology (including associated buildings, plant and machinery, formation of access and associated works) on land within Magnetic Park (to the west of the site) was submitted to Northamptonshire County Council on 25 May 2012. At the time of writing this report the application had not been determined and it is due to go to Committee on 20 November 2012.

#### **Site Description**

The application site is an area of 35.80 hectares to the north of Desborough. (See location plan attached). The land is adjacent to the existing residential development known as 'The Grange' on its southern boundary, with Desborough Green Space to east. It is bounded by Back Lane to the north. The western boundary of the site wraps around the 'Magnetic Park' industrial development and then follows Stoke Road (B669), finishing at its junction with Back Lane.

The site is currently in use as pastoral grassland, used occasionally for horse, cattle and sheep grazing. The north-eastern boundary of the site is planted with native species of field hedge, with associated hedgerow trees. The only buildings on site are Pantile House a derelict house and farm buildings in the north-western corner of the site.

#### **Proposed Development**

The application comprises 700 dwellings, a primary school, local centre and formal and informal open space including allotment space, natural and semi-natural green space, play areas and a sustainable urban drainage system (SUDS) to serve the development.

All aspects of the development (access, appearance, landscaping, layout and scale) are reserved for determination at a later date. The Illustrative Masterplan has been submitted to show one possible solution to how the site could be

accessed, and how dwellings, open space and other elements of the scheme could be positioned on site (the Illustrative Masterplan is attached).

The Illustrative Masterplan shows three possible vehicular accesses to the new residential development. One is to be newly created off Stoke Road and two through the existing built up area of the Grange via Ironwood Avenue and Wood Avens Way. A number of cycle tracks and pedestrian linkages are also proposed.

A full Environmental Impact Statement was submitted in support of the application and will need to be taken into account in consideration of the application. The ES is referred to at relevant places in the report.

### **Any Constraints Affecting the Site**

Public Footpaths UC006 and UC007 run across the site.

## **4.0 Consultation and Customer Impact**

### **Desborough Town Council**

Support application subject to: -

- Vehicular access onto Stoke Albany Road is essential, but a roundabout is probably desirable
- Would like to see an additional access off Back Lane
- Stoke Albany Road and Back Lane must be upgraded to 'A' status roads
- More detail on bus route/timetables need to be provided
- Negotiation with NCC and local school Heads/Governors is essential to provide an enhanced Loatland offer with 2/3 form entry
- S106 Obligation proposals are inadequate as there is no commitment to Phase 2 leisure provision or rail pedestrian/cycle link prior to the construction commencement – this is essential
- Local Combined Heat and Power energy centre welcomed.

### **Anglian Water**

Anglian Water has no objection to the proposal subject to the imposition of conditions requiring the submission of foul water strategy and surface water drainage strategy. They request that any decision includes information relating to Anglian Water assets which are close to/cross the application site.

### **Highway Authority**

#### Initial response

The vehicular accesses from the Grange to this site can be agreed as a reserved matter subject to an assessment of the approach roads and their suitability / capacity for the intended uses (vehicular and non-motorised).

A full vehicular access off Stoke Road is agreed, some off site junction works will be required to form a suitable vehicular access from Stoke Road, including i) A new junction; ii) Ghosted right turn lane; iii) Crossing facilities and iv) Cycle track provision on Stoke Road tying into the roundabout on Harborough Road.

Access from Back Lane would serve traffic from the development wishing to



travel to the east, perhaps better than the current proposals. We would still support such a link but recognise your planning considerations in that respect.

### Second Response

Majority of data in the Transport Assessment is too old to be considered relevant. The study area should be widened to include 3 other junctions i) B669 Stoke Road/ C141 Brampton Wood Lane; ii) B669 Stoke Road/C141 Back Lane and iii) B576 Harborough Road/ C141 Brampton Wood Lane. Some minor junction works may be required at these locations, to enhance highway safety.

Traffic Calming on Braybrooke Road and the B576 is welcomed.

Would like to see an extension of the existing cycle track, north into Desborough Gold Street / High Street signalised junction (approx 1km), rather than the applicants proposal to provide cycle lanes on the carriageway.

Street lighting should meet current NCC standards if the columns are to be adopted. A commuted sum is needed to underscore the ongoing costs of provision and upkeep.

New Footway on Stoke Road should extend to Brampton Wood Lane.

Suggest a clause in the s106 that if the levels of traffic from the proposal do not meet or exceed an agreed level of reduction, a sum of money is paid to the Highway Authority for traffic mitigation scheme for the junction, or further traffic calming measures in Desborough and the B576 between Desborough and Rothwell.

### **NCC – Walking and cycling**

Measures proposed in the TA would constitute a strong network for walkers and cyclists, thereby providing excellent opportunities for shifting travel away from motorised transport. Detailed plans of shared use pedestrian/cycle ways/traffic free routes, locations of planned cycle-route signage into Desborough and locations of cycle lockers in town centre and on site are requested. Ask that the proposed pedestrian bridge over the railway also be made suitable for cyclists, as existing railway crossings do not appear to have sufficient width to implement a traffic-free route.

### **Environmental Health**

The site layout showing a 125m separation between Stoke Road and residential development must be implemented in order to ensure the residential amenity of those dwellings closest to it.

No objection to the application subject to conditions relating to Contaminated Land, a Construction Management Plan and Noise and the implementation of the 125m buffer zone.

### **Environment Agency**

The Environment Agency has reviewed additional information submitted by the applicant in response their previous concerns in relation to the Flood Risk Assessment. The additional information has been considered and a result of this the Environment Agency have withdrawn their previous objections to the proposal, subject to the imposition of conditions relating to surface water drainage and provision of mains foul water drainage.

### **National Grid**

No objection to the proposed development. National Grid apparatus directly crosses the site and National Grid must be contacted again before work starts on site.

### **Natural England**

No objection

### Ecology:

The distance of the proposal from the Stowe and Bowd Lane Woods SSSI (1.2km) is such that it is unlikely this would be impacted upon by the proposal. Disturbance to Desborough Lodge Woodland and The Plens may increase and financial contributions towards the management of these sites to avoid damage/disturbance from increased numbers of people using the site may be required.

Mitigation proposed for great crested newts is considered to be appropriate.

### Green Infrastructure:

The site has good levels overall of green space, a layout that allows ready access to natural green spaces, plus links to town and countryside which will promote sustainable transportation and outdoor recreation. The Green Infrastructure Strategy (submitted with the application as part of the ES) includes the retention of the more valuable features on the site and the creation of valuable new ones. Mitigation for loss of habitat is appropriate and will result in habitats of enhanced value over and above the existing situation.

### Landscape:

The Landscape and Visual Impact Assessment identifies landscape character at a regional, county and local level. The assessment uses a range of view points and establishes the zone of interference for the proposals. Changes to the landscape are identified as a mix of positive and negative effects; however adverse effects are only slight in magnitude.

### **Northants Bat Group**

No objection. The Bat Survey results are agreed, most of the recommendations seem sound. Long-term bats boxes as mitigation are only of value if regularly maintained and checked. Interruption of commuting routes is disturbing, unsure whether the recommendations related to this will actually work.

### **Northamptonshire Wildlife Trust**

No objection. The ecological aspects of this scheme have been adequately

addressed. Previous ecological/biodiversity concerns have been taken on-board, investigated for and provided for. It is vital to ensure that the mitigation/compensation measures for the retention, protection, enhancement and future management for biodiversity and provision of GI delivery as recommended within the application are actually implemented. It is recommended that suitable conditions/S106 clauses (where appropriate) are imposed to deal with this issue.

It is also recommended that the applicant produces a fully comprehensive Ecological Management Plan for this area and its environs to ensure an on-going and sustainable high quality biodiversity and GI asset in and around the site for as long as the development is in existence.

### **North Northants Badger Group**

Object to the scheme as insufficient information relating to badgers has been provided. It is recommended that a 'bait – marking' territorial analysis to establish this is carried out before planning permission is granted.

### **Northamptonshire Police**

No objection to the proposal, but suggest conditions or informatives to reduce the likelihood of crime, disorder and anti-social behaviour are imposed. These relate to; design of parking courts, the local centre, Public Open Space (and boundary treatment) walkways/cycle routes, bin storage, drop off area for the school, Secured by Design, the need for/market for flats/apartments, traffic calming throughout the site.

S106 contributions are requested for CCTV and Automatic Number Plate Recognition to cover the local centre. The police also comment that new roads need to be adopted by the Local Highway Authority at the earliest opportunity and within a set timeframe to ensure the monitoring and enforcement of motoring offences and long term up keep of the road.

### **NCC**

Fire and Rescue: Request a contribution of £92 per household towards local fire and rescue costs, totalling £64,400. The development will require 14 fire hydrants which should be installed at the same time as the rest of the water infrastructure and prior to occupation of dwellings.

Education: Development should provide the land and part fund a 210 place primary school and a site of at least 2.2 ha to allow the building of a 2 form entry school. Would like to discuss the possibility of 2.9 hectares to allow the school to be increased to 3 form entry if necessary.

Secondary: Development should contribute towards secondary and sixth form places at a cost of £1,025 per dwelling, a total of £717,500.

Libraries: No contribution considered necessary.

Archaeology: No objection subject to a condition requiring investigation of the site prior to the submission of the Design Code.

### **Community Services**

No objection to the proposal. Requirements in relation to open space typologies, (e.g. parks and gardens, amenity green space) are detailed. S106 contributions are requested towards Phase II of Desborough Leisure Centre, a community centre, commuted sums for maintenance of open space, play areas and landscaping, Desborough Greenspace, cemeteries, Community Development Fund and a Social Development Worker.

### **Sport England**

The proposed development would generate a need for 0.09 of a swimming pool, 0.13 of a sports hall and a small contribution to a centre for indoor bowls and a synthetic turf pitch, justifying a total investment of around £622, 500 to new or improved indoor facilities.

The application indicates that the identified playing field (outdoor sports provision) generated by this development is to be provided at the new leisure centre, this raises concern as it was understood that the sports pitches at the new Leisure Centre were being provided as a replacement for those which were potentially to be lost at the old Desborough Leisure Centre, not to provide the outdoor sports facilities generated by this development.

### **PCT**

Requires a contribution of £880 per market dwelling towards commissioning and building of additional primary and secondary care provision required by the increased population as a result of the development.

### **Neighbours**

Six letters have been received, objecting to the proposal on the following grounds;

- Facilities and infrastructure within Desborough and the existing Grange development cannot accommodate the residents from this development and need to be up to standard before work starts in Phase II;
- Traffic generation;
- The three access roads will cause traffic problems;
- Development of the site is based on the Council's outdated masterplan, and thinking which does not therefore accurately portray the best interests of the town;
- Is there a need for development of this site? The existing Grange site is 2 ½ years late, with all developers finding it hard to selling dwellings;
- This area is currently used for recreation by existing residents as no other large space nearby. Development would lead to a loss of this facility;
- Where will waste and toxins from the Energy Centre go?
- Construction traffic, noise , dust and so on will have adverse impact on neighbouring properties;

- Parking issues within the existing Grange;
- Concern regarding the use of Wood Avens Way as new access/bus route
- Plans do not reflect advice given by the applicants transport expert at Public Consultation events
- Surprised that the bus route is to be increased as there is never anyone on the bus;
- Ironwood Avenue is too narrow to be used by buses, alterations would be needed which would be inconvenient for residents
- Loss of privacy in dwellings and gardens facing site;
- Loss of current outlook;
- Likely to be overshadowing and loss of light;
- Devaluation of property.
- Level of social housing is excessive and could lead to community problems in future;
- Shops are inadequate for size of development;
- Proposed school is inadequate for size of development;
- Green space is inadequate for size of development;
- Density is too tight, overdevelopment of the site

One letter writer stated that if planning permission is granted: -

- More space required between existing and proposed development – suggest swapping northern & southern gateway around;
- Local links to nearest railway station (which is Market Harborough not Desborough) should be utilised;
- Previous errors on Grange I, e.g. poor road layout, poor parking facilities and road markings (in particular on Ironwood Ave) and lack of tarmac on roads, should be resolved using the traffic co-ordinator' detailed in the transport plan;
- Car-sharing/encouraging greater use of public transport should be a joint 'Grange as a whole' exercise;
- Access onto Back Lane should be included as existing bus route through Grange is 'off-limits' in mild snow and severe frost (due to poor layout and non gritting'. Excuse that this is unsightly comes over as a cost cutting measure;
- Measures should be put in place (e.g. sturdier fence line) to ensure owners of existing boundary fences abutting development/Public Rights of Way are not targets of vandalism/graffiti. Developers/landowners should be liable for keeping these fences in good order – not existing owners;
- Lighting overlooking existing development should not be obtrusive;
- Overlooking of existing properties from new properties should not be obtrusive
- The proposed hedge and footpath between Grange I & II is moved further into proposed site to increase distance from existing dwellings.

A number of inaccuracies have been commented on: -

- Access Routes differ on plan no's RDC 865-102 (Access Plan) and

- RDC 865 – 100 (Masterplan).
- Stagecoach Public Transport Service No 19 has never used Buttercup Rd' as a route.

Two letters were received which stated that they had no objection to dwellings being built, but do object to the proposed bus route: -

- using Wood Avens Way which is not wide enough. This would: i) lead to loss of privacy - will pass directly by window; ii) result in road becoming a rat run for all 700 houses on estate endangering children and residents; iii) devalue property and; iv) route should pass around the outskirts of the estates.
- using Ironwood Avenue as an access route and bus route because: i) road is too narrow for main point of access and buses will struggle to negotiate traffic islands; ii) increased traffic make it unsafe for children to play in front garden; iii) water supply to my house would need to be relocated and supply interrupted (currently in centre of proposed access point); iv) there are other access points (e.g. Back Lane) which would allow traffic flow without adverse impacts which have been dismissed by CJC and; v) suggests bus route through Wood Avens Way, looping around school and centre and out via Stoke Albany Road.

One letter has been received by the agent for the Midlands Co-operative and Persimmon Homes, who are promoting the site known as 'Desborough Central' for consideration through the Rothwell and Desborough AAP. It argues that the consideration of this application should be deferred until the AAP has been determined by an Independent Inspector to test whether the site at Desborough North is justified and deliverable.

## **5.0 Planning Policy**

### **National Policies**

National Planning Policy Framework (NPPF) is a material planning consideration in the determination of planning applications. At the heart of the NPPF is the presumption in favour of sustainable development; which should be seen as a golden thread running through decision taking. This means that proposals that accord with Development Plan policies should be approved without delay.

Of particular reference to this application are the following parts of the NPPF : -  
Core planning principles;

Part 4: Promoting sustainable transport;

Part 6: Delivering a wide choice of high quality homes;

Part 7: Requiring good design;

Part 8: Promoting healthy communities;

Part 10: Meeting the challenge of climate change, flooding and coastal change;

Part 11: Conserving and enhancing the natural environment; and

Part 12: Conserving and enhancing the historic environment.

## **Development Plan Policies**

### East Midlands Regional Plan (EM Regional Plan) - March 2009

The East Midlands Regional Plan, along with other Regional Strategies, is intended to be revoked - but this is still subject to the outcome of an environmental assessment. The EMRP is therefore still part of the Development Plan, the weight that is to be given to the policies contained within it is for the decision maker to determine.

Policy 1: Regional Core Objectives

Policy 2: Promoting better design

Policy 3: Distribution of New Development

Policy 11: Development in the Southern Sub-area

Policy 13b: Regional Housing Provision (Northamptonshire)

Policy 14: Regional Priorities for Affordable Housing

Policy 17: Regional Priorities for Managing the Release of Land for Housing

Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage

Policy 27: Regional Priorities for the Historic Environment.

Policy 28: Regional Priorities for Environmental and Green Infrastructure

Policy 29: Regional Priorities for Enhancing the Region's Biodiversity

Policy 32: A Regional Approach to Water Resources and Water Quality

Policy 35: A Regional Approach to Managing Flood Risk

Policy 39: Regional Priorities for Energy Reduction and Efficiency

Policy 41: Regional Priorities for Culture Sport and Recreation

Policy 43: Regional Transport Objectives

Policy 44: Sub-area Transport Objectives

Policy 45: A Regional Approach to Traffic Growth Reduction

Policy 46: A Regional Approach to Behavioural Change

### Milton Keynes-South Midlands Sub-Regional Strategy (MKSM)

MKSM Strategic Policy 1: The Spatial Framework – Locations for Growth

MKSM Strategic Policy 3: Sustainable Communities

MKSM SRS Northamptonshire 1: The Spatial Framework

MKSM SRS Northamptonshire 4: Corby, Kettering and Wellingborough

### North Northamptonshire Core Spatial Strategy (CSS) – Adopted June 2008.

Policy 1: Strengthening the Network of Settlements

Policy 5: Green Infrastructure (GI)

Policy 6: Infrastructure Delivery and Developer Contributions

Policy 7: Delivering Housing

Policy 9: Distribution and Location of Development

Policy 10: Distribution of Housing

Policy 13: General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Policy 15: Sustainable Housing Provision

Policy 16: Sustainable Urban Extensions

### Saved Local Plan Policies

Policy 35: Housing within towns

D2. Desborough: Environmental Improvement

## Supplementary Planning Documents

Open Space SPD

Sustainable Design SPD

Biodiversity SPD

## Emerging Policies (Local Development Framework)

Rothwell and Desborough Area Action Plan – Submission

### **6.0 Financial/Resource Implications**

S106 Obligation

Monitoring of the Section 106 Obligation and conditions for a period of at least the lifetime of the development.

Reserved Matters applications and Design Coding process

### **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Residential Development:
2. Access, Movement & Connectivity
3. Urban Design
4. Residential Amenity (including Noise and Air Quality)
5. Community Facilities
6. Sustainable Construction & Design
7. Flood Risk and Drainage
8. Contamination
9. Green Infrastructure
10. Heritage Assets
11. Section 106 issues

#### 1. Principle of Residential Development

##### **National Planning Policy Framework**

The following parts of the NPPF are of particular relevance:

- Presumption in favour of sustainable development;
- Core planning principles;
- Part 6: Delivering a wide choice of high quality homes;

##### **East Midlands Regional Plan (EM Regional Plan) - March 2009**

Policy 3: Distribution of New Development

Policy 11: Development in the Southern Sub-area

Policy 13b: Regional Housing Provision (Northamptonshire)

Policy 14: Regional Priorities for Affordable Housing

##### **Milton Keynes-South Midlands Sub-Regional Strategy (MKSM)**

MKSM Strategic Policy 1: The Spatial Framework – Locations for Growth

MKSM Strategic Policy 3: Sustainable Communities



MKSM SRS Northamptonshire 1: The Spatial Framework

**North Northamptonshire Core Spatial Strategy (CSS) – Adopted June 2008**

Policy 1: Strengthening the Network of Settlements

Policy 7: Delivering Housing

Policy 9: Distribution and Location of Development

Policy 10: Distribution of Housing

Policy 16: Sustainable Urban Extensions

**Saved Local Plan Policies**

Policy 35: Housing within towns

**Emerging Policies (Local Development Framework)**

Rothwell and Desborough Area Action Plan – Submission Document

Part 6 of the National Planning Policy Framework (NPPF) outlines the government's commitment to provide a steady supply of housing that meets the needs of all. Paragraph 49 states that 'Housing applications should be considered in the context of the presumption in favour of sustainable development.' The NPPF requires local planning authorities to have sufficient 'deliverable sites' to provide five years of housing, measured against housing requirements. In addition to the 5 year housing land supply a further buffer of 5% is required to allow choice and competition in the housing land market.

At the present time the Council is unable to demonstrate a 5 year housing land supply and the application site is necessary to provide an assured supply of housing in the short term and longer term. If therefore, the application is considered to be 'sustainable development' i.e. it accords with the development plan, it should be approved.

Desborough lies within the Milton Keynes South Midlands (MKSM) growth area. The East Midlands Regional Plan (adopted March 2009) included North Northamptonshire as one of the focus areas for increased levels of new growth within the MKSM growth area. Smaller towns across the region such as Desborough should accommodate development that provides for the needs of the settlement maintaining character and vitality, shorten journeys and facilitate access to jobs and services (Policy 3: Distribution of Development). Policy 11 (Development in the Southern sub-area) further states that 'the roles of small towns in the Sub-area should be maintained through the retention of basic services and facilities (and) environmental improvements'.

Policy 13b (Housing Provision – Northamptonshire) states that local planning authorities should plan for 66,075 new dwellings in North Northamptonshire from 2001 to 2026. Of these 34,100 dwellings are to be provided in the three growth towns of Corby, Kettering and Wellingborough, leaving a total of 31,975 for the areas outside the three towns (Strategic Policy 1 of the MKSM Sub-Regional Strategy).

The North Northamptonshire Core Spatial Strategy identifies Desborough as a

'Smaller Town' which will provide a secondary focal point for development. (Policy 1: Strengthening the Network of Settlements) accommodating 1, 940 of the 13, 100 dwellings to be provided across Kettering Borough between 2001 and 2021. (Policy 7: Delivering Housing and 10: Distribution of Housing). At the time the CSS was adopted 407 houses had been completed in Desborough, leaving a total of 1, 533 to be built.

The requirement for an SUE in Desborough is set out in NNCSS, which identifies the need for a modest extension to the town (Policy 9: Distribution and Location of Development) although the exact location for the SUE is not identified. This follows on from Saved Policy SDA1 of the Northamptonshire County Structure Plan (March 2001) which also identifies a requirement for greenfield extensions to Desborough (and Rothwell). Policy 16: Sustainable Urban Extensions gives a range of requirements to be met by the SUE's in relation to the balance and range of housing design, and the supporting text in paragraph 4.13 states that SUE's at the smaller towns of Desborough (and Rothwell) fall within this policy.

The application site is located within the town boundary as identified in saved Policy 35 of the Local Plan. It is the preferred location for the Desborough SUE as shown in the Rothwell and Desborough Area Action Plan (AAP), which is being prepared to guide the development of Sustainable Urban Extensions (SUE's) at Rothwell and Desborough. The Plan sets out the vision and detailed policies for the SUE's including the identification of housing, employment, recreation and other land uses. Once adopted the AAP will form part of the North Northamptonshire Local Development Framework (LDF).

The purpose of the AAP is to deliver sustainable development comprising housing, employment land, open space as well as other supporting services and facilities within both Rothwell and Desborough. The Plan provides a vision, supported by objectives and policies to guide development and create sustainable self contained communities which fit well with the existing towns and surrounding area. It will also provide services and facilities which not only support the new communities but help with the regeneration of Desborough town centre.

The AAP has been the subject of significant levels of consultation over a number of years and takes into account the views of stakeholders and residents who made comments during the various rounds of consultation. The document has reached the 'Proposed Submission' stage, which means that it is ready to be submitted to the Secretary of State, as reported and agreed at 31 August 2010 meeting of the Planning Policy Committee.

As the AAP has not yet adopted it has to be given less weight in the determination of this application than those policy documents which have been. The AAP does however reflect a significant numbers of years of consultation with various groups in and around Desborough and shows the direction of planning policy for the Desborough SUE. In addition to this it is possible to give some weight to the evidence base and background documents which have fed into the AAP. The application accords with the site identified in the AAP, a site

which was assessed using a detailed appraisal process outlined within the *Urban Extension Methodology Background Paper* and the Sustainability Appraisal, as well as a full review of the deliverable sites submitted for consideration. The site was assessed alongside the need to provide a sustainable urban extension that will relate to and assimilate with, the existing built form of the town.

The request to delay consideration of this application until the Rothwell and Desborough Urban Extension AAP has been to Inspection has been considered. Paragraph 151 of the National Planning Policy Framework states Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. Paragraph 187 states that decision takers should seek to approve applications for sustainable development where possible. The Rothwell and Desborough Urban Extension AAP has been through significant consultation and review. Although the Pre-Submission document is yet to be submitted to the secretary of state for formal examination paragraph 216 of the Framework states that from the day of publication, decision takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation
- the extent to which there are unresolved objections
- the degree of consistency

Given the presumption in favour of sustainable development, the advanced stage of the Rothwell and Desborough Urban Extension AAP and the general support for the Proposed Submission draft of the Plan, it is considered that it is appropriate to give weight to this emerging plan (which identifies Desborough North as a housing allocation) subject to other material considerations and to determine this application now, rather than defer consideration until after the AAP has been to inspection.

The Joint Core Strategy is currently being reviewed to consider the period to 2031. The emerging draft for consultation August 2012 identifies a housing requirement for Desborough of 1,470 for the period 2011 to 2031. Draft Policy 10 in this document identifies Desborough as a Market Town where there will be growth in homes and jobs to support regeneration and local services, at a scale appropriate to the character and infrastructure of the town. Draft Policy 29 identifies Desborough North as strategic site. The weight that can be given to the Emerging Joint Core Strategy is limited; however it serves to confirm the general acceptability of the site in policy terms.

Comments from objectors about the need for this development in the town and the slow sale of dwellings on the existing Grange are noted. Government policy within the NPPF has a presumption in favour of sustainable development, which it is considered this site is, subject to suitable conditions and S106 Obligation. Current policy in the CSS also supports the need for development in Desborough. The slow sale of dwellings is a national issue and cannot be seen as a reason to refuse this application.

## **Conclusion**

Given the presumption in favour of sustainable development; the requirement for local authorities to maintain a 5 year housing land supply contained in the NPPF; and the general policy background and regional context of substantial growth within the CSS plan period and beyond to 2031; it is considered that there is clear cumulative weight of policy support for the proposal. The NPPF is a weightily material consideration adding further support to the principle of the development on this site of a sustainable urban extension comprising a mix of residential and community uses, plus associated infrastructure.

This is subject to the development according with specific planning policy and other material considerations as discussed in the following sections of this report.

### 2. Access, Movement & Connectivity

#### **National Planning Policy Framework**

Core planning principles

Part 4: Promoting sustainable transport;

Part 7: Requiring good design;

Part 8: Promoting healthy communities

#### **East Midlands Regional Plan (EM Regional Plan) - March 2009**

Policy 1: Regional Core Objectives

Policy 2: Promoting better design

Policy 43: Regional Transport Objectives

Policy 44: Sub-area Transport Objectives

Policy 45: A Regional Approach to Traffic Growth Reduction

Policy 46: A Regional Approach to Behavioural Change

#### **Milton Keynes-South Midlands Sub-Regional Strategy (MKSM)**

MKSM Strategic Policy 3: Sustainable Communities

#### **North Northamptonshire Core Spatial Strategy (CSS) – Adopted June 2008**

Policy 6: Infrastructure Delivery and Developer Contributions

Policy 13: General Sustainable Development Principles

Policy 16: Sustainable Urban Extensions

#### **Saved Local Plan Policies**

D2. Desborough: Environmental Improvement

#### **Emerging Policies (Local Development Framework)**

Rothwell and Desborough Area Action Plan – Submission Document

#### **SPD's**

Sustainable Design SPD

Access to the site is a reserved matter; however possible access points to the development are identified within the application documents. Three vehicular accesses to the development are shown, one from Stoke Road, and two

through the existing residential development at the Grange. One of these is via Wood Avens Way and one via Ironwood Close. Pedestrian and cycle links are proposed through the development linking into surrounding residential areas and Desborough Green Space.

An indicative layout of the access from Stoke Road has been produced, this does not show a roundabout as requested by Desborough Town Council, but as these plans are indicative only it is possible that roundabout could be provided if there was a proven need. No specific details of the accesses to the site from Ironwood Avenue and Wood Avens Way have been submitted.

The Local Highway Authority and objectors have expressed concerns regarding the proposed access points from the existing Grange site. The Local Highway Authority has queried the use of Ironwood Avenue as an access point, considering that Rowan Avenue may well be better. They have also suggested that access via Wood Avens Way is restricted to a number of dwellings (with exact number unknown at this time).

The Local Highway Authority has not objected to the principle of development at this site. It accepts that access to the application site from the Grange is possible, and that solutions to any concerns could be found. It is therefore recommended that this issue could be dealt with by conditions requiring the submission of an up to date Travel Assessment and the Reserved Matters process. The suitability of the access points for vehicular traffic of all types and any impacts on neighbouring dwellings would be considered at this point.

NCC Walking and Cycling have asked for detailed plans of shared use pedestrian/cycle ways/traffic free routes, locations of planned cycle-route signage into Desborough and locations of cycle lockers in town centre and on site. This application is however, in outline form, with access to determined later, it is not possible to know exactly what routes will be used and is therefore inappropriate to ask for these details at this stage. Such details can form part of the Reserved Matters application.

Reserved Matters applications can now be subject to an Environmental Impact Assessment. This means that if the accesses to the site via the Grange are changed from those assessed in the Environmental Statement which accompanied this application a new ES could be required.

Local residents have expressed concerns regarding parking issues within the existing Grange, which they feel could be worsened by the new development; the proposed access points from the existing Grange site; and the proposed bus routes, in particular the use of Wood Avens Way as new access/bus route and that Ironwood Avenue is too narrow to be used by buses.

As the access points are a Reserved Matter it is not possible to determine at this stage the access points between the existing Grange and this site, and hence the routes within the existing Grange which will bear the greatest increase in traffic or those which will take buses. The updated Travel Assessment would need to look at the capacity of roads within the Grange to

take additional vehicles and their suitability as bus routes. It will then be possible to determine the access points and bus routes. Any reserved matters application would be subject to full consultation as normal, and local people will be able to make representations at that time which would need to be taken into account in the determination of any application.

It is noted that the plans show some confusion in relation to the construction access. It is recommended that a condition requiring the submission of a Construction Management Plan be attached to any consent. As part of the Construction Management Plan details of the construction access will need to be agreed.

Neighbours comments that the plans do not reflect what was reported by the transport expert at Public Consultation events cannot be taken into account in the determination of this application. The application has to be determined on the information submitted to the Local Planning Authority.

S106 Obligations towards a footbridge over the railway, bus routes or improvements for footpath links will be the subject of discussion over the next 3 months.

The Local Highway Authority and Town Council would like to see a vehicular access onto Back Lane. The application reflects the draft AAP for the site, which shows the northern edge of the site as a Green Infrastructure Corridor. Breaking this area of green space with a road would severely limit, if not destroy, its value as a Green Infrastructure Corridor. Green Infrastructure is discussed in greater detail below. The Local Highway Authority has no objection to the application in its current form, and do not require an access onto Back Lane. It is therefore considered that it is not possible to insist upon an access in this location or to refuse the application on these grounds. As access is reserved the option is always open for the developer to propose this at the reserved matters stage.

Objectors comments that the developer should put right what they see as errors on the existing Grange development are noted, however it is not possible as part of this application to correct what are seen as problems on existing development.

### **Conclusion**

Based on the information submitted to the Local Planning Authority and as access to the site is a reserved matter it is considered that this issue can be dealt with by the imposition of suitably worded conditions.

### **3. Urban Design**

#### **National Planning Policy Framework**

Core planning principles

Part 4: Promoting sustainable transport;

Part 7: Requiring good design;

Part 8: Promoting healthy communities;

## **East Midlands Regional Plan (EM Regional Plan) - March 2009**

Policy 1: Regional Core Objectives

Policy 2: Promoting better design

## **Milton Keynes-South Midlands Sub-Regional Strategy (MKSM)**

MKSM Strategic Policy 1: The Spatial Framework – Locations for Growth

MKSM Strategic Policy 3: Sustainable Communities

## **North Northamptonshire Core Spatial Strategy (CSS) – Adopted June 2008**

Policy 13: General Sustainable Development Principles

Policy 16: Sustainable Urban Extensions

## **Supplementary Planning Documents**

Open Space SPD

Sustainable Design SPD

Biodiversity SPD

## **Emerging Policies (Local Development Framework)**

Rothwell and Desborough AAP

In this outline application all matters, including appearance, layout and scale are reserved for subsequent approval. The applicant has produced a very detailed Illustrative Masterplan (Drawing Number RDC865\_100 Rev B) which shows one way in which the site could accommodate the number of dwellings proposed, a primary school, local centre, allotments, open space, play areas and associated infrastructure. The Access and Land Use Plan (Drawing Numbers RDC865\_103: Rev B - attached) adopts a 'broader brush' approach to the site, than shown on the Illustrative Masterplan, giving an indication of the type of development that would be acceptable on parts of the site in terms of land use, rather than showing the location of individual buildings and streets.

The Illustrative Masterplan and Access and Land Use Plan shows that the site is capable of being developed in line with urban design principles, the description of development as shown on the application form and detailed in the AAP. Further parameters plans showing Density (RDC 865\_98) and Storey heights (RDC 865\_101) have also been produced.

These plans are illustrative only, as all matters access, layout and design have been reserved for future approval. The layout of the development could therefore be subject to change from that depicted in the Illustrative Master Plan.

To ensure that the final development on site meets the above policies and accords with Urban Design principles it is considered that conditions should be attached to any consent tying the development to the broad brush 'Access and Land-Use Plan'. This reflects the approach taken on a number of other sites in the Borough (e.g. East Kettering and Polwell Lane). As access is a reserved matter it is not possible to tie the access and routes through the development as shown on the plan. Ideally a new plan will be produced, if this is not

possible a condition listing those areas of the plan which are 'fixed' will be placed on any consent. A Design Code based on this plan will also be required by condition.

Comments on the density of development on the site are acknowledged. The parameters plan 'Density' (Drawing No RDC865\_98) shows a mix of low, medium and High density across the site, with the higher density areas located closer to the school and local centre and lower density towards neighbouring development on the existing Grange and open countryside.

At an overall size of 35.8 hectares there is sufficient space within the site, even taking into account the need for a school, local centre and open space to accommodate 700 dwellings. In addition the application follows the site boundary and number of dwellings specified in the AAP, and is therefore considered to be acceptable in this respect.

### **Conclusion**

It is considered at this outline stage that the overall design concept shown in the Illustrative Masterplan and Access and Land Use Plan demonstrates that the development can be designed in such a way as to create a high quality, sustainable development. Conditions will ensure that a high quality environment is created.

### 4. Residential Amenity

#### **National Planning Policy Framework**

Core planning principles

Part 6: Delivering a wide choice of high quality homes;

Part 7: Requiring good design;

Part 8: Promoting healthy communities

#### **East Midlands Regional Plan (EM Regional Plan) - March 2009**

Policy 1: Regional Core Objectives

Policy 2: Promoting better design

#### **Milton Keynes-South Midlands Sub-Regional Strategy (MKSM)**

MKSM Strategic Policy 3: Sustainable Communities

#### **North Northamptonshire Core Spatial Strategy (CSS) – Adopted June 2008**

Policy 13: General Sustainable Development Principles

Policy 16: Sustainable Urban Extensions

#### **Saved Local Plan Policies**

Policy 35: Housing within towns

Policy 39 Housing: Affordable Housing

#### **Supplementary Planning Documents**

Sustainable Design SPD



## **Emerging Policies (Local Development Framework)**

### Rothwell and Desborough Area Action Plan – Submission Document

The submitted Masterplan whilst illustrative in form shows that the impact of the proposal on neighbouring properties in relation to loss of privacy and light can be minimised through careful design e.g. distance between existing and proposed dwellings, limiting storey heights adjacent to existing dwellings to two storeys. The Design Code process referred to in the Urban Design section of this report will give the Local Planning Authority greater control over the positioning, scale and massing of new buildings as will the detailed design stage (reserved matters applications) where these issues will be considered thoroughly in terms of how they relate to existing properties. A condition requiring levels details will also help to limit the impact of the development on neighbouring dwellings. This process will ensure that the new buildings are not overbearing and do not cause an unacceptable loss of light or privacy (overlooking).

The impact of noise and air quality has been considered and formed part of the Environmental Statement (ES) considerations, but this was based upon the Illustrative Master Plan. Should different access points be needed the impact of these new accesses in relation to noise and air quality will need to be assessed, however this could be done via the submission of an ES with the relevant Reserved Matters proposals.

A condition requiring the submission of a Construction Management Plan prior to the commencement of development will help to minimise the impacts of construction traffic, noise, dust and so on, on neighbouring properties.

Loss of outlook/view and devaluation of property are not material considerations in the determination of this application.

## **Conclusion**

It is considered that the imposition of conditions, the detailed design stages that will need to be undertaken and the Reserved Matters process will ensure that the living conditions of existing occupiers and future residents of the development will not be harmed by the proposal.

## 5. Community Facilities

### **National Planning Policy Framework**

Core planning principles

Part 7: Requiring good design;

Part 8: Promoting healthy communities;

### **East Midlands Regional Plan (EM Regional Plan) - March 2009**

Policy 1: Regional Core Objectives

Policy 2: Promoting better design

Policy 3: Distribution of New Development

Policy 11: Development in the Southern Sub-area

Policy 41: Regional Priorities for Culture Sport and Recreation

## **Milton Keynes-South Midlands Sub-Regional Strategy (MKSM)**

MKSM Strategic Policy 3: Sustainable Communities

## **North Northamptonshire Core Spatial Strategy (CSS) – Adopted June 2008**

Policy 13: General Sustainable Development Principles

Policy 16: Sustainable Urban Extensions

## **Saved Local Plan Policies**

D2. Desborough: Environmental Improvement

## **Supplementary Planning Documents**

Open Space SPD

Sustainable Design SPD

## **Emerging Policies (Local Development Framework)**

Rothwell and Desborough Area Action Plan – Submission Document

### **Open Space**

The Illustrative Masterplan shows 11.7 ha of open space, broken down into 8.5 ha of informal open space and 3.2 ha of formal open space (including 2.4ha of allotments) and 4 play areas. In addition a swale comprising 0.3 ha is also required and could, depending on the final design, add to open space within the site. There will also be formal sports provision at the school, the use of which by the community outside school hours could be conditioned.

The Open Space Supplementary Planning Document (adopted Sept 2008) requires a total of 10.03 ha of open space across the site, broken down into various typologies e.g. parks and gardens, natural and semi-natural space and amenity green space, outdoor space and allotments.

The layout of the site is a Reserved Matter however the Illustrative Masterplan and Access and Use Plan shows provision of open space in excess of that required by the Open Space SPD. The break down of the 'formal open space' and 'informal open space' into the typologies within the Open Space SPD has not been shown, but the plans illustrate there is sufficient space within the site for requirements to be met. There may need to be some flexibility (e.g. the use of the school pitches for outdoor sports) in the use of these spaces, but this is a matter that can be dealt with at the Design Code and Reserved Matters stage. It should also be remembered that the new Desborough Leisure Centre with two high quality real grass pitches (expected to be ready for use next year) is close by off Ironwood Avenue.

### **Play Areas**

The exact number and type of play areas that will be provided on site will be discussed as part of the Design Coding process and Reserved Matters applications. The Illustrative Masterplan shows that there is space within the site for play areas.

### **Primary School**

The Local Education Authority consider that the application generates the need for a 1 form entry school, however it is their policy to only build 2 form entry or greater schools. The application shows sufficient space for a 2 form entry school (2.2 Ha) and, as is usual in these circumstances, the cost of the additional land will be taken from any financial contribution towards education.

The primary school will be located close to the Local Centre to encourage dual trips, increasing the sustainability of the development. As commented in the access and movement section of this report the bus route will be discussed as part of the Reserved Matters applications but a key element will be the provision of a bus stop at the Local Centre/School.

Desborough Town Council have requested negotiation take place with NCC and local school Heads/Governors to provide an enhanced Loatland offer with 2/3 form entry. This is one of the items under discussion as part of the S106 Obligation.

### **Shops**

The application includes 200 sq m of A1 (retail) and 200 square m of A5 (hot food takeaway). This amount of retail space is small scale and intended to supply the everyday needs of residents of the development, without having an adverse impact on Desborough Town Centre. The provision of small scale retail and/or hot food takeaway will help to reduce the number of car journeys from the development for day to day needs, but will not be large enough to provide for more than these needs. As a result the development will not have an adverse impact on Desborough Town Centre. The level of retail proposed reflects the Draft AAP which states there will be a maximum of 500m<sup>2</sup> (gross internal floorspace) A1 or A5 uses on the site; in a maximum of 3 individual units. Each individual unit can have a maximum of 200m<sup>2</sup> gross internal floorspace and no more than two of the units can be in an A5 use. The amount of retail provision within the application is therefore, considered to be acceptable.

### **Affordable Housing**

Policy 15 of the CSS sets a target of 30% affordable housing on developments. The exact amount and tenure of affordable housing that will be provided on site is one of the areas subject to the S106 Obligation discussions.

Any Affordable Housing provided on site will need to be 'pepperpotted' across the site – an issue which will be covered by the Design Code and Reserved Matters applications.

## **6. Sustainable Construction & Design**

### **National Planning Policy Framework**

Core planning principles

Part 4: Promoting sustainable transport;

Part 6: Delivering a wide choice of high quality homes;

Part 7: Requiring good design;

Part 8: Promoting healthy communities;

Part 10: Meeting the challenge of climate change, flooding and coastal change;

Part 11: Conserving and enhancing the natural environment.

**East Midlands Regional Plan (EM Regional Plan) - March 2009**

Policy 1: Regional Core Objectives

Policy 2: Promoting better design

Policy 39: Regional Priorities for Energy Reduction and Efficiency

**Milton Keynes-South Midlands Sub-Regional Strategy (MKSM)**

MKSM Strategic Policy 3: Sustainable Communities

**North Northamptonshire Core Spatial Strategy (CSS) – Adopted June 2008**

Policy 13: General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Policy 15: Sustainable Housing Provision

Policy 16: Sustainable Urban Extensions

**Supplementary Planning Documents**

Sustainable Design SPD

**Emerging Policies (Local Development Framework)**

Rothwell and Desborough Area Action Plan – Submission Document

Sustainability issues can be dealt in a number of key ways. The design process and Design Coding will, by taking into account the landform, layout, building orientation, massing and landscaping ensure that the final built development scheme will reduce energy use. For example buildings should be designed and oriented to optimise passive solar gain with natural ventilation systems being preferred for all buildings. The sustainability of the development will also be enhanced by the provision of a Sustainable Urban Drainage system.

The detailed design stages will be key to achieving a sustainable development, but the use of conditions and S106 will ensure that the proposal meets current standards and keeps pace with future standards that are required whilst the development is being built out.

A variety of conditions will be imposed to ensure that the scheme meets requirements set down by the above policies. These conditions would cover issues such as the submission of an Energy Strategy, Waste Management and Facilities Strategy, Recycling facilities for residents and to ensure the relevant Code for Sustainable Homes (CSH) levels and Lifetime Homes standards are applied to new dwellings and BREEAM standards to non-residential buildings.

Improvements in energy efficiency and the design of the development will not be enough to ensure a sustainable development. More sustainable patterns of travel will also be needed, for example access to neighbouring developments and the town centre (bridge over the railway line and footpaths) and this is part of the ongoing discussions in relation to the S106 Obligation.

**Conclusion**

It is considered that the proposed development will be able to be acceptable in terms of energy efficiency and use of renewable energy subject to the use of suitable conditions and possibly the S106 Obligation.

## 7. Flood Risk and Drainage

### **National Planning Policy Framework**

Core planning principles

Part 10: Meeting the challenge of climate change, flooding and coastal change;

Part 11: Conserving and enhancing the natural environment.

### ***Development Plan Policies***

#### **East Midlands Regional Plan (EMRP) - March 2009**

EMRP Policy 32: A Regional Approach to Water Resources and Water Quality

EMRP Policy 35: A Regional Approach to Managing Flood Risk

#### **North Northamptonshire Core Spatial Strategy (CSS) – Adopted June 2008**

Policy 13: General Sustainable Development Principles

Policy 16: Sustainable Urban Extensions

### **Supplementary Planning Documents**

Sustainable Design SPD

### **Emerging Policies (Local Development Framework)**

Rothwell and Desborough Area Action Plan – Submission Document

The application site lies outside any flood zones. During the consultation process a number of questions were raised by the Environment Agency in relation to the Flood Risk Assessment. The applicant submitted additional information which has been considered by the Environmental Agency and has resulted in their objection to the application being withdrawn, subject to conditions as detailed below.

Surface water from the site will be dealt with by Sustainable Urban Drainage Systems (SUDS). SUDS aim to replicate natural drainage processes and should ensure that the rate of surface water run-off from the built up site will be no greater than the rate of surface water run-off from the un-developed site. The Environment Agency and Anglian Water have no objection to this aspect of the scheme subject to conditions being added relating to submission and agreement of details relating to a surface water drainage scheme.

Waste water from the application will feed into existing foul mains and connections to the Broadholme Sewage Treatment Works (STW) which serves Kettering, Wellingborough and parts of East Northamptonshire. Anglian Water has indicated that Broadholme has the capacity to deal with the level of waste from the development. The Environment Agency and Anglian Water have no objection to the proposal on these grounds, subject to a condition relating to the provision of mains foul water drainage being attached to any consent.

### **Conclusion**

It is considered the proposed development will be adequately served by drainage and sewage infrastructure. The application provides a Sustainable Drainage System and measures to mitigate against flooding. It is therefore, considered to be acceptable, subject to various conditions, as recommended by the Environment Agency and Anglian Water.

## 8. Contamination

### **National Policies**

Core planning principles

Part 10: Meeting the challenge of climate change, flooding and coastal change;

### **East Midlands Regional Plan (EM Regional Plan) - March 2009**

Policy 1: Regional Core Objectives

### **North Northamptonshire Core Spatial Strategy (CSS) – Adopted June 2008**

Policy 13: General Sustainable Development Principles

### **Emerging Policies (Local Development Framework)**

Rothwell and Desborough Area Action Plan – Submission Document

Information relating to Contamination is contained within the ES and includes a desk based survey and walk over of the site. Environmental Health consider that this has provided sufficient information to assess the principle of developing this site for residential development. They have no objection to the development however due to the potentially contaminative former land use and the underlying geology across Northamptonshire which commonly presents unacceptable levels of naturally occurring contaminants such as arsenic and vanadium, a full contaminated land investigation would need to be secured by condition along with any necessary remediation.

### **Conclusion**

It is considered the proposed development, subject to conditions would be able to mitigate any contamination found on the site.

## 9. Green Infrastructure

### **National Planning Policy Framework**

Core planning principles

Part 7: Requiring good design;

Part 11: Conserving and enhancing the natural environment.

### **East Midlands Regional Plan (EM Regional Plan) - March 2009**

Policy 1: Regional Core Objectives

Policy 2: Promoting better design

Policy 28: Regional Priorities for Environmental and Green Infrastructure

Policy 29: Regional Priorities for Enhancing the Region's Biodiversity

### **Milton Keynes-South Midlands Sub-Regional Strategy (MKSM)**

MKSM Strategic Policy 3: Sustainable Communities

## **North Northamptonshire Core Spatial Strategy (CSS) – Adopted June 2008**

Policy 5: Green Infrastructure (GI)

Policy 6: Infrastructure Delivery and Developer Contributions

Policy 13: General Sustainable Development Principles

Policy 16: Sustainable Urban Extensions

### **Supplementary Planning Documents**

Open Space SPD

Sustainable Design SPD

Biodiversity SPD

### **Emerging Policies (Local Development Framework)**

Rothwell and Desborough Area Action Plan – Submission Document

Green Infrastructure (GI) is network of multi-functional green spaces which help to provide a natural life support system for people and wildlife. GI is considered key in building sustainable communities, it can include recreational and sports facilities, pathways and routes, natural and historic sites, water spaces, and countryside that is accessible. Connectivity through the creation/enhancement of linkages including green corridors or cycleway/pedestrian links is an important element of GI. New developments should demonstrate a specific contribution towards producing a net gain in GI.

The ES contains a Green Infrastructure Strategy (based on the Illustrative Masterplan) which includes the retention of the more valuable features on the site (e.g. the boundary hedgerows), and the creation of valuable new ones in the areas of open space along the northern and southern boundaries of the site. The area of green space along the southern boundary of the site, running parallel with Back Lane will provide a key wildlife corridor across the development, linking Desborough Greenspace with open countryside to the North and West of the site. The condition tying the development to certain parts of the Land Use Plan will ensure this area of green space is retained in the final development.

The Illustrative Masterplan shows that the site can be designed to contain good levels of green space overall, with a layout which allows ready access to natural green spaces, plus links to town and countryside, all of which will promote sustainable transportation and outdoor recreation. Consultees consider that mitigation for loss of habitat is appropriate and will result in habitats of enhanced value over and above the existing situation, although it is stressed that S106 contributions and /or conditions will need to be imposed to ensure benefits outlined in the GI Strategy take place and are maintained in the longer term.

The North Northants Badger group have requested a bait – marking territorial analysis prior to the determination of this application. Natural England provides Standing Advice to Local Planning Authorities for Protected Species. This includes details of the optimum time for a survey to be carried out (for Badgers during spring or early autumn/winter) and lists what the survey should consist

of. Badger Surveys should look for evidence of sett entrances, badger paths, latrines, badgers hairs and evidence of badgers digging for food. The survey submitted in support of the application has looked at all of these areas. Bait – marking territorial analysis is not included in the Standing Advice and as a result it is not considered that it would be reasonable to ask for it here.

The surveys which accompanied this application are likely to be between two – three years old when development commences on site. This is considered to be old for a species survey so a condition requiring updated surveys and mitigation measures is proposed. This will ensure that the impact of the development on any wildlife can be properly assessed.

### **Conclusion**

Some open space will be lost as a result of the development, however it is considered that the environmental and ecological benefits that will be delivered through the scheme outweighs this physical loss. The GI Strategy shows that it is possible for the development to enhance and improve the quality of environmental resources and make gains in biodiversity. Conditions will be imposed to ensure that mitigation proposed will take place and long-term maintenance of GI is ensured.

10. Heritage Assets (this includes listed buildings, conservation areas and archaeological remains).

### **National Planning Policy Framework**

Core planning principles

Part 7: Requiring good design;

Part 12: Conserving and enhancing the historic environment.

### **East Midlands Regional Plan (EMRP) - March 2009**

Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage

Policy 27: Regional Priorities for the Historic Environment.

MKSM Strategic Policy 3: Sustainable Communities

### **North Northamptonshire Core Spatial Strategy (CSS) – Adopted June 2008**

Policy 13: General Sustainable Development Principles

The ES includes a Desk Based Assessment of the site shows that there is some possibility the site may have archaeological remains, but this is limited as the majority of the site was quarried in the past. The County Archaeologist has no objection to the proposal subject to the imposition of a condition requiring archaeological investigations after the application has been determined and prior to the submission of the Design Code.

The application site is over 500m from Desborough Conservation Area and the nearest listed building. It is separated from these Heritage Assets by the existing Grange residential development and the railway line which will screen views of the site from and to the Conservation Area and listed buildings. As a result it is considered that the proposal will not adversely affect the setting of the Conservation Area or the listed buildings within Desborough.



## Conclusion

It is considered that sufficient information has been submitted to assess the impact of the proposal on Heritage Assets in the area and that subject to the imposition on a condition(s) relating to archaeology, the development is acceptable in relation to this issue.

### 11. Section 106 Issues

#### **National Planning Policy Framework**

Paragraph 205

#### **North Northamptonshire Core Spatial Strategy (CSS) – Adopted June 2008**

Policy 6: Infrastructure Delivery and Developer Contributions

#### **Supplementary Planning Documents**

Open Space SPD

Biodiversity SPD

#### **Emerging Policies (Local Development Framework)**

Rothwell and Desborough Area Action Plan – Submission Document

The Community Infrastructure Levy Regulations 2010 state that Planning Obligations must be:

- 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.

Paragraph 205 of the NPPF is a material consideration which advises 'Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.'

A Section 106 Obligation is under negotiation with the applicant to ensure that the impacts of the development are appropriately mitigated. The areas to be agreed include provision of significant infrastructure as shown in the table below: -

<b>Contribution Sought</b>	<b>Amount Requested</b>	<b>Progress</b>
Affordable Housing 30% of total on site	Provided on site	Principle of affordable housing on site agreed. Exact amount and tenure to be agreed.
Phase 2 of the Leisure Centre and/or Community Centre	Approx £622, 500	To be agreed
Footbridge over Railway line	Approx £600, 000	Principle agreed, final amount to be confirmed and agreed

Primary Education - Land for school of 2.2 ha.	Land Value	Principle accepted. Final amount to be confirmed and agreed.
Contribution towards cost of building primary school	£4.05 million less the value of additional land	Principle agreed. Final amount to be confirmed and agreed.
Secondary and Sixth Form education. NCC request an additional £1, 025 per dwelling	£717, 500	Agreed
Environmental improvements to Desborough town centre	Approx £500,000	Principle agreed. Final amount to be confirmed and agreed
Fire and Rescue of £92 per dwelling	£64, 400	To be agreed
PCT - £880 per dwelling (excludes affordable housing) to commission and build additional primary and secondary care provision	£431, 000	To be agreed
Improved bus services	Approx £250,000	Principle agreed. Final amount to be confirmed and agreed
Travel Plan delivery and administration	Approx £100,000	Principle agreed. Final amount to be confirmed and agreed.
Allotments 2.4ha	Part of land value	To be agreed
LEAPs - Applicant to maintain areas in accordance with an agreed management scheme	On site maintenance	Principle is agreed, subject to detail of management scheme.
Structural Landscaping - Applicant to maintain areas in accordance with an agreed management scheme	On site maintenance	Principle is agreed, subject to detail of management scheme.
Towards work at Desborough Green Space	Approx £105, 980	To be agreed
Cemeteries	£13, 000	To be agreed
Public Art Contribution	£10, 000	To be agreed
Police	£10, 000	To be agreed
Developer to provide to KBC a quarterly monitoring report of housing completions and sales/occupation		

Sub Total excluding monitoring (5% of total)	£7, 424, 880	To be agreed
Monitoring	Approx £ 370, 000	To be agreed
Total (excluding 'in-kind contributions such as Affordable Housing, landscaping, allotment land)	£7, 794, 880	

The cost of affordable housing, structural landscaping, play areas and so on will add to the S106 contribution.

### **Conclusion**

As can be seen from the table above while some contributions are agreed in principle the final amounts in some cases are still to be calculated and agreed with the applicant. The applicant has supplied some information with regard to the financial viability of providing S106 contributions and developing the site but the information did not evidence any need to vary the level of contributions.

Further discussion around viability will be needed to explore these areas in more detail.

In order to resolve this matter and conclude the timely completion of the S106 Obligation officers recommend that the application is approved subject to completion of the S106 Obligation on or before 6 February 2013.

### **Conclusion**

The principle of development of a sustainable urban extension in Desborough is supported by Development Plan policy, in particular the Core principles and parts 4, 6, 7, 8, 10, 11 and 12 of the NPPF, policies 1, 2, 3, 11, 13b, 14, 17, 26, 27, 28, 29, 32, 35, 36, 38, 39, 41, 43, 44, 45, and 46 of the East Midlands Regional Plan and policies 1, 5, 6, 7, 9, 10, 13, 14, 15 and 16 of the North Northamptonshire Core Spatial Strategy, policies 35 and D2 of the Local Plan for Kettering Borough and the Rothwell and Desborough AAP Submission Document and supporting evidence base.

In considering the duty under S38(6) Planning and Compulsory Purchase Act 2004 assessment of the application and Environmental Statement described above has led to the recommendation set out at section 2 of the report that the application be approved subject to conditions and the S106 Obligation being completed within 3 months.