

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 04/12/2012</b>	<b>Item No: 5.5</b>
<b>Report Originator</b>	<b>Julia Baish Development Officer</b>	<b>Application No: KET/2012/0528</b>
<b>Wards Affected</b>	<b>Desborough Loatland</b>	
<b>Location</b>	<b>Harborough Road (land off), Desborough</b>	
<b>Proposal</b>	<b>Outline Application with EIA: Residential development for up to 165 dwellings, with associated access, public open space and surface water balancing</b>	
<b>Applicant</b>	<b>Ms S Adlen Hallam Land Management Ltd &amp; Bletsoes,</b>	

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

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

### **2. RECOMMENDATION**

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

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

REASON: In order to secure a satisfactory development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

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

REASON: In order to secure a satisfactory development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

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

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

4. The development hereby permitted shall be begun not later than 2 years from the date of approval of the last of the reserved matters to be approved.

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

5. The development hereby permitted shall be limited to no more than 165 dwellings to be constructed within the red line indicated on Drawing No EMS.2297\_01-1.

REASON: This is the level of development which has been tested in the Environmental Statement and to secure a satisfactory form of development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. No development shall take place on site until details of the method of construction of the means of access have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the first occupation of any of the dwellings hereby permitted.

REASON: To ensure a satisfactory means of access to the highway in accordance with policy 13 (d) of the North Northamptonshire Core Spatial Strategy.

7. Each reserved matter shall generally conform with the Access and Movement plan shown on page 50 (figure 9) of the Design and Access Statement (25.07.12) in terms of access, network and hierarchy of routes.

REASON: To secure a high standard of design and to promote healthier lifestyles and access to facilities on foot and cycle in accordance with policy 13 (h, j & k) of the North Northamptonshire Core Spatial Strategy.

8. Each reserved matter shall generally conform with the character areas shown on page 60 (Figure 14) of the Design and Access Statement (25.07.12) and the general characteristics of these areas set out on page 61 of the Design and Access Statement (25.07.12).

REASON: To ensure a high standard of design and creation of a strong sense of place in accordance with policy 13 (h & l) of the North Northamptonshire Core Spatial Strategy.

9. Each reserved matter shall generally conform with the Layout and Form diagram (Figure 10) shown on page 52 of the Design and Access Statement (25.07.12) in terms of building orientation and layout.

REASON: To seek to design out crime and create a high standard of design in accordance with policy 13 (b and h) of the North Northamptonshire Core Spatial Strategy.

10. No development shall take place on site until details of the width, alignment, gradient, sight lines and type of construction proposed for the roads, footways and accesses, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting and the method of disposing of surface water, and details of a programme for the making up of the roads and footways have been submitted to and approved in writing by the Local Planning Authority. The approved details, relevant to that phase or housing parcel, shall be fully implemented before the first occupation of any of the dwellings within that phase or parcel.

REASON: To ensure that the roads are constructed to a satisfactory standard in accordance with policy 13 (d) of the North Northamptonshire Core Spatial Strategy.

11. No development shall take place on site until details of the type of construction proposed for the upgrade to the BOAT, within the red line boundary (Drawing No

EMS.2297 01-1) is submitted to and approved in writing by the Local Planning Authority. The upgrade of the BOAT in accordance with the approved details shall be completed prior to occupation of the 50th dwelling.

REASON: To ensure the BOAT is upgraded to a standard that will facilitate modal shift in accordance with policy 13 (e) of the North Northamptonshire Core Spatial Strategy.

12. Prior to commencement of development, a Construction Method Statement to include measures to reduce impact on amenity 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 implemented for the duration of the construction works.

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 until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: To preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with policies 13 (h & l) of the North Northamptonshire Core Spatial Strategy.

14. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with policy 13 (h) of the North Northamptonshire Core Spatial Strategy.

15. There shall be provided for each dwelling either garaging and /or hardstanding for the parking of vehicles clear of the highway, and such provision shall be shown on the layout plan required by condition 2, and such provision shall be provided prior to the occupation of each dwelling. The completed parking provision for each dwelling shall be retained, as approved and kept permanently for parking purposes thereafter.

REASON: To ensure adequate vehicular parking provision within the site in accordance with policy 13 (d) of the North Northamptonshire Core Spatial Strategy.

16. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme indicating the positions, design, materials and type of screen walls and fences to be erected. The screen walls and fences shall be erected as approved before the adjacent dwellings are first occupied and shall be retained thereafter.

REASON: In the interests of the privacy of the occupiers of adjoining residential properties and in the interests of amenity in accordance with policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

17. Concurrently with the submission of any reserved matters for the site an energy strategy, including timetable of works, for the site providing a proportion of the energy supply of the site through renewable sources shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how a target of at least 10% of the demand for energy will be met on site through sustainable construction techniques and renewably and/or from decentralised renewable or low carbon energy supply. If the 10% target cannot be met a technical and economic feasibility 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.

REASON: In the interests of sustainable development and energy efficiency in accordance with NPPF, Policy 2 of the East Midlands Regional Plan and Policy 14 (b) (iv) of the CSS for North Northamptonshire.

18. No development shall take place until a full surface water drainage scheme for the site, based on the Flood Risk Assessment and Drainage Strategy (July 2012) prepared by Peter Brett Associates, has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved scheme.

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

19. No development shall commence 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 in accordance with Policy 13 (l and q) of the North Northamptonshire Core Spatial Strategy.

## 20. Contaminated Land

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

### A. Site Characterisation

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

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

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

(ii) an assessment of the potential risks to:

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

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

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

#### B. Submission of Remediation Scheme

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

#### C. Implementation of Approved Remediation Scheme

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

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

#### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment

must be undertaken in accordance with the requirements of condition a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b, which is subject to the approval in writing of the Local Planning Authority.

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

REASON: 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. Due to the underlying geology present throughout Northamptonshire at which the levels of some naturally occurring contaminants frequently exceed the levels at which the risk to human health would be considered acceptable for residential land use; it is expected that there may be unacceptable risks to future occupiers of the site without the following investigation being carried out. In accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and paragraph 120 of the NPPF.

21. A scheme to provide recycling facilities for residents shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied other than in accordance with the approved scheme.

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

22. No development shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied.

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

23. Prior to commencement of development an Arboricultural Method Statement, Tree Constraints Plan and Tree Protection Plan, in conformity with the recommendations set out in the Arboricultural Assessment (July 2012) prepared by FPCR, shall be submitted to and approved in writing by the local planning authority. Development shall not be carried out other than in accordance with the approved details.

REASON: To ensure protection of biodiversity on site in accordance with policy 13 (o) of the North Northamptonshire Core Spatial Strategy.

24. No development shall take place on site until a scheme for the protection of hedges and hedgerows to be retained on site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: To ensure the continuity of amenity afforded by existing hedges or hedgerows in accordance with policy 13 (o) of the North Northamptonshire Core Spatial Strategy.

25. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, the layout, contouring and surfacing of all open space areas. The Landscape Scheme should be in general accordance with the landscape proposals set out on pages 58 and 59 of the Design and Access Statement (25.07.12). The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development whichever is the sooner. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

26. No development shall take place on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately-owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall generally conform with the landscape proposals shown on pages 58 and 59 of the Design and Access Statement (26.07.12). The landscape management plan shall be carried out as approved.

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

27. No development shall take place until an Ecological Management Plan, which is in accordance with the recommendations and mitigation measures set out in section 5.5 of the Ecology and Nature Conservation section of the Environmental Statement and in the Great Crested Newt Survey (15.08.12) and Bat Survey (15.08.12) has been submitted 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 ecology is maintained and enhanced in accordance with section 11 of the NPPF, Regional Spatial Strategy policies 2 and 29 and policy 13 (o) of the North Northamptonshire Core Spatial Strategy.

28. No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the recording of any items of archaeological interest in accordance with policy 13 (o) of the North Northamptonshire Core Spatial Strategy and Paragraph 141 of the NPPF.

29. No dwelling shall be occupied until all the works, which form part of the scheme for protecting the proposed dwellings from noise, as set out in paragraph 5.4 of the Planning Noise Assessment (03/07/12), have been completed.

REASON: To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity in

accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

30. Prior to the commencement of the development, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the LPA and the development shall not be occupied other than in accordance with the approved scheme.

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

31. Prior to the commencement of development, a scheme detailing the security measures/ standards to be incorporated within the development with reference to the ACPO 'Secured by Design' scheme shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with these approved details.

REASON: To reduce the potential for crime in accordance with policy 13 of the Core Spatial Strategy for North Northamptonshire.

32. The measures set out in the Travel Plan, reference 10168/TP/01 (14.06.12), shall be implemented in accordance with the detail and phasing set out in the Travel Plan.

REASON: To ensure a modal shift is achieved in accordance with policy 13 (e) of the North Northamptonshire Core Spatial Strategy.

33. No development shall commence until details of a scheme for ensuring water efficiency during construction has been submitted to and approved in writing by the local planning authority. The construction of the development shall thereafter be carried out in accordance with this approved scheme.

REASON: To ensure water efficiency in accordance with policy 14 of the Core Spatial Strategy for North Northamptonshire.

Notes (if any) :-

- Anglian Water Assets

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

#### European Protected Species

The great crested newt is a European Protected Species. A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided through avoidance (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for



the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development.

Natural England's view on this application relates to this application only and does not represent confirmation that a species licence (should one be sought) will be issued. It is for the developer to decide, in conjunction with their ecological consultant, whether a species licence is needed.

## Contamination

Due to the underlying geology present throughout Northamptonshire at which the levels of some naturally occurring contaminants frequently exceed the levels at which the risk to human health would be considered acceptable for residential land use; it is expected that there may be unacceptable risks to future occupiers of the site therefore the required investigations must take naturally occurring contaminants into consideration. Further guidance on Contaminated Land investigations can be found in the Northants Contaminated Land Group Developers Guide. This document is downloadable at [http://www.kettering.gov.uk/downloads/developers\\_guide\\_may\\_04.pdf](http://www.kettering.gov.uk/downloads/developers_guide_may_04.pdf)

If you wish to discuss the requirements of the investigations further please contact Mrs Alex Gratrix, Team Leader (Environmental Protection) on (01536) 534348; or email at [contaminatedland@kettering.gov.uk](mailto:contaminatedland@kettering.gov.uk)

## Surface Water Drainage Scheme

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 subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Infiltration testing in accordance with BRE Digest 365 or CIRIA 156.
- Demonstrate that the hierarchy of drainage has been followed.
- Detailed surface water design drawings and supporting calculations.
- Consideration of 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 '.

## **Justification for Granting Planning Permission**

The principle of development 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, 26, 27, 28, 29, 31, 32, 39 and Policy MKSM SRS Northamptonshire 1 of the East Midlands Regional Plan and policies 1, 3, 4, 5, 6, 7, 9, 10, 13, 14 and 15 of the North Northamptonshire Core Spatial Strategy, and policy 35 of the Local Plan for

Kettering Borough. The proposal is also in accordance with adopted Supplementary Planning Documents 'Open Space', 'Sustainable Design' and 'Biodiversity' There are no material considerations that outweigh the policy presumption in favour of the proposal.

Assessment of the application and Environmental Statement described above has led to the recommendation that the application be approved subject to conditions and the S106 Obligation being completed within 3 months.

## Officers Report

### 3.0 Information

#### **Relevant Planning History**

KET/2009/0421 Outline application: Mixed use development comprising 210 residential units with affordable housing provision, 730 sq m of floor space for community use, landscaping and ancillary works. This application was refused on 17 November 2009. The decision was appealed however the appeal was subsequently withdrawn. The reasons for refusal for this application were:

- Conflict with the development plan
- Not required to meet housing requirements
- Insufficient information to assess archaeological potential
- Insufficient information to assess highways impact of development
- Insufficient information to demonstrate that adequate foul sewerage capacity exists

These previous reasons for refusal are addressed in the main report.

#### **Site Description**

The site is located north of Desborough adjacent to Harborough Road. The site is adjacent to the railway line which runs along the south western boundary of the site. To the south-east of the site is residential development and to the north-east of the site is industrial development. There is a Byway Open to All Traffic (BOAT) running along the north-west side of the site and beyond this is open countryside. The site is approximately 6.8 ha and is currently used for grass cultivation. There is a pond located in the eastern corner of the site and hedgerows running along the north eastern and north western edges of the site.

#### **Proposed Development**

The proposal is an outline application for residential development of 165 dwellings with associated access, public open space and surface water balancing. The application seeks outline permission for residential development on the site. Access is the only matter to be considered at this outline stage. All other matters have been reserved for later approval. An illustrative masterplan has been provided, this is indicative only and shows how the dwellings, open space and other elements of the scheme could be positioned on the site. It is recommended that conditions are attached to the permission requiring the scheme to be built in accordance with the illustrative plans showing access and movement, character areas, layout and form and landscaping to ensure that a high quality development is achieved.

One vehicular access is proposed to the site. This access is proposed to be provided from the existing roundabout on Harborough Road which is located to the north east of the site. A second pedestrian, cycle and emergency access is proposed on the south eastern corner of the development which would also provide access to Harborough Road. There is also a Byway Open to All Traffic (BOAT) which runs along the north western edge of the site which would provide access to areas south west of the development. The illustrative layout

shows a number of roads, lanes, private drives and pedestrian links which are proposed as part of the development. The illustrative layout also shows a balancing pond as part of the Sustainable Urban Drainage scheme. It also includes a central public open space and LEAP.

The proposal includes 30% of the dwellings to be affordable housing. The affordable housing includes 40% Intermediate and 60% social and / or affordable rents. The proposed access to the site is off the existing roundabout on Harborough Road.

An Environmental Statement (ES) accompanied the application. The ES includes chapters which assess transport, noise and ecology. The ES is a detailed appraisal of the proposals which considers its potential positive and negative impacts in environmental and social terms. The ES is referred to where appropriate in the main report.

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

Public Right of Way

B Road

## **4.0 Consultation and Customer Impact**

### **Desborough Town Council**

Support in principle. However:

- No sign of any bungalows (10% should be required)
- Is the Bridle Way going to be open to traffic and going to be 2 way? The Bridle Way should be re-surfaced and lit to ensure access to Loatlands School
- Bridleway – enhancement as pedestrian/ cycle way through to Braybrooke – what exactly is proposed?
- Will utility services cope with extra demands, especially water supply and sewage services
- Use of site for a new Loatlands 2/3 form entry school with playing fields is preferred replacing the 1 form entry on the Grange, which could be utilised for additional housing. The existing Loatlands site could be redeveloped for housing
- Parking courts should be removed – provide poor security from a police perspective, reduces garden size, are ignored and vehicles park on pavements
- Pedestrian link across Harborough Road to new school – will schools proposed size be adequate?
- Make site a 20mph zone
- On-plot parking supported
- Ensure layout conforms with police guidelines
- House sizes? Width of garages – is 3 metres adequate for modern cars? Bin storage – individual or collective?
- Driveways/ footpaths etc need to be porous

### **Highway Authority**

No objection. Access proposals for the main estate road and the pedestrian link

are satisfactory. The proposals for the Byway NE of the railway line are accepted in principle and these will need firming up by means of conditions as regards specification and scope.

#### **NCC Archaeology**

No objection. Recommend condition for archaeological investigation and recording.

#### **KBC Housing Strategy**

No objection. Agree with the proposal to include 30% affordable housing and the intention to provide 40% shared ownership and 60% social and/ or affordable rent.

#### **KBC Environmental Health**

No objection. Recommend conditions for contaminated land investigation and noise.

#### **KBC Community Services**

No objection.

#### **NCC Development Management**

No objection. S106 contributions sought for fire and rescue and education (see section 15)

#### Education:

165 dwellings generate a need for 50-57 Primary places and 33-36 Secondary and Sixth Form places.

Development will put pressure on roll of primary schools and a contribution is required to undertake an expansion project at one of the three primary schools. Total primary school contribution sought is **£780,670**.

Planned development will take Montsaye Community College, Rothwell over capacity in the plan period. Contributions have been calculated to take into account the planned development and the current surplus capacity. The contribution sought for secondary provision is £1,025 per dwelling. £1,025 x 165 = **£169,125**.

#### **Environment Agency**

No objection. Recommend conditions requiring for surface and foul water drainage.

#### **Northamptonshire Police**

No objection. Recommend condition to approve security standards/ measures.

#### **Natural England**

No objection. The proposed development is likely to affect great crested newt. Natural England are satisfied that the proposed mitigation would maintain the population identified in the survey report.

This proposal presents the opportunity to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting. We recommend that should the Council be minded to grant planning permission, measures to enhance the biodiversity of the site are secured from the applicant.

### **Wildlife Trust**

No objection. Support the majority of findings, conclusions and recommendations made within sections 5.5, 5 and 4 of the ES document on Ecology and Nature Conservation, Great Crested Newt Report and Bat Survey and would wish to see the mitigation measures fully implemented. Concern regarding the sites location in a GI setting and the provision of green areas to be fragmented and largely pushed to the edges of the developable area.

### **Northamptonshire Ramblers Association**

No objection. Would like the byway (UC11) on the north west side up-graded for better accessibility for horse-riders, cyclists and walkers. In its present state it is frequently used by workers in Stoke road and Magnetic Park. The upgrading would encourage more people to walk or cycle to their employment.

### **Anglian Water**

No objection.

Waste Water Treatment - The foul drainage from this development is in the catchment of Broadholme STW that at present has available capacity for these flows.

Foul Sewage Network - Development will lead to an unacceptable risk of flooding downstream and mitigation in the form of both strategic and local reinforcements will be required. The drainage strategy for the site should cover the procurement of the improvement works.

Currently, Anglian Water is working on a five stage strategic solution within the Broadholme catchment. This site will benefit from all five stages and they will need to be constructed before we can allow a localised connection. Two of the five stages are in the process of being constructed. The remaining three are at a detailed design stage. It is anticipated that all five stages will be completed before the end of 2014.

Anglian Water request a condition requiring the drainage strategy covering the issue(s) to be agreed.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable in principle; however the specific design of the discharge arrangements will need to be agreed at design stage.

### **Sport England**

No objection. Contributions to sport should be made in line with local policy.

### **NHS Northamptonshire**

No objection. Desborough Surgery is at capacity with regard to patient to GP ratio and a financial contribution towards internal reconfiguration of the existing building is sought to create additional consultation space.

### **Desborough Civic Society**

Objection:

- Towns population has risen greatly due to large amount of residential building while infrastructure and facilities have not increased or improved accordingly. In particular medical provision is stretched and will worsen with additional development.
- Proposed development will destroy existing farmland, wildlife habitats will be destroyed and yet another area of open countryside will be lost. Local memory believes there is a will-covenant to retain this field as a wildlife reserve.
- With other recent industrial developments it feels like we are being assailed from all directions with little regard paid to the opinions of residents.

### **Neighbours (4 objection letters received)**

- Infrastructure and amenities in Desborough can't support further housing
- Infrastructure should come first before housing
- Doctor's surgery is already over capacity
- New supermarket should have been allowed at Magnetic Park
- Continued expansion of the town will fundamentally alter the nature
- Already approximately 230 houses for sale in Desborough
- There are few job prospects in Desborough so there will be an increase in pollution and traffic. Public transport provision is poor
- Application is only to enhance demand for proposed Magnetic Park Energy Centre
- There is a protection order on the site that the field was given to the Desborough people
- Development is a diversion from the development plan
- Possible pollution of future residents by planned waste incinerator
- Sewage capacity is currently overloaded at times
- Traffic plan is out of date
- Development will devalue property prices further

One neighbour letter received stated:

- The BOAT (known as Straight Furlong) should be improved along the entire length through to Braybrooke Road not just within the site. This would encourage pedestrians and cyclists to access the Coop Hilltop Store and Loatlands Primary School

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Paragraph 17 – Core Planning Principles

- Policy 4 – Promoting sustainable transport
- Policy 6 – Delivering a wide choice of high quality homes
- Policy 7 – Requiring good design
- Policy 8 – Promoting healthy communities
- Policy 10 – Meeting the challenge of climate change, flooding and coastal change
- Policy 11 – Conserving and enhancing the natural environment
- Policy 12 – Conserving and enhancing the natural environment

## **Development Plan Policies**

### **East Midlands Regional Plan**

- 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 – Housing provision (Northamptonshire)
- 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 – Priorities for enhancing the Region’s biodiversity
- Policy 31 – Priorities for the management and enhancement of the Region’s landscape
- 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
- Milton Keynes South Midlands Sub-Regional Strategy
- Policy MKSM SRS Northamptonshire 1

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

- Policy 1 - Strengthening the network of settlements
- Policy 3 - Connecting the urban core
- Policy 4 - Enhancing local connections
- Policy 5 - Green Infrastructure
- Policy 6 - Infrastructure delivery and developer contributions
- Policy 7 - Delivering housing
- Policy 9 - Distribution & 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

### **Local Plan**

- Policy 35

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

- Joint Core Strategy Review
- Site Specific Proposals LDD



## **SPGs**

Open Space SPD

Sustainable Design SPD

Biodiversity SPD

## **6.0 Financial/Resource Implications**

### **Section 106's**

The development will generate a need for infrastructure provision, this will be secured through a S106 obligation as shown below:

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Design and Layout
3. Amenity
4. Housing Mix and Housing Density
5. Affordable Housing
6. Access, Movement and Connectivity
7. Energy Efficiency and Sustainable Construction
8. Noise
9. Biodiversity
10. GI and Open Space
11. Landscape
12. Heritage Assets and Archaeology
13. Flooding, Drainage and Sewage
14. Contaminated Land

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

The site is located within the town boundary of Desborough as defined on the proposals map of the Local Plan for Kettering Borough. Local Plan policy 35 states that planning permission will normally be granted for residential development within the towns, defined by the town inset boundaries, where the proposal is compatible with other policies and proposals in the plan. The site is not allocated or protected from development by any saved Local Plan policies. The site was previously protected by Local Plan policies 94 and 95 as public open space/ environmentally important open space however these policies have not been saved. The site is therefore considered as greenfield land within the town boundary. Policy 35 is considered to be consistent with the NPPF and can therefore be given full weight in decision making in accordance with paragraph 215 of the NPPF.

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 MKSM SRS Northamptonshire 1 provides more detail on the distribution of development in Northamptonshire. This policy states growth should be focused in the growth town of Kettering and beyond that development should be focused on the smaller towns of Desborough, Rothwell and Burton Latimer.

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 MKSM Sub-Regional Strategy is contained in the East Midlands Regional Plan. Policy MKSM SRS Northamptonshire 1 focuses the majority of growth in Northamptonshire at the Northampton Implementation Area and at Kettering, Corby and Wellingborough. Beyond this, growth is focused in a number of settlements of which Desborough is included and identified as a smaller town. Paragraph 4.1.8 states that within smaller towns growth will be accommodated in line with the sequential approach primarily within the existing built up area or in the form of one or more sustainable extensions at each town.

The North Northamptonshire Core Spatial Strategy (CSS) sets out the overall development strategy for North Northamptonshire and was adopted in June 2008.

Desborough is a smaller town as defined by CSS Policy 1. Policy 1 focuses development in the Growth towns with the smaller towns providing a secondary focal point for development. The emphasis should be on regeneration of town centres, through environmental improvements and mixed used developments, to deliver economic prosperity and support the self sufficiency of the network of centres. The application is for housing development of a scale which is considered appropriate for a town identified as a secondary focal point for development.

CSS policy 7 requires Development Plan Documents to make provision for 13,100 homes in Kettering Borough in the period 2001 to 2021. Policy 10 requires Development Plan Documents to make provision for the amount of housing development set out in table 5. Table 5 states that Desborough has a housing requirement of 1940 dwellings between 2001 and 2021. 1,109 of these were completed in the monitoring period 2001 to 2011. The residual requirement is therefore 831. These figures are indicative not maximum figures.

CSS Policy 9 focuses development requirements on a small number of Sustainable Urban Extensions at the growth towns. The policy states that Site Specific Development Plan Documents may identify opportunities for small scale Sustainable Urban Extensions at the smaller towns. This is the approach that Kettering Borough Council has taken to delivering growth at Desborough and the Proposed Submission Rothwell and Desborough Urban Extension Area Action Plan identifies a 700 home Urban Extension north of Desborough to meet growth requirements to 2021. The residual requirement is therefore 131 dwellings in the period to 2012.

CSS policy 9 requires development to be distributed to strengthen the network of centres as set out in policy 1 and requires new building development in the open countryside outside the Sustainable Urban Extensions to be strictly controlled. This policy gives priority to the reuse of suitable previously developed land and buildings within the urban area, followed by other suitable land in the urban area. The proposed development is on greenfield land within the town boundary and is therefore considered to be other suitable land in the urban area.

A previous application for residential development on the site was refused in 2009. The first two reasons for refusal relate to the principle of development in terms of the overall vision and policies for North Northamptonshire and the need for the development in order to demonstrate a 5 year supply of housing sites as required by PPS3. However in terms of the principle of development and the 5 year housing land supply there have been significant changes since the 2009 application was refused.

The NPPF was published on 27 March 2012 which sets out the Government's planning policies and replaces Planning Policy Statements and Planning Policy Guidance. Paragraph 47 of the NPPF maintains the requirement for local authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements but adds an additional buffer of 5% to ensure choice and competition in the market for land.

In addition to the buffer Para 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

At the time the 2009 application was refused Kettering Borough had a housing land supply of 5.5 years. The North Northamptonshire Annual Monitoring report (December, 2011) shows that Kettering Borough had a housing land supply of 4.13 years. As the Council cannot demonstrate a five-year supply of deliverable housing sites it would be difficult to refuse the application unless the development was considered unsustainable.

### **Emerging Policy**

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 identified 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.

The Site Specific Proposals Local Development Document will allocate land to meet the targets set out in the Joint Core Strategy review. An Options paper was published for public consultation on 12 March 2012. This paper identifies this site as a proposed housing option.

There have been appeal decisions in the Borough where the Inspector has found that the Council cannot demonstrate a five year housing land supply. These include:

- KET/2010/0643 – Cranford Road, Burton Latimer
- KET/2009/0643 – Land off Hawthorn Road, Burton Latimer

These appeal decisions are a material planning consideration.

## **Conclusion**

As Kettering Borough cannot demonstrate a five year housing land supply the NPPF requires development to be considered in light of the presumption in favour of sustainable development. This location is considered sustainable subject to suitable conditions and section 106 agreement. There is therefore considerable policy weight in favour of approving the application which would contribute towards achieving the Boroughs housing targets as set out in the CSS.

The proposed development is also considered to be in accordance with locational policies in the CSS. The CSS supports development in Desborough as a secondary focal point for development. Development of the site would result in the number of homes being provided in Desborough to be above the figure set out in policy 10 of the current CSS for the period to 2021. However, this number is an indicative target and would not result in an overprovision which would conflict with the overall spatial strategy. In addition to this the emerging JCS identifies a further housing requirement for the period to 2031 and development of this site would contribute towards this provision.

In light of the above the proposed development is considered to conform to the spatial strategy for the area and the principle of development is acceptable.

## **2. Design and Layout**

Policy 7 of the NPPF sets out the importance of good design and policy 2 of the East Midlands Regional Plan promotes better design. CSS policy 13 (h) states that development should be of a high standard of design, architecture and landscaping, respect and enhance the character of its surroundings and be in accordance with the environmental character of the area. EMRP policy 2 requires design which helps reduce crime and the fear of crime.

This is an application for outline planning permission and access to be approved, with all other matters reserved. However, an illustrative masterplan is included in the Design and Access Statement. The illustrative masterplan shows that the site is capable of being developed for the number of dwellings in a manner which allows for high quality design and the provision of open space within the development.

The masterplan includes key spaces which are shown on page 54 of the Design and Access Statement. These include provision of open space and a LEAP in the centre of the development, green corridors along the Harborough Road frontage and the BOAT and a balancing pond in the north western corner which will also be used as open space. The proposal also includes a number of squares and key junctions that are designed to slow traffic and provide a greater sense of place. Keynote buildings are also proposed at key locations. These key spaces, squares and buildings will help create an attractive and legible development. The detail for these will be considered through the reserved matters application.

The Design and Access Statement sets out minimum and maximum standards for building types. Buildings range from 2-2.5 storeys in height. The majority of properties are proposed to be 2 storeys with some 2.5 storey buildings throughout the site. A mix of 2 and 2.5 storeys is considered to be appropriate for the site. The height of individual buildings will be considered in detail at the reserved matters stage. Comments received have raised concern as to whether the minimum size for garages is adequate. 3m is below the minimum dimension for garages set out in the Highways Authorities Standing Advice for Planning Authorities. The 3m stated in the Design and Access Statement is a minimum dimension, at the reserved matters stage the exact size of garages will be provided and at this point it will be determined whether these conform to Highway Authority minimum standards.

The proposed street layout provides good permeability within the development. The pedestrian/ cycle/ emergency access point to the south east of the development will provide connections to the town centre and the surrounding area as will access to the north west along the BOAT. While it would be beneficial to provide pedestrian access between this development and residential development to the south east, which would allow residents currently living along Bestwood Close and Gapstile Close to access the proposed LEAP, it is recognised that this is not possible as land required is outside the applicants control. A condition will be attached to ensure that the site is developed in accordance with the Access and Movement plan on page 50 of the Design and Access Statement.

Buildings in the illustrative layout have been orientated to overlook the street and aim to provide continuous frontage where possible. Some buildings have been set back from the street to provide variety in the street scene. The orientation of buildings to overlook public areas is supported and will help contribute towards creating a safe environment. The development will be conditioned to be in accordance with the layout and diagram shown on page 52 of the Design and Access statement.

The proposal includes four character areas which have been designed to reflect their location within the development. The spine road character area runs along the main access and aims to create a more formal character with buildings close to the back edge of the footpath. The green corridor character areas run along the Harborough Road frontage and the north western edge of the development. The built form in these areas has been designed to be more dispersed to create a better interface with the surrounding rural area. Existing boundary treatments in the green corridors will be retained to establish a more mature landscape setting. The open space character area is located in the centre of the development and includes the open space and LEAP. Buildings in this area will front onto the open space but will have a more informal rural character with a more broken building line. The core housing character area will include a variety of building types including detached, semi-detached and terrace properties. The general principle of these character areas is supported and will help create a high quality development. A condition will be attached to the development to ensure the site is developed in accordance with the character areas shown on page 60 of the Design and Access statement.

Building and surface materials will be important in ensuring a high quality development. A condition will be attached requiring details of materials to be submitted and approved.

The design and access statement includes a landscape strategy which illustrates proposed tree and hedgerow planting. A condition will be attached to the development requiring a detailed landscape scheme to be submitted.

Comments have been received supporting on-site parking but seeking removal of parking courts. The precise location of parking spaces will be determined at reserved matters stage and consideration will be given as to whether it would be possible to remove the element of rear parking.

Details of bin storage will be considered at reserved matters stage.

### 3. Amenity

The NPPF, paragraph 17, states that planning should always seek a good standard of amenity for all existing and future occupiers of land and buildings. CSS policy 13 (l) states that development should not result in an unacceptable impact on the amenity of neighbouring properties, or the wider area, by reasons of noise, vibration, smell, light or other pollution, loss of light or overlooking. Impact of noise and light are considered below.

The proposal is for residential development so would not result in unacceptable impact in terms of vibration, smell or other pollution. At this stage the masterplan is only illustrative and therefore loss of light and overlooking will need to be considered in detail at the reserved matters stage when details of individual buildings are provided. However, it is considered that the site could be developed without resulting in unacceptable loss of light and overlooking of neighbouring properties. If the application is approved a condition will be attached requiring existing and proposed floor levels to be

submitted and approved to ensure that development does not have an unacceptable impact on neighbouring properties.

#### 4. Housing Mix and Housing Density

Policy 6 of the NPPF requires local authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

The application proposes that the development will incorporate a mix of housing types from 2 bed to 5 bed properties. This is an outline application and the exact mix of housing will be determined at reserved matters stage. However, the illustrative masterplan shows a scheme of 165 dwellings based on the following mix of homes; 20% 2 bed, 40% 3 bed, 30% 4 bed and 10% 5 bed.

There are currently no 1 bed homes proposed within the development. There is a shortage of 1 bed homes in Desborough and the Housing Strategy team have indicated it would be preferable for these to be provided in the affordable element of provision. This is something that could be agreed at reserved matters stage.

Comments have also been received requesting 10% of dwellings should be provided as bungalows. There is no policy requirement for bungalows to be provided and therefore this is not something that can be required. However, if there is a market demand for bungalows it is possible that the applicant could incorporate these into the scheme at reserved matters stage.

Policy 6 of the NPPF allows local authorities to set out their own approach to housing density to reflect local circumstances. Policy 2 of the Regional Plan requires development to make the most efficient use of land. Policy 15 of the CSS requires higher densities to be sought in locations most accessible on foot, cycle and public transport.

The developable area of the site is 5.43 hectares, for 165 dwellings this equates to a net density of approximately 30 dph. The proposal is in an edge of settlement location. A density of 30 dph is considered appropriate in this location as a higher density would result in a dense development on the edge of the settlement which would be incongruous with the character of the surrounding area. A lower density than 30dph would not make efficient use of land.

#### 5. Affordable Housing

Policy 6 of the NPPF requires local authorities to deliver a choice of homes and where a need is identified set policies for meeting affordable housing need. Policy 15 of the CSS requires development in Kettering Borough to provide 30% affordable housing.

It is proposed that the development will include 30% affordable housing. This is proposed to be split 60% social/ affordable rent and 40% shared ownership. The proposal is for 50 affordable dwellings, 30 affordable or social rent and 20

shared ownership. This split accords with the findings of the Desborough Housing Market Assessment which identified a requirement for a tenure split of 58% social rent and 42% intermediate. A S106 obligation for 30% affordable housing is shown in section 15 of the report.

## 6. Access, Movement and Connectivity

Access to the site is the only detailed matter for consideration at the outline stage. The primary access to the development is proposed from the existing roundabout on Harborough Road, this is the only vehicular access to the development. The access will be provided by creating a new arm on the Harborough Road roundabout. This roundabout currently has four arms and also provides access to the Magnetic Park employment area. NCC Highways no objection to proposed site access, main estate road and the pedestrian link.

The Transport Assessment has looked at the impact of the proposed development in combination with other planned developments to assess impact on the road network. Other developments which were included in the assessment were Desborough North, Rothwell North, Phase 3 of Magnetic Park and the energy from waste facility proposed on the Magnetic Park site. The assessment tested the capacity of the Harborough Road junction in 2021 and this assessment indicated that the junction will operate at acceptable capacity. The assessment also tested impact on other junctions. The assessment found that there were no problems of congestion expected to occur on the local road network that would require mitigation as a result of the development. NCC Highways have agreed the findings of the Transport Assessment.

A Construction Environmental Management Plan condition is recommended to ensure impact of construction on the road network and neighbour amenity is minimised.

The illustrative layout shows how the internal street layout could work. The access and movement plan on page 50 of the Design and Access statement shows a hierarchy of streets which includes roads, lanes and private drives. There are also pedestrian links shown. The proposed street layout provides good vehicular and pedestrian connectivity within the development and provides links with the surrounding area. As discussed above in the design section it is recommended that if permission is granted development should be conditioned to be in accordance with the access and movement diagram shown on page 50 of the Design and Access statement.

Section 4 of the NPPF promotes the use of sustainable modes of transport and the location of facilities in locations which reduce the need to travel. EMRP policy 2 requires the new development to be located to allow access to local facilities on foot, cycle or by public transport and EMRP policy 45 aims to reduce traffic growth through modal shift and reducing the need to travel. CSS policy 4 puts emphasis on strengthening connection by improved walking and cycling networks and improvements to local and strategic bus networks.

CSS policy 13 (e) states that development should be designed to take full



account of the transport user hierarchy of pedestrian-cyclist-public transport-private vehicle, and incorporate measures to contribute to an overall target of 5% modal shift on developments under 200 dwellings over the plan period. Part (k) states that development should allow for travel to home, shops, work and school on foot and by cycle and public transport.

The NPPF, paragraph 32, requires all developments that generate significant movements to be accompanied by a Transport Statement or Transport Assessment. Decisions should take account of whether; opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

The planning application is accompanied by a Transport Assessment which includes a Travel Plan. The travel plan seeks to demonstrate that a modal shift of 20% can be achieved. This is significantly higher than policy requires. The Travel Plan sets out measures to reduce car journeys by supporting and providing alternative forms of transport. These measures include:

- Walking and cycling access to Harborough Road to connect to off site pedestrian routes
- Enhancement of the BOAT to gravel surface along the boundary of the development and provision of links between the proposed development and the BOAT
- Streets designed to encourage walking and cycling and to reduce the dominance of the car
- Appointment of a travel plan co-ordinator
- Welcome packs and travel website
- Bus buddy scheme, car share database, bicycle user group, promotional events and green travel vouchers

The measures set out in the travel plan alongside improvements to bus stops and public transport secured through the S106 agreement are considered adequate to achieve modal shift.

Enhancement of the BOAT is proposed along the boundary of the development, which runs from Harborough Road to the railway bridge. The BOAT continues from the railway bridge to Braybrooke Road. This route would provide access from the development to Loatlands School, the shop on Braybrooke Road and to footpath links to the wider countryside. Enhancement of the BOAT between the site and Braybrooke Road has been agreed and will form part of the S106 contributions. The enhancement of the BOAT within the site will be secured by a condition.

Comments relating to the need to make the whole site a 20mph zone are noted. For a 20mph zone to be identified the Highways Authority would need to designate the zone. This would only happen if the Highways Authority thought that it was necessary to make the development acceptable.

Lack of information to determine highway impact was a previous reason for

refusal. This reason for refusal has been overcome through the submission of the Transport Assessment which provided adequate information to determine the highway impact of the proposed development.

#### 7. Energy efficiency and Sustainable Construction

Section 10 of the NPPF recognises the importance of reducing energy use and moving to the use of low carbon energy this is echoed in EMRP policies 3 and 39.

CSS policy 14 sets out energy efficiency and sustainable construction requirements. As this proposal is for less than 200 dwellings the proposal should demonstrate that; the development incorporates techniques of sustainable construction and energy efficiency, there is provision for waste reduction/ recycling and there is provision for water efficiency and water recycling. Residential developments involving 10 or more dwellings should demonstrate that at least 10% of the demand for energy will be met on site and renewable and/ or from a decentralised renewable or low carbon energy supply.

The Sustainable Design SPD (Adopted February 2009) provides a sustainable design checklist. This checklist has been completed for the development and has been included as part of the Sustainable Design and Energy Statement. The statement states that buildings will be designed to exceed current building regulations in terms of thermal performance (minimum improvement of 10%) and air leakage and that where possible materials will be purchased from sustainable sources. It also states that dwellings are designed to take alternative energy sources and in the case of affordable housing may have solar water heating and or solar photovoltaics installed. The proposal also aims to maximise solar gain with all main rooms having the opportunity for passive solar gain, buildings will be orientated to make it possible to introduce additional energy saving measures and renewable technologies in the future. The proposal will include adequate storage space for waste recycling bins. The proposal includes the use of SUDs to manage surface water runoff.

It is considered that the measures proposed will contribute towards sustainable design and construction and will make provision for waste reduction/ recycling. However to ensure the development meets the requirement for 10% of demand for energy to be met offsite in accordance with CSS policy 14, an energy strategy and scheme of works will be required through planning a condition to ensure this target can be achieved. In addition to this it is recommended that a condition is attached to the permission to ensure that dwellings achieve a minimum of Code for Sustainable Homes level 3.

#### 8. Noise

The EIA accompanying the planning application assesses the potential noise impacts associated with the proposed development in association with other planned development in the area. The noise assessment considers road traffic noise and construction noise and tests scenarios that test cumulative impact of planned development in the area. The assessment concludes that the long

term impact of the proposed development when considered cumulatively with other development will have a minor acceptable noise impact. When considered in isolation the proposed development would have a negligible noise impact.

The noise assessment concludes that by using standard thermal double glazing the internal noise levels within the proposed dwellings will be acceptable. Within external garden spaces the assessment concludes that noise levels will be acceptable in rear gardens of buildings fronting the B576 and all other areas of the site using screening.

KBC Environmental Health team agree with the Planning Noise Assessment. A condition requiring dwellings to be constructed in accordance with the recommendations of the noise assessment is proposed.

## 9. Biodiversity

Section 11 of the NPPF requires the planning system to minimise impacts on biodiversity and provide net gains in biodiversity where possible. EMRP policy 2 requires development to provide for access to open space and the enhancement of biodiversity and landscape quality and EMRP policy 29 requires a stepped increase in biodiversity across the region. CSS policy 13 (o) states that development should conserve and enhance biodiversity.

The proposal has no implications for statutorily designated sites. The nearest non-designated site is The Plens which is 400m to the east and separated by existing development. There may be some implications for these sites in terms of increased visitor pressure but the assessment concludes this is likely to be minimal given the relatively small scale of housing and the distance to these areas from the application site.

The submitted ES includes a chapter on ecology and nature conservation which looks at the likely significant effects of the proposed development on ecology and nature conservation. The assessment included the following field surveys; extended phase 1 habitat survey, hedgerow survey, great crested newt survey, badger survey and bat survey. A desk top survey was also carried out to gather information on existing biological data and nature conservation records.

While the development will impact on existing ecology the proposed mitigation measures contained in the ecological assessment are considered appropriate. The most significant impact is in relation to great crested newts where there is considered to be a moderate adverse impact.

The ecological assessment recommends new landscaping/ green infrastructure should be created as early as possible within the construction to ensure new habitats have maximum time to mature and to provide potential replacement habitats while construction is underway. It also recommends bat and bird boxes should be erected on suitable retained trees at this time. Working practices are also proposed to ensure protection of features and species during construction. The ES also sets out proposed enhancements

which include; creation of stronger GI corridors at the boundaries of the site, creation of habitats within the open space proposals, which include public open space and attenuation facility. Detailed design and species lists are proposed to be drawn up as part of a future Habitat Management Plan.

The Wildlife Trust support the majority of the findings and have requested a condition to ensure the mitigation measures are fully implemented. Natural England do not object to the proposal and are satisfied that the mitigation measures proposed for great crested newts would maintain the population identified in the survey report. Natural England have recommended that if the application is approved measures to enhance biodiversity should be secured.

While there will be some impact on habitats and species as a result of the development the proposed enhancements to wildlife habitats and mitigation measures set out in section 5.5 of the ES are considered appropriate and will mitigate the impacts on habitats and species and enhance the ecological value of the site. The proposal therefore conforms to policies set out in the CSS and Regional Plan requiring the protection and enhancement of biodiversity. If the application is approved a condition will be applied to ensure development is carried out in accordance with the proposed mitigation and enhancement measures set out in section 5.5 of the ES and that an Ecological Management Plan is provided.

The application is accompanied by an Arboricultural Assessment which evaluates the implications of the development in relation to trees and provides recommendations for general tree protection measures to be considered. The proposal will result in the loss of some trees which either need to be removed to provide access to the site or are in a condition which requires them to be removed. This will be mitigated through planting and landscaping which is shown on the illustrative masterplan. If the application is approved a condition will be attached requiring a detailed landscaping scheme, which is in accordance with the landscape proposals set out on pages 58 and 59 of the Design and Access Statement, to be submitted and approved. This will ensure that the proposed planting and landscaping will adequately compensate for the loss of trees proposed.

The report sets out general recommendations for protection of trees. If the application is approved a condition will be attached requiring the submission and approval of an Arboricultural Method Statement, Tree Constraints Plan and Tree Protection Plan, before work starts on site.

Policy 11 of the NPPF requires local authorities to protect valued soils. The application is accompanied by an agricultural land classification survey. This survey shows that approximately 75% of the site is sub-grade 3b with two pockets of sub-grade 3a which cover approximately 24% of the site. Approximately 1% of the site is identified as other land. Grades 1 and 2 are the most highly values followed by sub-grade 3a. Given the requirement for additional development to meet housing needs the loss of predominantly sub-grade 3b soil is considered to be acceptable in this instance.

## 10. GI and Open Space

Requirements for open space provision are set out in the adopted Open Space SPD (2008). The open space proposed for the development include:

- 1.21ha Amenity Green Space
- LEAP

The amounts of on-site open space proposed are sufficient to meet the requirements of the Open Space SPD. The proposed LEAP is well located in the centre of the site. Contributions towards off-site provision have been considered through discussions as part of the S106 obligation. This is discussed in section 15 of this report.

Policy 28 of the Regional Plan seeks to increase provision of GI through green infrastructure plans. CSS policy 5 requires a net gain in green infrastructure through the protection and enhancement of assets and the creation of new multi functional areas of green space. Existing green infrastructure on the site should be retained and enhanced. Opportunities to enhance local green infrastructure should also be explored.

The site lies within the Jurassic Way Sub-regional green infrastructure corridor as defined by policy 5. Policy 5 safeguards these corridors through not permitting development that compromised their integrity and that of the overall green infrastructure framework, using developer contributions to facilitate improvements to their quality and robustness and investing in enhancement and restoration where the opportunity exists and the creation of new resources where necessary.

It is not considered that development of this site would compromise the integrity of the sub-regional corridor. It is located on the edge of the existing urban area and currently used as arable farmland. Development of the site provides the opportunity to enhance provision of green infrastructure within the site and the proposal includes the provision of two green corridors along the north east and north west edges of the site which will enhance green infrastructure provision.

## 11. Landscape

Policy 31 of the Regional Plan seeks to protect and enhance the region's natural landscape. The site is surrounded on three sides by the railway, residential development and industrial development. The site is currently used for grass cultivation and does not have particularly high landscape value. The site is however highly visible at a key gateway into Desborough and from the surrounding area. It is considered that development of the site would not have an unacceptable impact on the landscape due to the fact that the site is surrounded by development on three sides and while development of this site would have a visual impact the contained nature of the site minimises this. The site is different in character to the open countryside to the north west of the site which visually forms part of the wider countryside. Development will be visible from the wider area and a high quality design and landscaping scheme will be required to minimise the visual impact of development. A condition is proposed requiring landscape proposals to be in accordance with the

landscape proposals shown on page 58 and 59 of the Design and Access Statement.

## 12. Heritage Assets and Archaeology

Policy 12 of the NPPF requires the impact on heritage assets to be considered when determining applications. Proposals that preserve or enhance a heritage asset should be treated favourably. CSS policy 13 (i) states that development should create a strong sense of place by strengthening the distinctive historic and cultural qualities of the townscape of the towns and villages through its design, landscaping and use of public art. EMRP policy 2 requires design led approaches which take account of local natural and historic character. EMRP policy 26 states that internationally and nationally designated historic assets should receive the highest level of protection and that damage to heritage assets or their settings should be avoided where possible. Where damage is unavoidable it should be minimised and, where it cannot be mitigated, compensated for. EMRP policy 27 states that the historic environment should be understood, conserved and enhanced.

The site is not located in the Conservation Area of Desborough and development would not be visible from the Conservation Area. There are no Listed Buildings located on or adjacent to the site. There are no other designated heritage assets on the site or near to the site. Therefore the main consideration in relation to the historic environment is archaeology.

The application includes an archaeological desk based assessment (July 2012) and an archaeological trial trench evaluation (May 2012).

The desk based assessment concluded that the potential for prehistoric, Roman, Medieval and post-medieval remains is low. There are historic records of a Saxon cemetery which may be located in the south eastern corner of the study site, the HER record states that cemetery was discovered before 1757 in a gravel pit excavated for works to the turnpike road. The precise location of the cemetery is therefore uncertain. The study concludes that while the site is considered as having high potential for Saxon burials, there is the possibility that the cemetery is located elsewhere. In order to assess the possibility that the site may contain Saxon remains an archaeological trial trench evaluation was carried out but no evidence of Saxon burials was found.

Insufficient information to assess archaeological potential was a previous reason for refusal. This reason for refusal has been overcome by the completion of the desk based assessment, the trial trenching, and condition 29 for archaeological investigation/ monitoring above will ensure archaeological potential is monitored during earth works.

## 13. Flooding, Drainage and Sewage

The NPPF, Policy 10, requires development to be directed to areas at the lowest risk of flooding. It also requires that development does not increase the risk of flooding elsewhere. Policy 35 of the Regional Plan also seeks to prevent development in areas at unacceptable risk of flooding or which unacceptably increase flooding elsewhere. Policy 32 of the Regional Plan

aims to ensure that adequate water supply and sewage capacity exists to support development. Policy 13 (q) of the CSS states that development should not increase the risk of flooding on site or elsewhere, and where possible incorporate Sustainable Drainage Systems (SuDS) and lead to a reduction in flood risk.

The planning application is accompanied by a Flood Risk Assessment and Drainage Strategy which identifies that the main risk of flooding on the site is from surface water flooding.

The preliminary Surface Water Management Strategy states that the site will be drained by a gravity surface water drainage network to an attenuation pond located at the lowest level point at the north western corner of the site. Surface waters will be pumped from the attenuation pond to the adjacent Anglian Water surface water sewer at manhole 7250.

The attenuation pond has been designed to be a dry pond with a naturalistic shape. Within the pond there will be an over-deepened area which will provide a permanently wet area to improve the amenity and ecological value of the site. The pond has been sized to accommodate failure of the surface water pumping during a 1 in 100 year flood event and to accommodate a 1 in 100 year flood event followed by a 1 in 10 year flood event within 1 week.

#### **Foul Water Drainage Strategy**

Anglian Water have confirmed that at present Broadholme sewage Treatment works has capacity to treat the foul flows from the proposed development however there are current capacity constraints within the foul water sewer network between Desborough, Kettering and Wellingborough. A significant upgrade to the foul water sewer infrastructure between Desborough, Kettering and Wellingborough is proposed. It is anticipated that this will be completed before the end of 2014. If the site is granted planning permission it is anticipated that the first occupation of dwellings on site will be January 2015 which is compatible with the planned upgrade to the foul water sewer infrastructure.

The Environment Agency and Anglian Water have no objection to the proposed development and have recommended conditions for foul and surface water drainage, to be applied to any subsequent approval.

Insufficient information to demonstrate that adequate foul sewerage capacity exists was a previous reason for refusal. This reason for refusal has now been overcome and adequate foul water capacity has been demonstrated.

#### **14. Contaminated Land**

The application includes a Phase 1 Desk Study which considers potential sources of contamination, considers potential receptors and potential pathways. The report sets out preliminary conclusions and recommendations which are subject to confirmation through a site-specific Phase II exploratory investigation. Environmental Health have no objection and a contaminated

land condition is proposed.

<b>Contribution Sought</b>	<b>Amount Requested</b>	<b>Progress</b>
Affordable Housing	30% - 60% social and or affordable rent. 40% shared ownership.	Agreed
Primary School	<b>£780,000</b>	Agreed in principle
Secondary School	<b>£169,125</b>	Agreed
Local fire and rescue infrastructure	<b>£15,180.</b>	Agreed
NHS	<b>£71,280</b> towards extension to Desborough Surgery	To be confirmed
Natural and Semi-natural Open Space	<b>£18,600</b>	Agreed
Indoor and Outdoor Sports provision	<b>£39,180</b>	Agreed
Allotments	<b>£7,047</b>	Agreed
Public Transport Improvements	<b>£34,730</b>	Agreed
Bus Stop Improvements	<b>£10,000</b>	Agreed
BOAT	<b>£38,500</b>	Agreed
Monitoring	<b>£15,000</b>	Agreed
Total	<b>£1,198,642</b>	<b>Total agreed = £1,127,362</b>

### **Conclusion**

The principle of development is supported by Development Plan policy, in particular the Core principles and Policies 4, 6, 7, 8, 10, 11 and 12 of the NPPF, policies 1, 2, 3, 11, 13b, 26, 27, 28, 29, 31, 32, 39 and Policy MKSM SRS Northamptonshire 1 of the East Midlands Regional Plan and policies 1, 3, 4, 5, 6, 7, 9, 10, 13, 14 and 15 of the North Northamptonshire Core Spatial Strategy, and policy 35 of the Local Plan for Kettering Borough. The proposal is also in accordance with adopted Supplementary Planning Documents 'Open Space', 'Sustainable Design' and 'Biodiversity'. There are no material considerations outweigh the policy presumption in favour of the proposal.

Assessment of the application and Environmental Statement described above has led to the recommendation that the application be approved subject to conditions and the S106 Obligation being completed within 3 months.

### **Background Papers**

Title of Document:

Date:

Contact Officer:

Julia Baish, Development Officer on 01536 534316

### **Previous Reports/Minutes**

Ref:

Date: