

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 15/01/2013</b>	<b>Item No: 5.4</b>
<b>Report Originator</b>	<b>Fjola Stevens Development Officer</b>	<b>Application No: KET/2012/0617</b>
<b>Wards Affected</b>	<b>Desborough Loatland</b>	
<b>Location</b>	<b>Ironwood Avenue (land off), Desborough</b>	
<b>Proposal</b>	<b>Full Application: 19 no. dwellings and associated road</b>	
<b>Applicant</b>	<b>Westleigh Developments Ltd &amp; CJC Developments</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 signed on or before 16<sup>th</sup> January 2013 else determined under delegated powers by the Development Control Manager, and to the following conditions:-

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

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

2. The development shall not be carried out other than in accordance with the following plans: 817/001, 817/002, 817/100, 817/101, 817/102, 817/103, and 817/104.

REASON: In the interests of securing satisfactory development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. 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 of the North Northamptonshire Core Spatial Strategy.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of native landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and

seeding seasons following the occupation of the building. 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 of the North Northamptonshire Core Spatial Strategy.

5. 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 of the North Northamptonshire Core Spatial Strategy.

6. The parking spaces hereby approved shall be provided prior to the first occupation of the development hereby permitted and shall be permanently retained and kept available for the parking of vehicles.

REASON: To ensure adequate on-site parking provision and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

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

8. No development shall commence until a surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water drainage strategy approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems impacts from flooding in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

9. 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 of the North Northamptonshire Core Spatial Strategy.

10. Prior to the occupation of dwellings 7 to 11 as shown on the approved plans a lockable metal vertical bar gate 1.8m in height shall be installed on the alleyway between plots 9 and 10. The gate shall be maintained as approved in perpetuity.

REASON: In the interests of crime prevention.

11. The development shall not be carried out other than in accordance with the recommendations contained within the Biodiversity and Protected Species Appraisal ref: P353/0712/01 V1 submitted with the application.

REASON: In the interests of protecting biodiversity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

12. Prior to the commencement of the development hereby permitted, a scheme and timetable detailing the provision of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the hydrant(s) serving the development has been provided in accordance with the approved details. The developer shall incur the full costs for provision of the hydrants and their installation by the water company, in accordance with the agreed scheme and timetable.

REASON: To ensure satisfactory form of development.

13. 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 shall be fully implemented before the use hereby permitted is commenced, or the buildings occupied, whichever is the sooner.

REASON: To ensure that the roads are constructed to a satisfactory standard in

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

14. A scheme for insulating the dwellings from noise sources both within and outside the properties shall be submitted to and approved by the LPA before development commences. This scheme must achieve the internal noise levels set out below and include any transportation, industrial, commercial and entertainment noise.

The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals.

Internal Noise criteria for residential

Bedrooms night time (23:00 to 07:00) 30 dB LAeq

Noise not to exceed NR25 in any octave band

Individual noise events should not exceed 45dB LAMAX (BS 8233. 1999)

Living Rooms day time (07:00 to 23:00) 40 dB LAeq

REASON: In the interest of protecting residential amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

15. The development hereby permitted shall not be carried out other than in accordance with Energy Statement submitted with the application. Prior to installation details of the proposed solar panels, including plans to show their location on the buildings hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall be installed in accordance with the approved details and shall be maintained as approved in perpetuity.

REASON: In the interests of amenity and securing sustainable development in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

16. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, D or E, of Part 1 of Schedule 2 of the Order shall be erected, constructed or made within the curtilages of the dwellings hereby permitted.

REASON: In the interests of protecting the visual amenity of the surrounding area and the amenities of the future occupiers of the dwellings in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

17. No development shall take place on site until details of a bin storage area for plots 4, 7, 8, 11 and 14 has been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage shall be provided before the occupation of any of the dwellings affected and retained as approved thereafter.

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

Notes (if any) :-

- **Secured by Design**

he attention of the applicant is drawn to the comments of Northamptonshire Police Authority dated 5th November 2012 which are attached to this decision. The comments set out the security measures which should be implemented as part of the development.

### **Contaminated Land**

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)

### **Acoustic Assessment**

It should be noted that the Local Authority, in considering compliance with noise impact conditions relating to BS8233:1999 standards consider the good standard for noise insulation, and include L<sub>Amax</sub> values for night-time sleep disturbance BS 4142, BS 8233 and the World Health Organisation Guidelines all give values and design ranges for the measurement of noise. It is very unlikely that anyone other than an appropriately qualified acoustic consultant will be able to carry out an assessment of the noise. The Institute of Acoustics website gives contact details of acoustic consultants - [www.ioa.org.uk](http://www.ioa.org.uk).

A representative assessment will be required to take any tonal values, impact noise, number and volume of individual events, weather conditions etc. into account. Shortened measurement periods may be acceptable provided they are agreed in advance. The assessment must cover the noisiest and quietest periods, taking into account the character of the area. Account should be taken of shift patterns in commerce and industry and any entertainment noise.

Specific information individual to each site must be recorded, in particular where there are isolated events (Single event levels) that would not be represented in an equivalent measurement (L<sub>eq</sub>) taken over a longer period. e.g. freight train impact noise.

Information required :

- Daytime L<sub>Aeq</sub> [07.00 to 23.00] at representative points around the site or at various facades
- Night time L<sub>Aeq</sub> [23.00 to 07.00] at representative points around the site or at various facades
- L<sub>AMAX</sub> values for the night time period
- SELs for regular short events

Upon obtaining the appropriate external noise level data for a particular site and taking into account the internal noise standards required, a suitable noise insulation scheme should be stated.

Glazing in residential property: In some cases standard thermal double glazing

units will provide sufficient attenuation, other cases will need a thicker unit with specialist glass. If low frequency noise is an issue secondary units in conjunction with single or double glazed units may be required.

Ventilation: Both trickle and rapid ventilation will need to be considered, this may vary from standard trickle vents to fully mechanical powered ventilation. The ventilation must not compromise the attenuation provided by the glazing.

This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended). You are advised to satisfy yourself that you have all the relevant documentation.

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

The proposal is in accordance with national and local policies as set out in the Core Principles, Sections 6, 7, 10 and 11 of the National Planning Policy Framework, Policies 1, 2, 3, 11, 13b, 26, 29 and 35 of The East Midlands Regional Plan, Policies 1, 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 Document Sustainable Design. There are no material considerations that indicate against the proposal.

## **Officers Report**

### **3.0 Information**

#### **Relevant Planning History**

KET/2009/0500 Leisure centre with associated car parking, external games, play areas and sports pitches. 13 no. social houses.

#### **Site Description**

Officer's site inspection was carried out on 18<sup>th</sup> October 2012.

The application site is situated to the north side of Desborough town centre within The Grange housing estate, to the west of the recently constructed leisure centre. The 13 dwellings previously approved on the site have not been constructed.

The site is bordered on its North and Western sides by residential development and to the South is an area of open space and old railway line. The site slopes from the North to South towards an area of land known as 'The Plens'. Vehicular access to the site is gained from Ironwood Avenue via the existing access to the leisure centre.

#### **Proposed Development**

This application seeks planning permission for 19 x 2 bed dwellings, all of which would be affordable houses.

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

None

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

#### **Town Council**

Amended plans (03/12/12)

The objections sent by the Town Council in respect of the original application still apply. The land would be better used for the extension of facilities r.e. leisure centre. The space between the NEAP and the site could be levelled, drained and surfaced to enable the skate park, currently located at the Hawthorns, to be accommodated as part of a section 106 agreement.

#### **Original scheme**

This site is continually flooded following rainfall and further development in this area will again divert the watercourse resulting in greater problems. No further applications of this nature should be approved due to the threat of possible downgrading of services at Kettering General Hospital. The Town Council is not convinced that this planning application is for 100% affordable dwellings with low profit margins thus avoiding S106 payments. There is concern that this proposal is cramped in to the west of the leisure centre which will prohibit any extension to the leisure centre.

Issues of concern relating to the planning application – Energy Statement: the



energy centre empowered by non-recyclable waste is a Northamptonshire County Council planning application not KBC and is unanimously opposed by Desborough Town Council on environmental grounds; hence sola panel provision must be pursued. Transport: The 325k revenue due to the developer/landowner should secure the outstanding s.106 obligation to provide a pedestrian link to the town centre ensuring safe connectivity to all facilities including Havelock Schools. Parking provision; Adequate provision for off road parking appears not to be fully provided. 1 car per house does not provide for 2 car families or for visitors. The practice of on street parking provision, for example, on Ironwood Avenue, must be designed out, parking provision in front of properties is much preferred, parking courts are to be avoided. Rear gardens should be a minimum size equal to the house footprint. Both these principles are part of B12 design standards of CABE etc.

### **Police**

No objection in principle however some concerns raised about creating a link with the existing cycleway adjacent to the application site. Recommendations also made regarding amendments to increase natural surveillance and improving safety by relocating accesses to rear gardens and providing security fencing and gates to gardens and access paths.

### **Housing**

Support the proposal to have 100% affordable rent units.

### **Highways Authority**

No objection

### **Environment Agency**

Objection due to lack of Flood Risk Assessment.

### **Anglian Water**

Amended plans (28/11/12)

There is an opportunity to introduce source control and on site sustainable drainage facilities prior to connection to the public surface water sewers. Additional information requested regarding the viability of soakaways.

### **Original scheme**

No objection in principle. Additional information requested regarding the proposed surface water drainage and condition recommended controlling this aspect of the scheme.

### **Northamptonshire Wildlife Trust**

No objection in principle, however concerns have been raised that the Ecological Statement submitted with the application does not take into consideration The Plens Local Wildlife Site and Nature Reserve.

### **Northants Badger Group**

No objection.

### **Northamptonshire County Council**

No requirement for Education or Library contributions. A contribution of £1,748.00 (£92 per dwelling) is required for Fire and Rescue. In addition a Fire Hydrant should be provided on site.

### **Environmental Health**

No objection. Condition recommended regarding contaminated land.

### **Neighbours**

1 Third Party letter of support

- affordable housing will be provided for local residents
- renewable energy such as photovoltaics should be incorporated during the construction of the development

6 Third party letters of objection

- inadequate parking
- concern about drainage on the site
- insufficient lighting
- local residents should decide how to use the land
- poor maintenance of public areas
- concern about congestion and road being used for leisure centre and housing development
- sub-station will affect visibility
- development will give rise to anti-social behaviour on foot/cycleway
- community facilities lacking in area
- results in loss of privacy, increased noise and increased light pollution
- lack of employment
- lack of public transport
- concern about footpath moving closer to properties on Teasel Drive

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Paragraph 17 – Core Planning Principles

Policy 6 – Delivering a wide choice of high quality homes

Policy 7 – Requiring good design

Policy 10 – Meeting the challenge of climate change, flooding and coastal change

Policy 11 – 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 29 – Priorities for enhancing the Region's biodiversity

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

Policy 1 - Strengthening the network of settlements

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

### **SPGs**

Sustainable Design SPD

## **6.0 Financial/Resource Implications**

Sections 106 Agreement required in order to secure contributions towards/provision of the following:

- Fire and Rescue: £1,748
- Affordable Housing: 100%

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of development
2. Design and Character
3. Housing
4. Amenity
5. Crime and Disorder
6. Highways
7. Biodiversity
8. Flood Risk and drainage
9. Sustainability
10. Developer contributions

## 1. Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.

The NPPF sets out a presumption in favour of sustainable development and the core principles of the NPPF require the planning system to meet the housing needs of the country, improve the places in which people live, and focus development in locations which are sustainable. In addition S. 6 of the NPPF states that housing application should be considered in the context of the presumption in favour of sustainable development and a wide choice of quality homes and inclusive and mixed communities should be delivered.

Policies 1, 3 and 11 of the EMRP and policies 1 and 9 all require new development to be focussed within the built up areas in order to strengthen existing settlements and policies 13 and 15 set out the importance of sustainable development and sustainable housing provision. Policy 13 of the CSS also requires new development to meet the needs of existing and future populations, raises standards across the borough, and protects assets; be they historical, cultural, environmental, or related to infrastructure.

The proposal comprises 19 affordable houses which are required to meet the housing needs in the borough, on land within the town boundary and an established residential area, which is adjacent to a new community facility providing indoor and outdoor sports activities, with direct access to public open space and access to education, health care and other services and facilities within the town. The proposal therefore constitutes sustainable development which meets the aims and objectives of national, regional and local planning policies and is considered to be acceptable in principle.

## 2. Design and Character

S. 7 of the NPPF states that good design is a key aspect of sustainable development and is indivisible from good planning. Policy 2 of the EMRP encourages high quality design and policy 13(h) of the CSS requires new development to be of a high standard of design, architecture and landscaping and to respect and enhance the character of its surroundings.

The design of the proposed development has been informed by pre-application discussions and revisions have been made during the course of the application to address concerns raised by Northamptonshire Police. The scheme comprises 3 pairs of semi-detached dwellings and 13 houses in 4 small terraces, all of which would be 2 storeys. The buildings would all be similar in appearance in terms of proportions, materials and detailing, and they would reflect the architectural style of other small houses located on 'The Grange' development. Visual interest is provided in the site by the mix of dwelling styles and orientation, landscaping within the site, and the layout of the site which

allows for vistas towards the adjoining open space to the south and east towards the leisure centre complex.

The layout of the site and the scale of the dwellings also ensure that the development would not result in a cramped development. Instead it makes the best use of the awkward shape of the site and provides opportunities for the natural surveillance of parking areas and the land surrounding the site. It is therefore considered that the design of the development respects its setting and takes the opportunities available to improve the area and the way in which it functions and as a result the design accords with the requirements of the NPPF, the EMRP and the CSS.

### 3. Housing

The proposed development would provide 19 affordable dwellings. The dwellings would be let as affordable rent units by Asra, a Housing Association. This means the rent would be charged at up to 80% of the market rent value. Therefore none of the units would be available for shared ownership, sale on the open market or as buy-to-let properties thereby ensuring that they remain affordable.

The units will be let to households on the KBC's Housing Register called Keyways and as such will only be available to households with a local connection to the borough by virtue of residence, close family or work. Following the initial occupation of the dwellings the local lettings policy will apply to 95% of the re-lets. Therefore the development will address the local need for affordable housing and seeks to provide a sustainable community.

### 4. Amenity

Policy 13(l) of the CSS states that new development should not have an unacceptable impact upon neighbours or the wider area as a result of loss of light, overlooking, noise or other pollution.

The proposed housing layout would not result in overlooking of private amenity space or into habitable rooms; either on the site itself, or of the existing housing that adjoins the site on the Western and Northern boundaries. Furthermore, there will be no loss of light as a result of the housing, as the proposals are sufficiently distant (16.5 metres at the nearest point but predominantly in excess of 23m) from existing dwellings to ensure that existing levels of sunlight into habitable rooms is maintained. The proposal therefore accords with policy 13(l) of the CSS.

### 5. Crime and Disorder

Northamptonshire Police has been consulted on the proposed development. As a result of the initial comments received regarding security some small amendments have been made to the scheme. The amendments have improved the natural surveillance over a parking area at the northern end of the site and reduced the vulnerability of the rear gardens of the proposed dwellings. It is considered that the proposed scheme provides good natural surveillance of the land surrounding the application site and therefore this will deter anti-social behaviour. The proposal is therefore acceptable in terms of

crime and disorder considerations.

#### 6. Highways

Policy 13(n) of the CSS requires states that new development should not have an adverse impact upon the highway network or prejudice highway safety. The Highways Authority has been consulted on the application and no objections have been raised in relation to the proposed development or the level of parking. The Highways Authority were involved with pre-application discussions and therefore any concerns they had regarding the layout, access and parking were addressed during the pre-application process. One of the changes required by the highways authority was the incorporation of the existing cycle path/footpath within the edge of the application site. The existing path will remain and will be widened by 1m into the application site to avoid a narrow verge which was likely to be used by pedestrians. It is therefore considered that the proposal accords with policy 13(n) of the CSS.

#### 7. Biodiversity

Section 11 of the NPPF requires the planning system to minimise impacts on biodiversity and provide net gains in biodiversity where possible and policy 13(o) of the CSS states that development should conserve and enhance biodiversity.

A Biodiversity and Protected Species Appraisal was submitted with the previous application on the site (KET/2009/0500) and an update to the appraisal has been submitted for the current application. The update states that the level of biodiversity on the application site is relatively low and the development would not result in the loss of any significant habitats. The report does however recommend that a bird nesting survey should be carried out on the site if any works take place on the site during the bird nesting period of March-August.

The Northamptonshire Wildlife Trust has been consulted on the application and there is no objection to the proposed development, however it is recommended that a condition be imposed requiring compliance with the recommendation of the Ecological report submitted with the application. Therefore, subject to conditions the proposal would not have an unacceptable impact upon ecology or biodiversity and as such the proposal complies with policy 13(o) of the CSS.

#### 8. Flood Risk and Drainage

S. 10 of the NPPF requires local planning authorities to take full account of flood risk, and policies 35 of the EMRP and 13(q) of the CSS states that development should not take place if it would be at unacceptable risk of flooding or cause an unacceptable risk elsewhere.

The application site lies within flood zone 1 and therefore does not lie within an area at risk of flooding. However, the Environment Agency (EA) has requested a Flood Risk Assessment (FRA) because the scheme forms part of the larger 'Grange' development. Therefore an assessment is necessary to ensure that the proposed surface water drainage is appropriate and would not cause risk of flooding within the site or elsewhere.

The proposed drainage system would pipe water to an existing balancing pond on the Grange. Anglian Water has no objection to the scheme in principle, however they have raised concerns about the lack of on-site Sustainable Urban Drainage System which should be considered prior to piping the water elsewhere. In addition, due to the lack of FRA the EA have objected to the application.

The applicant is in the process of carrying out the required assessment in order to determine whether soak-aways could be accommodated within the site and to assess the flood risk caused by the development. It is therefore considered that these issues should be resolved prior to the committee meeting and an update will be provided to members.

#### 9. Sustainability

Section 10 of the NPPF recognises the importance of reducing energy use and moving to the use of low carbon energy and policy 14 of the CSS sets out energy efficiency and sustainable construction requirements for new development. The application is accompanied by an energy statement and a Sustainable Design SPD statement. These documents demonstrate that the dwellings will be constructed to Code 3 of the Code for Sustainable Homes and the development will make use of sustainable construction methods, measures to minimise the use of energy and water, provide waste recycling. In addition 10% of the energy demand generated by the development will be met by the use of renewable sources of energy such as solar panels. It is therefore considered that the proposed development constitutes sustainable development and would be in accordance with policy 14 of the CSS and the Sustainable Design SPD.

#### 10. Developer contributions

The applicant has confirmed that a S106 obligation will be entered into to secure the Fire and Rescue contribution and the 100% affordable housing.

#### Conclusion

The proposed development in principle accords with the national; regional and local planning policies. Subject to the submission of a Flood Risk Assessment which is accepted by the Environment Agency there are no material planning considerations that indicate against the proposal. Therefore provided the flood risk issues are resolved prior to the committee meeting the application is recommended for approval subject to the signing of a S106 legal obligation.

#### **Background Papers**

Title of Document:

Date:

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

Ref:

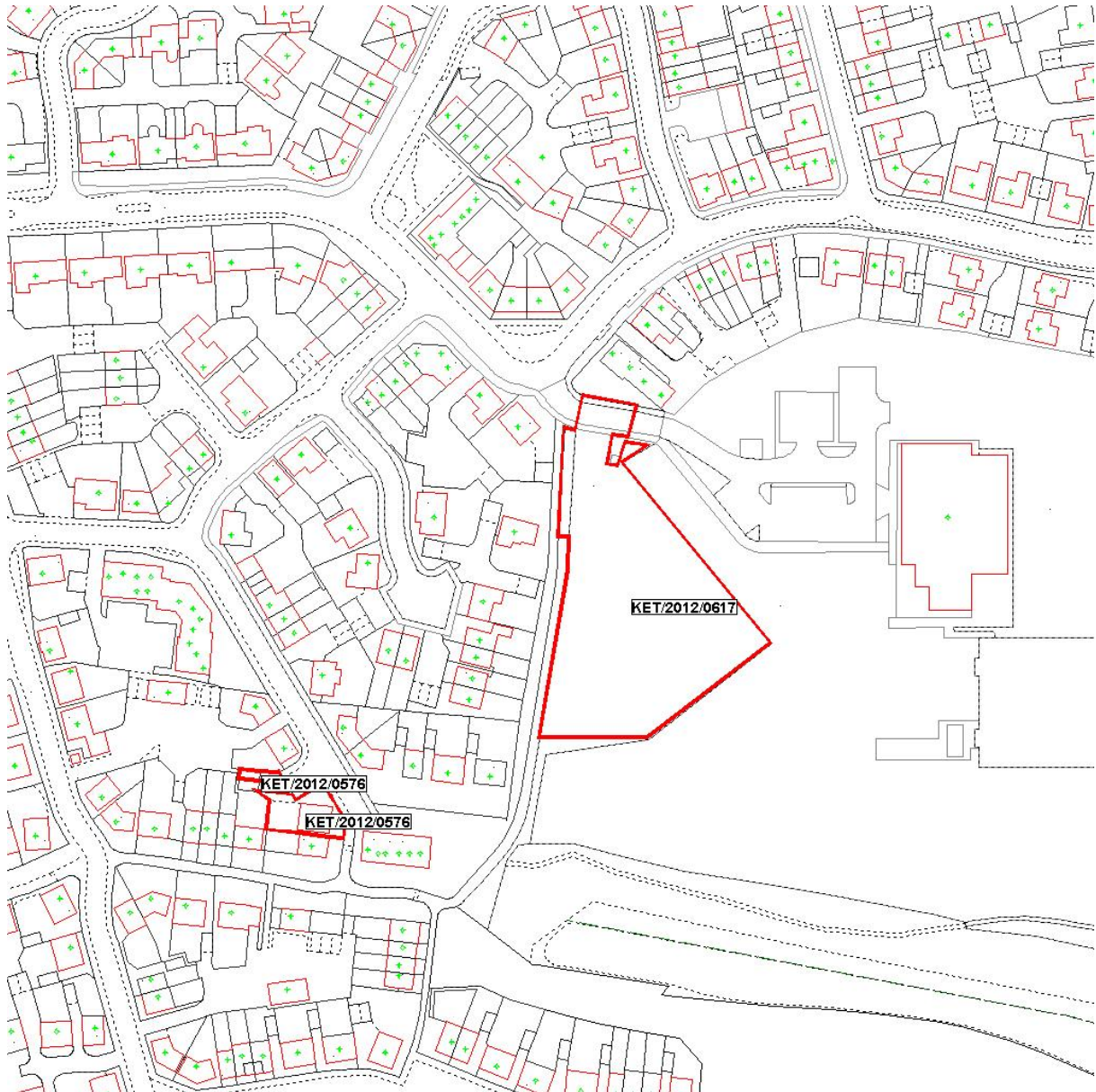
Date:

Contact Officer: Fjola Stevens, Development Officer on 01536 534316



## SITE LOCATION PLAN

Ironwood Avenue (land off), Desborough  
Application No.: KET/2012/0617



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