



Planning Committee Report

Application Number: 2023/7764/MAR

Location: Overstone Leys Overstone Lane Overstone Northamptonshire

Development: Submission of details of layout, appearance, scale and landscaping for the balancing pond adjacent to Zones 6 & 7 pursuant to outline planning permission DA/2013/0850 [Retrospective]

Applicant: BDW Trading Ltd. (David Wilson Homes)

Agent: BDW Trading Ltd. (David Wilson Homes)

Case Officer: Rob Burton

Ward: Moulton Ward

Reason for Referral: Reserved Matters Application associated with a Major Application for a Sustainable Urban Extension

Committee Date: 23 April 2024

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS as set out below with delegated authority to the Acting Assistant Director – Planning and Development to approve any amendments to conditions as deemed necessary.

Proposal

Reserved matters application (retrospective) for the submission of details of layout, appearance, scale and landscaping for the balancing pond adjacent to Zones 6 & 7 of the Overstone Leys Sustainable Urban Extension (SUE) pursuant to outline planning permission DA/2013/0850.

Consultations

The following consultees have raised **no objections** to the application:

- Environmental Health
- Environment Agency
- WNC Landscape
- Lead Local Flood Authority (LLFA)

0 letters of objection have been received and 0 letters of support have been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Surface water drainage
- Landscaping
- Impact on the character and appearance of the area

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1 APPLICATION SITE AND LOCALITY

- 1.1 The application site is located west of Overstone village confines, to the eastern side of the Overstone Leys Sustainable Urban Extension (SUE) development. The site consists of a sustainable drainage system (SuDS) balancing pond (for the Overstone Leys development) and is bound by Sywell Road to the south (with Gashouse Spinney beyond), a tree lined watercourse to the east and, what will be residential properties to the north/west forming part of the Overstone Leys SUE permitted under outline application DA/2013/0850.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The development seeks retrospective consent for details of layout, appearance, scale and landscaping for the balancing pond adjacent to Zones 6 & 7 pursuant to outline planning permission DA/2013/0850.
- 2.2 The pond has a volume of 22,000m³ with a wet corridor, and sloped embankments proposed to be landscaped with wildflower meadow grass, three areas of scrub mix, six Alder trees and shallow areas of the pond with gentle slopes to allow access for birds and animals. Surrounding the pond would be a self-bonded gravel maintenance path and 1.2-metre-high post and rail fencing with 4 deep water warning signs/buoyancy aids.

3 RELEVANT PLANNING HISTORY

- 3.1 The following planning history is considered relevant to the current proposal:
- DA/2013/0850 Outline application of up to 2000 dwellings, with access, appearance, layout and scale unreserved for the first phase of 200 dwellings; a new section of A43 dual carriageway road; up to 3.83ha for a local centre incorporating provision for a Use Class A1 foodstore (up to 2,000 sqm), Class A4 public house (up to 650 sqm), Class C2 care home (up to 2,800 sqm), Class D1 day nursery (up to 465 sqm), Class D1 medical centre (up to 750 sqm), a parade of 5 retail units (Classes A1, A2, A3, A5 and D1) (up to 450 sqm), Class

B1(c) light industry (up to 5,000 sqm); a new primary school (up to 3,150 sqm); public open space provision to include outdoor sports pitches, allotments and children's play space; structural landscape planting; associated infrastructure, including drainage features and access. - Overstone Leys Overstone Lane Overstone Northamptonshire – Approval

- NMA/2016/0049 Non material amendment to application DA/2013/0850 (outline application for up to 2000 dwellings etc.) to substitute house types on 13 plots in Phase 1A - Overstone Leys Overstone Lane Overstone Northamptonshire – Approval
- NMA/2016/0084 Non material amendment to application DA/2013/0850 (Outline application for up to 2000 dwellings) Change to house types - Overstone Leys Overstone Lane Overstone Northamptonshire – Approval
- NMA/2017/0036 Non material amendment to application DA/2013/0850 (Outline application for up to 2000 dwellings) to revise house types (New Plot nos 20-34 (inclusive) and 47-53 (inclusive)) and amend layout. - Overstone Leys Overstone Lane Overstone Northamptonshire – Approval
- NMA/2017/0082 Non material amendment to application DA/2013/0850 (outline application for up to 2000 dwellings) to revise access arrangement for Phase 1A. - Overstone Leys Overstone Lane Overstone Northamptonshire – Approval
- DA/2019/0067 Reserved matters application (access - primary infrastructure for Phase 2) pursuant to Condition 1 of outline planning approval DA/2013/0850 granted approval on 27 August 2015 - Phase 2 Overstone Leys Overstone Lane Overstone Northamptonshire – Approval
- 2023/7754/MAR Reserved Matters application following approval of Outline Planning Permission DA/2013/0850 (access, appearance, landscaping, layout and scale - for new 2 Form Entry Primary School building and associated external works including parking areas, play areas, Multi Use Games Area with toilet block and store, landscaping and boundary treatment) pursuant to Condition 1 of outline planning approval DA/2013/0850 granted approval on 27.08.2015. Land situated between Overstone Lane and The Avenue, with further plot to South of The Avenue - Under consideration.

4 RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

- 4.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

4.2 Development Plan

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (December 2014)

Policy SA – Presumption in Favour of Sustainable Development

Policy S3 – Scale and Distribution of Housing Development

Policy S4 – Northampton Related Development Area

Policy S5 – Sustainable Urban Extensions

Policy S10 – Sustainable Development Principles

Policy BN7 – Flood Risk
 Policy N3 – Northampton North Sustainable Urban Extension

Settlements and Countryside Local Plan (Part 2) For Daventry District (February 2020)

SP1 – Daventry District Spatial Strategy

ENV1 – Landscape

ENV5 – Biodiversity

ENV10 – Design

ENV11 - Local Flood Risk Management

Overstone Neighbourhood Development Plan

4.3 Material Considerations

National Planning Policy Framework (NPPF)

Chapter 2 Achieving sustainable development

Chapter 8 Promoting healthy and safe communities

Chapter 12 Achieving well-designed places

Supplementary Planning Guidance (SPG)

Daventry Design Codes (3.5 Sustainable Drainage Systems (SuDS) and ground water protection)

The Local Standards and Guidance for Surface Water Drainage in Northamptonshire

5 RESPONSE TO CONSULTATION

5.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Comment
Environmental Health	No objections.	No adverse comments but noted that the construction of the pond should be controlled so as to prevent excessive noise, dust, mud on the road etc but acknowledged this may be covered by the Construction Management Condition on the original consent DA/2013/0850.
Environment Agency	No objections.	The adjacent watercourse is not a main river therefore Environment Agency flood risk permit is not required.
Lead Local Flood Authority (LLFA)	No objections.	We would advise that the information provided is satisfactory to demonstrate that the surface water drainage scheme for the development adequately manages flood risk in accordance with Policy BN7 of West Northamptonshire Joint Core Strategy. No conditions are recommended.
WNC Landscape	No objections.	The construction of the outflow was designed to limit impact on the existing trees as well as retaining the two mature oak trees to the north of the

		<p>pond which were the most important landscaping elements. The proposed landscaping is appropriate, beneficial for wildlife and will help soften the edge of the balancing area. Only concern would be management, trees/shrubs could struggle in drought. The opportunity to water/replace should they fail should be conditioned if it has not already.</p>
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6 RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

- 6.1 There have 0 number of objections/letters of support.

7 APPRAISAL

Principle of Development

- 7.1 The principal along with the size and form of the existing pond was approved through the outline planning permission (DA/2013/0850) by way of the approved Masterplan, Flood Risk Assessment and Plan 2 of the S106 agreement signed 27th August 2015.
- 7.2 The principle is therefore acceptable subject to detail.

Impact on Character of Area (including landscaping)

- 7.3 Policy ENV1 of the Daventry Local Plan advises that proposals should enhance and restore landscape features where the opportunity arises, incorporate mitigation measures to integrate development into its surroundings and enhance or restore the local landscape. Provision should be made for the long-term management and maintenance (minimum five years) of new landscape proposals to ensure their establishment.
- 7.4 Policy ENV10 of the Daventry Local Plan relates to design and seeks to ensure development is of a high quality, that reflects and integrates with the surrounding area and creates a strong sense of place. This is echoed within Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1). Policy ENV10 (v) advises high quality design is achieved by integrating existing landscape features of the site with the proposed landscaping and open space, providing details of suitable comprehensive landscaping scheme and responding to the wider landscape context.
- 7.5 Paragraph 135 of the NPPF advises planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 136 refers to the importance of trees in their contribution to the character and quality of urban environments and also helping to mitigate and adapt to climate change. Planning decisions should ensure that opportunities are taken to incorporate trees within developments and that appropriate measures are in place to secure the long-term maintenance of newly-planted trees.

- 7.6 The form, scale and layout of the balancing pond has been broadly agreed by virtue of the agreed masterplan pursuant to outline planning permission DA/2013/0850 and the final detail is somewhat constrained by the practicalities of acceptably dealing with surface water run-off. Regardless, the final layout sees the balancing pond nestled to a 'green corner' of the SUE with the tree-lined watercourse to the east and further established woodland to the south, beyond Sywell Road, as well as further planting immediately outside the site, thereby allowing the semi-natural character and appearance of the balancing pond and its associated landscaping to adequately integrate and sit comfortably with its immediate context whilst helping to add to the overall quality of the area. Hard landscaping features would remain consistent with the semi-natural, edge of town character by utilising a self-bonding gravel service path and 1.2 metre high post-and-rail fencing.
- 7.7 The Councils Landscape Officer is content with the proposed planting and noted that the main concern was to retain the two mature oak trees to the immediate north of the balancing pond, which has been achieved. The only concern would be the management of the planting and any replacements should they fail.
- 7.8 Officers conclude that the development, including the associated landscaping, would acceptably integrate and sit comfortably within its context whilst helping to add to the overall quality of the area in accordance with Policies ENV10 and ENV1 and paragraphs 135 and 136 of the framework, subject to conditions surrounding the timing of planting and associated maintenance/replacement should any planting fail within the first five years.

Flooding & Drainage

- 7.9 Policy BN7 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states development proposals must comply with relevant flood risk assessment and management requirements set out in the National Planning Policy Framework and Planning Practice Guidance and the West Northamptonshire Strategic Flood Risk Assessments to address current and future flood risks with appropriate climate change allowances. A sequential approach will be applied to all proposals for development in order to direct development to areas at the lowest probability of flooding unless it has met the requirements of the sequential test and the exception test. All new development, including regeneration proposals, must demonstrate that there is no increased risk of flooding to existing properties, and proposed development is (or can be) safe and shall seek to improve existing flood risk management. The policy also states that all proposals for development of 1 hectare or above in Flood Zone 1 and for development in 2, 3a or 3b must be accompanied by a flood risk assessment that sets out the mitigation measures for the site and agreed with the relevant authority. Where flood risk management requires the use of sustainable drainage systems to manage surface water run off, these should:
- a. Separate surface water from foul and combined sewers;
 - b. Be accompanied by a long term management and maintenance plan; and
 - c. Protect and enhance water quality.

Policy ENV11 of the Daventry Local Plan broadly echoes this and advises development will be expected to comply with The Northamptonshire Local Flood Risk Management Strategy and The Local Standards and Guidance for Surface Water Drainage in Northamptonshire.

- 7.10 The LLFA have reviewed the supporting information and have advised that the information provided is satisfactory to demonstrate that the surface water drainage

scheme for the development adequately manages flood risk in accordance with Policy BN7 of West Northamptonshire Joint Core Strategy and no related conditions are required.

- 7.11 Officers are therefore content that the proposed details are acceptable from a surface water and drainage perspective. Condition 19 of the outline consent requires submission of details for the maintenance and management of surface water drainage schemes for each phase after completion and for the lifetime of the development and, therefore, the requirements of this condition will adequately secure the appropriate management of surface water flood risk in accordance with Policy BN7 and ENV11.

Residential amenity

- 7.12 Policy ENV10 of the Daventry Local Plan requires development to protect the amenity of new and existing dwellings. As above, the general form and location of the pond relative to the new dwellings has been established by virtue of DA/2013/0850 with housing development north-west of the pond. In considering the final detail of the balancing pond and associated landscaping relative to new and existing dwellings, officers conclude that residential amenity would be acceptably safeguarded whilst the Councils Environmental Health Officer has raised no adverse comments. Officers also acknowledge the fact that fencing and 4 deep water warning signs/buoyancy aids will be placed to the perimeter of the pond in the interests of public safety.
- 7.13 With regards to construction phase, the Councils Environmental Health Officer noted that the construction of the pond should be controlled so as to prevent excessive noise, dust, mud on the road etc but acknowledged this may be covered by the Construction Management condition on the original consent DA/2013/0850. Officers acknowledge these comments and note that the development is almost entirely retrospective, save some planting, fencing and the maintenance track. Given this, and that the outline consent comprised a construction management plan condition, any further conditions relating to construction management are not considered necessary to grant permission.

Biodiversity

- 7.14 Policy ENV5 of the Daventry Local Plan supports proposals that conserve and enhance designated and undesignated sites and species of national and local importance for biodiversity and geodiversity and contribute towards a resilient ecological network. Proposals should seek to achieve net-gain for biodiversity, including the creation and management of new habitats. Paragraph 124 of the NPPF advises planning decisions should encourage multiple benefits from both urban and rural land such as developments that would enable new habitat creation.
- 7.15 The proposal demonstrates soft landscaping comprising wildflower meadow grass mix to the pond embankments, wet tolerant grass mix to the wet corridor around the pond, three areas of scrub mix, six Alder trees and shallow areas of the pond with gentle slopes to allow access for birds and animals to promote establishment of a diverse planting range at different depths.
- 7.16 In the absence of specialist ecological advice, Officers consider the proposal would create new habitats, which would integrate well into the surrounding habitats to the south and east thereby conforming with the relevant parts of policy BN5.

8 FINANCIAL CONSIDERATIONS

- 8.1 None.

9 PLANNING BALANCE AND CONCLUSION

- 9.1 The principle of the development has been established by virtue of the outline consent. Officers are content that the proposed layout, appearance, scale and landscaping are acceptable for the site and would acceptably integrate and blend in with the character of the area whilst satisfactorily safeguarding residential amenity, enhancing biodiversity and managing surface water flood risk.

10 RECOMMENDATION AND CONCLUSION

- 10.1 Grant planning permission subject to conditions as set out below with delegated authority to the Assistant Director for Planning to approve any amendments to those conditions as deemed necessary.
- 10.2 A full list of conditions is provided below

CONDITIONS:-

Compliance with Approved Plans

1. The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:

- Location Plan (1064_001)
- Site Layout (1064_002)
- Pond Proposals (DWH24054-14)
- Pond Proposals (with context) (DWH24054-15)
- Swale 3 and Pond 1 Long Section (5513 C1)
- FRA Statement Of Compliance Exceedance Flow Routes, WYG Engineering.
- FRA Statement of Compliance Attenuation Pond, Tetra Tech.
- Overstone Leys, Sustainable Urban Extension Surface Water Drainage Design Statement, WYG Engineering.
- Overstone SUE Balancing Pond (SK001)
- R20B 01 RH Headwall 500 x 500mm Toe Kee Klamp, Gate and Ladder with Walkthrough SFA1 600 Outfall Safety Grille.
- Topo Sheets 4, 5 and 7, Milton Keynes Surveys LTD.

Registered valid with the Local Planning Authority on 25th September 2023 and,

- Overstone Leys SUE Surface water Drainage Network Simulation Results.
- Flood Exceedance Routes Drawing A110451/35/12/SK003 D2
- Flood Exceedance Routes Drawing A110451/35/12/SK003 D2
- Overstone Leys, Overstone, Northampton Phase II Site Appraisal for David Wilson Homes (South Midlands) P8538.
- Swale 3 and Pond 1 Cross Sections (5523 C02)
- Pond 1 General Arrangements Sheet 1 (5507 C002)

Received 22 January 2024 and,

- Detail 'A' General Path Construction.

- 1200 Ranch Style Fence SD14-010.

Received 14th February 2024,

Unless a non-material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason : To clarify the permission and for the avoidance of doubt.

Landscaping

2. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason : To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policies ENV1 and ENV10 of the Settlements and Countryside Local Plan and Government guidance contained within the National Planning Policy Framework.

3. A schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of the development. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policies ENV1 and ENV10 of the Settlements and Countryside Local Plan and Government guidance contained within the National Planning Policy Framework.

INFORMATIVES:-

1. Your attention is drawn to the need to comply with the conditions imposed on the outline planning permission DA/2013/0850, in particular but not exclusively, condition 19 relating to surface water drainage details.
 2. Your attention is drawn to the associated planning obligation that was entered into in accordance with S106 Town and Country Planning Act 1990 prior to this decision notice being issued.
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