

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 08/12/2015</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Nicola Thompson</b>	<b>Application No: KET/2013/0232</b>
<b>Wards Affected</b>	<b>Queen Eleanor and Buccleuch</b>	
<b>Location</b>	<b>East Kettering Development - Parcels R23 &amp; R26, Cranford Road, Barton Seagrave</b>	
<b>Proposal</b>	<b>Approval of Reserved Matters: All details in respect of KET/2013/0695 for 332 dwellings and related development</b>	
<b>Applicant</b>	<b>Mr R White Persimmon Homes,</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. Nothing herein contained shall be deemed to affect or vary the conditions imposed on outline permission reference KET/2013/0695 dated 13th October 2014 which shall continue in full force and effect, save insofar as they are expressly varied by any conditions imposed hereby.

REASON: For the avoidance of doubt.

2. The development hereby permitted be carried out in accordance with the revised layout plan reference number P.0787\_15T received 26th November 2015.

REASON: To define the terms of the consent in the interests of access, design and layout in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. The development shall be carried out in accordance with the following amended plans:

- (i) Proposed Drainage Strategy ref. 16963/1006 received 30th March 2015
- (ii) House Types ref. P.0787 received 17th March 2015
- (iii) Barton Square and Focal Space Landscape Details ref. P.0787\_018-B received 17th March 2015
- (iv) Landscape Masterplan ref. P.0787\_10C received 20th March 2015
- (v) Strategic On-Plot Soft Landscape Proposals ref. P.0787\_23 received 30th March 2015
- (vi) Landscape Management and Maintenance Plan ref. P.0787\_19-B received 30th March 2015
- (vii) Site Location Plan ref. P.0787\_4A received 28th March 2013
- (viii) Finished Floor Levels ref. P.0787\_26 received 17th March 2015
- (ix) Enclosure Details ref. P.0787\_7A received 17th March 2015
- (x) Sub-station Elevation ref. P.0787\_25 received 17th March 2015
- (xi) Bin Stores ref. P.0787\_27 received 17th March 2015
- (xii) Topographical Survey ref. 18062 Sheet 1 received 28th March 2013
- (xiii) Topographical Survey ref. 18062 Sheet 2 received 28th March 2013

REASON: To secure an appropriate form of development, high quality design and in the interests of visual amenity in accordance with Policy 13 of the North Northamptonshire Spatial Strategy.

4. Prior to the commencement of development, the programme of development for Parcels R23 and R26, setting out the anticipated timing for development within these Parcels shall be submitted to and approved in writing by the local planning authority. Any change in the programme shall be submitted to the local planning authority within ten days of such change.

REASON: To ensure that the infrastructure can be delivered in a planned and co-ordinated manner to meet the needs of the development.

5. Prior to the commencement of development a Strategic Highways plan and programme of access works for Parcels R23 and R26 shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure that a satisfactory standard of connection through the site and to the surrounding highway networks is provided at an appropriate time.

6. Notwithstanding the submitted draft Construction Management Plan, no development shall take place on site until the developer has prepared and agreed in writing with the local planning authority a final Construction Management Plan which sets out site procedures to be adopted during the course of construction, including how the developer will control dust and other emissions, construction traffic, site compound, marketing and sales units, noise and vibration from the development so as to cause minimum disturbance to residents in the surrounding area. The development shall be carried out in accordance with the agreed final CMP.

REASON: To protect the amenity of the surrounding residential areas.

7. No building or other site works shall be carried out before 7am or after 6pm Mondays to Fridays, nor before 8:30am or after 2pm on Saturdays, or at any time on Sundays or Bank Holidays.

REASON: To limit the detrimental effect on adjoining occupiers by reason of noise and disturbance.

8. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the relevant plots hereby permitted and that area shall not thereafter be used for any other purpose.

REASON: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

9. Prior to construction of dwellings full details of the proposed cycle stores and sheds shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To secure a high quality design and in the interests of visual amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

10. The external garage types hereby permitted shall be built in accordance with drawings CR/KE/GAR/01 rev B, CR/KE/GAR/02, CR/KE/GAR/03 and CR/KE/GAR/04 received 19 November 2015.

REASON: In the interests of design layout in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

11. The development shall be carried out in accordance with the highway crossing and bus stop location detail as shown on plan referenced P.0787\_15T received 26th November 2015.

REASON: In the interests of highways safety.

12. The development shall be carried out in accordance with the hard surfacing detail as shown on plan referenced P.0787\_15T received 26th November 2015.

REASON: To secure a high quality design and in the interests of visual amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy and the East Kettering Design Code.

13. The development hereby approved shall incorporate measures to minimise the risk of crime and meet specific security needs of the site. The security measures shall achieve the Secured By Design accreditation awarded by Northamptonshire Police. Written confirmation of these measures is to be submitted to and approved by the local planning authority. The approved measures shall be implemented prior to the completion of the development.

REASON: In the interests of security, reducing the risk of crime and promoting well-being in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

14. The development shall be carried out in accordance with the boundary treatment detail as shown on plan referenced P.0787\_15T received 26th November 2015.

REASON: In the interests of security, reducing the risk of crime and promoting well-being in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

15. 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 enlargement, improvement or alteration permitted by Class A or B of Part 1, Schedule 2 of the Order shall be made on the following plots within the application site as shown on the revised layout plan reference number P.0787\_15T received 26th November 2015:

"" Plot 287

"" Plot 288 - 306 (inclusive)

"" Plot 5

"" Plot 11 - 17 (inclusive)

"" Plot 24

REASON: To protect the privacy of the existing occupiers of Barton Road, Swallow Close and Cranford Road in the interests of residential amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

16. The development shall be carried out in accordance with the roof cross section drawing referenced P.0797\_30 received on 08th April 2015.

REASON: To protect the amenity of the neighbouring residential properties along Barton Road.

17. Prior to the commencement of development samples of the types and colours of all external facing and roofing materials to be used shall be submitted to the local planning authority for written approval. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of design and visual appearance in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

18. The development shall be carried out in accordance with the building materials plan referenced P.0787\_11B received on 07th April 2015.

REASON: In the interests of design and visual appearance in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

19. The level of noise emitted from the substation shall not exceed 20dBA at any time.

REASON: In the interests of general amenity.

20. Prior to the 100th occupation the area of open space known as 'Barton Square' shall be completed.

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

21. No development shall take place until details of measures to protect the existing trees and hedges on the site during construction have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to any construction work and shall remain in place until the building works are completed.

REASON: To ensure that the existing vegetation is not harmed during construction.

22. Prior to the commencement of works a qualified arborist shall carry out an assessment of the condition of the trees within the Eastern boundary landscaping

strip. This assessment will be submitted to the local planning authority for approval in writing prior to the construction of the footpath.

REASON: To ensure that the existing vegetation is not harmed during construction.

23. Within 3 months of the commencement of development hereby approved a landscaping scheme shall be submitted to and approved in writing by the local planning authority which sets out the location, type and provision of Spring Bulbs to be planted within public amenity soft landscape areas. The approved details shall also include a timetable for when this planting will be implemented and completed. The development shall be carried out in accordance with the approved details. Any bulbs within a period of 5 years from the date of planting, die, are removed or become seriously diseased shall be replaced in the next planting season with others of a similar size or species.

REASON: In the interests of visual amenity and to provide a high quality design in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

24. Notwithstanding the sustainability report submitted, prior to the commencement of development, a further statement shall be submitted addressing how the development will comply with the principles set out in, 'The Low or Zero Carbon Feasibility Study 2012 Project Ref:25134/Doc Ref:R8/rev 8 dated October approved on 22nd October 2012 under application reference AOC/0694/0703'.

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

25. The development must be carried out in accordance with the Geo-Environmental Site Investigation Reports referenced BRD1951-OR1-A and BRD1951-OR2-A both dated December 2013 received by the local planning authority on 17th March 2015. Following completion of the measures identified in the approved documents, a validation report must be submitted to and approved in writing by the local planning authority which sets out any changes in circumstances, relocation of onsite soils suitable for re-use and the chemical testing of any imported soils. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation scheme has been submitted to and approved in writing by the local planning authority which details how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved prior to any further works taking place on site.

REASON: To ensure that risks from land contamination to the future users of the land are minimised in accordance with Policy 11 and paragraph 120 of the National Planning Policy Framework.

26. Within 6 months of the date of this decision notice a management and maintenance strategy for the eastern boundary open ditch shall be submitted in

writing to the local planning authority for approval. The management and maintenance of this open ditch shall be carried out in accordance with the approved details.

REASON: In the interests of flooding and sustainable drainage systems in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

27. Prior to the commencement of development details shall be submitted to show how the development shall be served by estate roads of adoptable standard. The roads shall be laid out in accordance with the details subsequently approved.

REASON: In the interests of highways safety.

## **Officers Report for KET/2013/0232 - amendments**

This application is reported for Committee decision because the KET/2013/0232 reserved matters application was resolved to grant by Members on 16<sup>th</sup> April 2015 subject to the signing of a S.106 agreement and Anglian Water and NCC Highway matters being resolved. Anglian Water matters have been resolved and they have removed their objection. Highway matters are almost resolved and the S.106 is in its final form. However the applicants have submitted a request to amend the scheme which does not fall under the resolution to grant and therefore the application amendments needs to be reported back to Members.

### **3.0**

## **Information**

### **Relevant Planning History**

There is extensive planning history for the application site therefore the following is the more recent and relevant planning history. A full planning history can be inspected at Kettering Borough Council Offices.

KET/2008/0274 – Outline for 5,500 dwellings and related development – APPROVED

KET/2013/0695 – Variation and removal of Conditions application in relation to outline application (KET/2008/0274) (Tranche 2) – APPROVED

KET/2016/0689 – S.73 Application: Variation of condition 18 (Code for Sustainable Homes) of KET/2013/0695 in respect of code levels – COMMITTEE RESOLUTION TO GRANT (awaiting S106 signing)

KET/2015/0894 – S.73 Application: Variation of conditions 19 (Lifetime Homes), 44iii (Access Highway Works) and 46i and 46ii (Offsite Highway Works) of KET/2013/0695 in respect of lifetime homes and highway works – PENDING DECISION

### **Site Description**

Officer's site inspections were carried out on various dates between 2013 and 2015.

The reserved matters application site relates to Parcels R23 and R26 of the East Kettering Sustainable Urban Extension site, as shown on the approved strategic master plan for the development.

The land to which this application relates is situated to the east of Kettering



approximately 2.5 miles from the Town Centre. It forms part of the south western boundary of the East Kettering development and part is adjacent to existing housing. The site slopes downwards from west to east and the two parcels together are rectangular in shape. They comprise 11.43 hectares of arable land (9.42ha of developable land). A public footpath runs along the eastern edge of the site and to the north is Cranford Road. The site borders the rear gardens of existing large properties along Cranford Road and to the east, Barton Road. Beyond Cranford Road (to the north) and to the south of the application site is currently open countryside, however this land forms further residential parcels of the East Kettering Sustainable Urban Extension, specifically future residential parcels R21, R22, R24 and R25.

The site is to be accessed from the Barton Road / A14 Junction 10 junction (known as Access F). Junction 10 is approx. 380m to the south of the site. The proposed scheme for this access point is contained within the approval of condition application AOC/0274/0805. There would also be limited access off Cranford Road in compliance with the Design Code.

### **Proposed Development**

An application seeking reserved matters consent for Parcels R23 and R26 (within the East Kettering development site) comprising appearance, landscaping, layout and scale for 332 dwellings, associated open spaces (Barton Square) and landscaping, highway improvements and means of access was resolved to grant by Members on 16<sup>th</sup> April 2015 subject to the signing of a S.106 agreement and Anglian Water and NCC Highway matters being resolved. The applicants have since submitted a request to amend the scheme which does not fall under the resolution to grant and therefore the application is reported back to Members.

The amendments proposed to alter the garage dimensions for integral garages only across the two Parcels (R23 and R26). The external garage types would comply with the previously proposed condition dimensions which are as follows:

- Single garage minimum internal measurement: 3.3m x 6m
  - Double garage minimum internal measurement: 5.8m x 6m
- Total of 52 single garages, 110 double garages and 2 double/single garages proposed across the two parcels.

The 32 units with integral garages that would fall short of these dimensions would be sized as follows:

- 9 Roseberry units: 2.7m x 4.8m (single) - 2 on plot parking spaces
- 5 Winster units: 2.7m x 5m (single) - 2 on plot parking spaces
- 12 Downton units: 2.6m x 5.1m (single) - 2 on plot parking spaces
- 2 Fenchurch units: 5.4m x 5.1m (double) - 2 on plot parking spaces

- 1 Oxford unit: 5.3m x 5.8m (double) - 2 on plot parking spaces
- 3 Compton units: 5.2m x 4.7m (double) - 2 on plot parking spaces

## **Any Constraints Affecting The Site**

Public Footpath

Trees and hedgerows

## **Environmental Impact Assessment**

As the original outline planning applications (KET/2007/0694 and KET/2008/0274) were EIA development, this application is also regarded as an EIA application. Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 subsequent EIA applications include reserved matters and matters requiring approval before development can commence e.g. approval of conditions.

As part of the requirements contained within the Regulations, a screening opinion has also been carried out for this application. The local planning authority has adopted the screening opinion that the proposed development as described by the applicant is EIA development but that the original Environmental Statement (ES) dated July 2007 and as amended in Aug 2008 and Jan 2009 accompanying KET/2007/0694 and KET/2008/0274 adequately addresses the environmental effects of the proposals. Therefore, in accordance with Regulation 8 (2) no further ES is required. Under Regulation 8 (2) where the environmental information before a local planning authority (submitted with an original application) is adequate to assess the environmental effects of the development, that information shall be taken into consideration in the determination of a subsequent application. The original ES has therefore been taken into account and considered in the assessment of this application, the officer's recommendation and their determination.

## **4.0**

### **Consultation and Customer Impact**

#### **NCC Highways**

Comments read:

'I note the submission of house types which incorporate integral garages which do not meet our standards as contained in our Highways Standing Advice to

Local Planning Authorities which requires a single garage to be 3.2m x 6m and a double of 5.5m x 6.0m. This is disappointing and would be the source of an objection if our standing advice was more than an advice document.

I am however pleased to see the provision of extra on-plot parking for these units and as such I am content, in this instance, and in the absence of our imminent parking strategy being published, to accept the smaller garages'.

#### **Northants Joint Planning Unit**

No comments received to date.

#### **Parish Councils**

No comments received to date.

### **5.0**

#### **Planning Policy**

As this is reporting an amendment to an application recently resolved to grant, only policies relevant to the specific amendments have been listed below, that is in relation to garages and parking. This is because the principle of development was considered and established through the reserved matters application reference KET/2013/0232. A full list of policies and considerations are outlined in the Officers report for this application. However the garage condition has been updated.

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

Policy 4 – Promoting sustainable transport

Policy 7 – Requiring good design

#### **Development Plan Policies**

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

Policy 1 – Strengthening the network of settlements

Policy 13 – General sustainable development principles

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

Policy 1 and 13 of the CSS would be split across emerging Policy 1, 8 and 9 which incorporate place shaping principles and sustainable building.

#### **Other documents**

East Kettering Design Code approved on 26.03.2013 giving more detailed

design guidance for the site as a whole

NCC Highways Standing Advice April 2013

## 6.0

### **Financial/Resource Implications**

This amendment (if approved) is to be read with the reserved matters application KET/2013/0232 in conjunction with the outline planning permission, subsequent variation of condition applications and relevant Section 106 legal agreements. For the avoidance of doubt the reserved matters application was determined under outline approval reference KET/2013/0695 as this outline approval has been implemented by virtue of the commencement of the primary school (PS4).

The developer is willing to enter into a Section 106 Agreement to deliver the following for the Persimmon Parcels R23 and R26 in East Kettering.

- 20% affordable housing on site
- Roof charge in respect of each unit of market housing
- Travel Plan
- Apprenticeship Skills Strategy (employment of local apprentices)
- A Community Trust

## 7.0

### **Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of development
2. Garages and Parking
3. S.106

#### 1. Principle of development

The principle of development at East Kettering has been established through the grant of outline planning permission KET/2008/0274 (April 2010) and subsequent approved variation of condition application KET/2013/0514 (October 2013). A further variation of condition application has been approved reference number (KET/2013/0695) which secures the development of East Kettering in two phases with a deed of variation (dated 10.10.2014) linking the application to the revised Section 106 legal agreement. Development at East

Kettering has outline consent for:

- 5,500 dwellings
- 4 Primary Schools
- A Secondary School
- District Centre
- Local Centres
- Health Clinic
- Employment
- Hotel
- Formal and Informal Open Space
- Roads, drainage and other infrastructure

Where outline planning permission has been granted (as set out above) to then proceed with development, details known as reserved matters need to be submitted to the local planning authority for approval.

The reserved matters relevant to application KET/2013/0232 are listed below and were presented to committee in April 2015 who voted to grant the reserved matters application subject to the signing of a s.106 and resolving Anglian Water and NCC Highway matters.

- Access
- Layout
- Appearance
- Scale
- Landscaping

This report is before Members as the applicants have requested to amend the integral garage dimensions for the dwellings which falls outside of the scope of the resolution to grant the application.

## 2. Garages and Parking

Following the resolution to grant a reserved matters consent for Parcels R23 and R26 (within the East Kettering development site) on 16<sup>th</sup> April 2015, the applicants have submitted a request to amend the scheme. It is proposed to amend the garage dimensions for integral garages only across the two Parcels. The external garage types would comply with the previously proposed condition and external garages would equate to a total of 164 garages (single and double).

The 32 units with integral garages would fall short of the previously proposed condition dimensions but all of these units would still have 2 on plot parking spaces located to the front of the main dwelling. Full dimensions are stated in section 3.0 'proposed development'. Given that the integral house types all

have adequate off road parking spaces means that the garage area does not need to be used for the purpose of parking a vehicle. There is however the option for the occupier to use the garage for this purpose, or for the purpose of general storage ancillary to the use of the main dwelling.

The design code specifies that in the Barton character area (which these parcels sit); car parking can be in the form of on plot parking, car ports and/or garages. It does not specify garage dimensions.

NCC Highways has a standing advice for planning authorities' document issued in April 2013. This advice is intended to assist LPAs to consider applications from a highways perspective. Figure 5 on page 15 shows, 'minimum internal dimensions required where parking spaces are surrounded by or are adjacent to walls or other such solid features'. Therefore garages fall into this category and the proposed dimensions are 3.2m x 6m for single garages, 5.5m x 6m for double. Of the 332 units within this application site, 32 (9.6%) would fall short of this standing advice. However, it is considered that given all of those plots (that are providing under-sized integral garages when assessed against the highways standing advice) are providing two on plot parking spaces to the front of the dwelling and the option to park in the integral garage should the future occupier choose to, the parking serving the properties is acceptable and compliant with Policy 13(d) of the CSS. It is important to note that standing advice is not adopted policy and therefore carries limited weight.

NCC Highways were consulted with the proposed amendment and their comments reinforce that their standing advice is currently an advice document. However with the provision of extra on-plot parking for these 32 units, in this instance, and in the absence of NCC Highways imminent parking strategy being published, they accept the smaller integral garages. It is therefore considered the proposed amendment is acceptable and it would not be justified given these current circumstances to refuse the amendment on highway grounds.

With regard to the proposed condition it originally stated:

'Prior to commencement of development a garage portfolio pack shall be submitted to and approved in writing by the local planning authority which shows the internal garage sizes accords with the following measurements:

Single garage minimum internal measurement - 3.3 metres x 6 metres

Double garage minimum internal measurement - 5.8 metres x 6 metres

The garages shall be built out in accordance with the approved details.

REASON: In the interests of design layout in accordance with Policy 13 of the

North Northamptonshire Core Spatial Strategy’.

It would now read:

‘The external garage types hereby permitted shall be built in accordance with drawings CR/KE/GAR/01 rev B, CR/KE/GAR/02, CR/KE/GAR/03 and CR/KE/GAR/04 received 19 November 2015.

REASON: In the interests of design layout in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy’.

### 3. Section 106

These amendments would fall under reserved matters application KET/2013/0232 which has a S.106 legal agreement drafted. If these amendments are approved, the garages condition would be amended under KET/2013/0232 and incorporated into the S.106 legal agreement.

## **Conclusion**

The proposed garage dimension amendment to the reserved matters application KET/2013/0232 is not considered to have a detrimental impact on the overall scheme. The development would still deliver a wide choice of new homes, both market and affordable and will be built to a high quality design.

Many other matters have been considered and assessed under the original reserved matters application that was before committee Members in April 2015, and this amendment to the reserved matters application is considered to accord with the overall strategy for the East Kettering development, outline planning requirements, Development Plan policies and the principles of the NPPF. It is therefore recommended that the amendment to the reserved matters application be approved, subject to the conditions set out at the start of this report.

### **Background Papers**

Title of Document:

Date:

Contact Officer:

### **Previous Reports/Minutes**

Ref:

Date:

Nicola Thompson, Development Officer on 01536 534316