

BOROUGH OF KETTERING

Committee	Full Planning Committee - 04/10/2016	Item No: 5.8
Report Originator	Pritesh Shah Senior Development Officer	Application No: KET/2016/0577
Wards Affected	Queen Eleanor and Buccleuch	
Location	East Kettering Development - Parcel PS4, Cranford Road, Barton Seagrave	
Proposal	s.73A Retrospective Application: Variation of conditions 1 (drawing numbers), 2 (extend temporary time period), 4 (lighting) and 6 (maintenance programme), and removal of conditions 3 (construction hours), 5 (satellite dish) and 7 (temporary car parking) of KET/2015/0459 (Upgrade of construction access to form temporary access road and utilities to serve Parcel PS4)	
Applicant	Mr A Wordie Hanwood Park LLP,	

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 the following Condition(s):-

1. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details shown in the approved plan list table at the end of this decision notice.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

2. Notwithstanding drawing number (SK) 600 Rev C, this plan will relate to the Proposed Access Road Priority/ Giveaway Scheme Plan only.

REASON: For the avoidance of doubt.

3. This permission shall be limited to a period expiring on 31 December 2017. At or before the expiration of this period the use of the access, road and temporary utilities hereby permitted shall be permanently discontinued and the site reinstated to the approved layout drawing ref. (90) 02 Rev E in accordance with the reinstatement strategy received on 29 June 2015.

REASON: To enable the Local Planning Authority to re-assess the situation given the temporary nature and design of the works, in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. The mobile lighting towers as indicated by the yellow dots adjacent to the temporary access road as shown on Drawing (SK) 601 Rev C shall be sited and operational between the months of October 2016 and April 2017 inclusive.

REASON: In accordance with Policy 8 of the North Northamptonshire Joint Core Strategy in the interests of highways safety

5. The maintenance of the access road and the lighting serving the access road shall be in accordance with the Programme for Maintenance submitted to the Local Planning Authority approved under AOC/0459/1502.

REASON: In accordance with Policy 8 of the North Northamptonshire Joint Core Strategy and in the interests of highways safety

6. The area used for temporary parking' on drawing (SK)601 rev C, shall be retained for temporary parking and drop off / pick up facilities in accordance with a programme of details to be submitted to and approved in writing by the Local Planning Authority prior to the 30/11/2016. The details shall include a timetable for its implementation and cessation of use.

REASON: To secure a satisfactory means of access, parking and manoeuvring in accordance with Policy 8 of the North Northamptonshire Joint Core Spatial Strategy.

7. Within 1 month of grant of this permission a Traffic Regulation Order restricting part of Cranford Road to a 30mph speed limit shall be submitted to NCC Highways for approval and shall be implemented in accordance with the approved details within 1 month of the Traffic Regulation Order being approved.

REASON: In the interests of Highway Safety in accordance with Policy 8 of the North Northamptonshire Joint Core Spatial Strategy.

Officers Report for KET/2016/0577

This application is reported for Committee decision because the proposal is a contentious application which, in the opinion of the Head of Development Services, is a matter for the decision of the Committee.

3.0 Information

Relevant Planning History

- KET/2007/0694 – Outline for 5500 dwellings and associated works. Approved.
- KET/2008/0274 – Outline for 5500 dwellings and associated works. Approved.
- KET/2014/0255 – Primary school and associated works to Parcel PS4. Approved.
- KET/2015/0459 – Upgrade of construction access to form temporary access road and utilities to serve Parcel PS4. Approved.

Conditions Details

- AOC/0255/1401 – Conditions 1 (Construction Management Plan), 2 (Ecological Management Plan), 4 (Materials), 7 (Hard Surfacing), 9 (Construction Access Road), 10 (Drainage) of (KET/2014/0255). Approved.
- AOC/0255/1402 – Condition 5 (Cycle Storage Area), Condition 6 (Boundary Treatment) of (KET/2014/0255). Approved.
- AOC/0459/1501 – Condition 7 (Temporary Traffic Area) of (KET/2015/0459). Approved.

Site Description

Officer's site inspection was carried out on 31 August 2016.

Kettering East is an area of 328.5 hectares to the east of Kettering and Barton Seagrave. Kettering East is positioned adjacent to existing development on the town's eastern edge, bounded by the A14 trunk road to the south and open countryside to the north and east. Aside from the Primary School (subject of this application) which has been constructed, there are a number of homes under construction as part of David Wilson Homes site identified as Parcel R7 on the East Kettering Adopted Masterplan. The remainder of site currently comprises arable farmland, allotments and some woodland.

The site subject of this application currently comprises a temporary construction access to the primary school site across former agricultural land. The primary school has been constructed and is being used for education.

Proposed Development

The proposal seeks a variation of a number of conditions attached to planning approval KET/2015/0459 including:

- Condition 1 – Approved Plans. As part of this planning application, the applicant seeks changes to the approved plans part of KET/2015/0459 in such that this application now makes reference to 2no. 2200l gas tanks installed at the school site as opposed 2no. 2000l tanks as previously approved. The applicant also proposed changes to other approved plans relating to surface water drainage, mobile lighting which is discussed in greater detail below.
- Condition 2 – Time Limit. The applicant seeks to extend the temporary time period for the use of the temporary access road and utilities until 31 December 2017.
- Condition 4 – Lighting. The applicant seeks to vary this condition within KET/2015/0459 to allow the installed lighting to be operational between the months of October 2016 and April 2017 inclusive.
- Condition 6 – Maintenance Programme. Details were submitted and approved under AOC/0459/1502 in relation to this condition and therefore the applicant seeks to vary this condition to make reference to the plans approved under the approval of conditions application.

As well as varying the above conditions, the applicant also seeks to remove a number of conditions including:

- Condition 3 – Construction Hours. As the temporary access road has been constructed, the applicant considers this condition to be irrelevant and therefore has requested it to be removed.
- Condition 5 – Satellite Dish. This condition related to the positioning of the satellite dish. As the dish has already been installed as per this condition the applicant has requested it to be removed as it is deemed unnecessary.
- Condition 7 – Temporary Parking. This condition related to the provision of temporary car parking and drop off/ pick up facilities in accordance to a programme of details which has been submitted and approved under AOC/0459/1501. The temporary car parking area also forms part of this application and if approved will be limited for a temporary period.

Any Constraints Affecting the Site

There are no specific planning policy constraints affecting this site, however there is an open enforcement case against the applicant for the school. The enforcement case relates to KET/2015/0459 which states the temporary utilities and temporary road shall be removed with the land reinstated no later than 31 August 2016.

Since the enforcement case had been open the applicant had submitted this application to extend the temporary time limit for the access road and utilities. Further to the open enforcement case, it doesn't appear the applicant has constructed the school in accordance with approved (temporary) plans submitted under KET/2014/0459 in such that the septic tank does not appear to be hidden underground and therefore poses a safety issue to children. The applicant is aware of this and is working with the Council to resolve this issue.

Environmental Impact Assessment

The site area for this application is 0.655 hectare. Consequently it does not fall under the Town and County Planning (Environmental Impact Assessment) Regulations 2011 requirements as set out in Schedule 2, Part 10 (Infrastructure projects) section (f) for the construction of roads, due to the area not exceeding 1 hectare.

However, the original outline planning applications (KET/2007/0694 and KET/2008/0274) were EIA development and a screening opinion was carried out for these applications. It was concluded that the original Environmental Statement (ES) dated July 2007 and as amended in August 2008 and January 2009 accompanying KET/2007/0694 and KET/2008/0274 adequately addresses the environmental effects of the proposal and that no further environmental information is necessary other than that as supplied in support of the proposal.

4.0 Consultation and Customer Impact

NCC Highways: No objection subject to a suitable condition to allow a 30mph speed limit along Cranford Road to serve this access.

Environment Agency: No objection.

Natural England: No objection.

Northants Badger Group: No objections.

5.0 Planning Policy

National Planning Policy Framework

Section 4 'Promoting sustainable transport'

Section 7 'Requiring good design'

Section 8 'Promoting healthy communities'

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 7 – Community Services and Facilities

Policy 8 – North Northamptonshire Place Shaping Principles

Local Plan

Policy K3 – Kettering: Ise Valley

Other Documents

East Kettering Design Code approved on 26.03.2013 giving more detailed design guidance for the site as a whole.

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle
2. Highways and access
3. Design
4. Drainage
5. Ecology

Comments on other points raised by proposal

1. Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 as well as paragraph 12 of the NPPF require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The principle of development at East Kettering has been established through the grant of outline planning permission KET/2008/0274 (April 2010) and subsequent variation of condition applications KET/2013/0514 (October 2013). A further variation of condition application has been approved (KET/2013/0695 and KET/2014/0357 - Hallam S73) which secures the development of East Kettering in two phases subject to conditions and a deed of variation linking the application to the revised Section 106 agreement. Development at East Kettering has outline consent for:

- 5500 dwellings
- 4 primary schools
- 1 secondary school
- District centre and local centres
- Formal and informal open space
- Roads, drainage and other infrastructure
- Health clinic
- Employment uses
- Hotel

A reserved matter application for a primary school and associated works on Parcel PS4 was approved in October 2014.

2. Highways and access

Policy 8 (a) (ii) of the JCS states development should:

Create connected spaces by ensuring that it... Integrates well with existing cycle, pedestrian, public transport and vehicular movement networks and links to these routes in the most direct and legible way possible, to achieve logical routes.

Policy 8 (b) goes on to further say development should:

Make safe and pleasant streets and spaces by... Prioritising the needs of pedestrians, cyclists and public transport users and resisting developments that would prejudice highway safety... Ensuring a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with the adopted standards...

The application site currently comprises a temporary access road to Hayfields Cross Primary School which has been open to pupils from September 2015. The temporary access road is required until the infill link road is constructed. Along the access road are a number of passing bays with the access road segregated from staff and pupils by timber sleepers coloured in red and white. There are also a number of temporary lights along the access road for winter months. Speed limit signs are also along the access road which currently state 20mph which will be replaced to show 10mph.

At the junction of the temporary access road and Cranford Road the applicant has upgraded the access to provide clear visibility splays on both sides of the access ensure a clear unobstructed view of approaching vehicles from the east and west. All vehicles are also able to enter and leave the site in a forward gear.

From the access road and into the school, the temporary arrangement results in some cycle hoops / shelters, landscaping and boundary treatment being omitted until the temporary period has expired and the reinstatement commenced. The temporary works involve herringbone block paving across from the road to the school car parking area. To allow adequate circulation within the car park some of the car parking bays demarcation (4 bays) will be omitted and reinstated after the temporary period. The works also include the temporary closure of the permanent access points onto the infill link road. Within the school main site and car parking area the speed limit will be reduced to 5mph.

NCC Highways have been consulted and have raised concerns with regards to

the speed limit along Cranford Road which is 40mph. They have requested that the speed limit is reduced to 30mph along Cranford Road for the temporary access to allow safe vehicular access to the school. As the numbers of pupils also set to increase there will be more instances where vehicles will be turning and emerging from the access therefore warranting the speed limit to be reduced along Cranford Road.

Within the previously approved scheme (KET/2015/0459) an informative was added requesting the applicant to extend the existing Traffic Regulation Order (TRO) restricting part of Cranford Road to 30mph. This TRO has since expired and in terms of highway safety another order is necessary to limit the speed of vehicles along this part of Cranford Road. This can be dealt by way of a condition where the applicant is requested to submit a TRO to NCC Highways within 1 month of any permission being granted and the TRO to be implemented within 3 months of any permission being granted.

Whilst it is acknowledged that an access to the school from the link road is the preferred option (approved within KET/2014/0255), the temporary access provides a community benefit by offering a safe and accessible route to an existing school. The temporary access has already been in place for a year with no major highways incidents reported and therefore extending the temporary time period for the access for a further year (until 31 December 2017) is considered to be in accordance to Policy 8 (a and b) of the JCS subject to a condition for the submission of a TRO.

The applicant is already aware of the need to submit the TRO and has been encouraged to progress this without delay.

3. Design

Policy 8 (d) of the JCS states development should create a distinctive local character by:

Responding to the site's immediate and wider context and local character to create new streets, spaces and buildings which draw on the best of that local character without stifling innovation ... Responding to the local topography and the overall form, character and landscape setting of the settlement.

Paragraph 57 of the NPPF states:

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Paragraph 59 of the NPPF goes on to say:

Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should

avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

The proposal seeks the variation of condition 1 (approved plans) of planning approval KET/2015/0459. Specifically the plans relating to tank details; temporary access road; temporary car park access and cross section; and temporary cycle shelter with generator are relevant to the design. Other plans which the applicant is seeking to amend include the surface water discharge plan and the surface water outfall plan which will be discussed in detail under the drainage section of this report as they do not impact on the overall design of the proposal.

With respect to the tank details (which are retrospective and already in situ); the capacity of the propane tanks have increased from 2no. 2000l tanks (as previously approved) to 2no. 2200l tanks. Hayfield Cross Primary School has confirmed that the gas tanks are maintained by Calor Gas. Whilst there are no immediate concerns with regards to increasing the gas tank capacities, the applicant should be made aware of their duties to provide a safe working and learning environment and the gas tanks should therefore comply with all relevant safety legislation. The applicant will be made aware of their duties by way of an informative added to any grant of this application.

From the access road and into the school, the temporary arrangement results in some cycle hoops / shelters, landscaping and boundary treatment being omitted until the temporary period has expired and the reinstatement commenced. The temporary works involve herringbone block paving across from the road to the school car parking area. To allow adequate circulation within the car park some of the car parking bays demarcation (4 bays) will be omitted and reinstated after the temporary period. The works also include the temporary closure of the permanent access points onto the infill link road. Within the school main site and car parking area the speed limit will be reduced to 5mph. The design of this temporary arrangement is considered to be in-keeping with the overall design of the school and will not detract away from the character and scale of the school site.

4. Drainage

The permanent drainage facilities will connect to the approved wider drainage strategy for both foul and surface water flows (Ref. AOC/0274/0802 for foul water drainage strategy and KET/2013/0781 for surface water drainage strategy). Within the previously approved scheme (KET/2015/0459), the applicant proposed to lay a 65mm pipe of approx. 300 metres in length to collect the surface water from the impermeable areas which would then be directed to a ditch. The applicant now proposes a 300mm pipe with a 225mm diameter land drain discharge pipe which will discharge excess surface water into a ditch. The Environment Agency has been consulted and has not raised any objections.

Although there were a number of issues over the past 12 months relating to the foul system not working correctly these have now been resolved. The only issue outstanding is the frequency that the septic tank needs emptying. The temporary road has the capacity to allow a tanker lorry to empty the septic tank 2 to 4 times a week. With the current levels of school attendants the road along with tanker movements is considered to be acceptable, however there is a limit before it becomes evident that the link road needs to be constructed.

5. Ecology

The Local Planning Authority has a duty under the Conservation of Habitats and Species Regulations 2010, the EU Habitats Directive and the Natural Environment and Rural Communities Act 2006 to take into account protected species when determining planning applications. Policy 4 of the JCS states that planning permission will not normally be granted for proposals that adversely affect a sites conservation value.

Surrounding the site is open grassland and fields. The current trees, hedgerows and planting within the site have been planted in accordance with the school's approved landscaping scheme. As part of this landscaping scheme, a habitat area is proposed with the school grounds which will have both ecological and educational benefits. This proposal does not encroach on this habitat area and therefore this proposal does not result in any adverse impact on ecology.

Conclusion

The delivery of this proposed temporary access, road and utilities is critical for the continued operation of the school to provide safe access for staff, parents, visitors and children. It will form the main point of access to the school in the interim period whilst other infrastructure is completed. The proposed scheme is considered to accord with both development plan policy and also National Planning Policy and Guidance.

An extension of the time period for the temporary road and utilities until 31 December is considered acceptable, however any further extension of time will be difficult to justify due to the excessive numbers using the temporary road and/ or the temporary utility measures cannot be expanded without safety concerns being raised. This matter has been brought to the attention of the applicant which highlights the need to proceed with the link road urgently.

The application is therefore recommended to Members for approval subject to conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Pritesh Shah, Senior Development Officer on 01536 534316