

BOROUGH OF KETTERING

Committee	Full Planning Committee - 22/08/2017	Item No: 5.1
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2017/0137
Wards Affected	St. Peters	
Location	Rothwell Road (land off), Kettering	
Proposal	Outline Application: Residential development of up to 81 no. dwellings with associated car parking, landscaping, public open space and vehicular access off Rothwell Road	
Applicant	Manor Oak Homes	

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. Details of the appearance, landscaping, layout and scale (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority) and the development shall not be carried out other than as approved.

REASON: In order to secure a satisfactory development and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

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

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

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

4. The development hereby permitted shall not be carried out other than in accordance with the approved plans and information detailed as approved below.
REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. The development shall not be carried out other than in accordance with the conclusions and recommendations of the Preliminary Ecological Appraisal referenced 5493 FE PEA 01 dated October 2015, the Badger Survey Report referenced 5493 FE 01 dated March 2017 as compiled by First Environment Limited and the Badger Report and Mitigation Strategy dated 08/05/2017 and referenced 5158 BRMS dv1 CL as compiled by aspect ecology and received by the Local Planning Authority on 3 July 2015.

REASON: In the interests of protecting ecology in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

6. The development shall be limited to a maximum of 81 dwellings and shall not exceed two storeys in height.

REASON: In the interests of the visual appearance and highway safety in accordance with Policy 7 of the NPPF and Policy 8 of the North Northamptonshire JCS.

7. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used (including to any garages, bin stores and the pumping station), 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: Details of materials are necessary prior to the commencement of development in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority which shall first explore the potential for the acoustic fencing to the sites western edge (if required) to comprise fencing (green screen) that allows plant growth on its face. The building which the boundary treatment relates shall not be occupied until that part of the approved scheme has been implemented in accordance with the approved details.

REASON: In the interests of the amenity and protecting the privacy of the neighbouring property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. No development shall take place on site until full architectural details of all windows, doors, timber finishes, verge detailing, rainwater goods and chimneys and details of the location of the electricity and gas meter boxes and their finish 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: Details are required prior to commencement of development in the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. Before development commences a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved by the Local Planning Authority, to include an update of the noise assessment report (REC Ltd dated April 2016 ref. AC100531-1ro). Once approved the scheme shall be implemented before occupation of the residential units and therefore maintained in the approved state. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers without the prior written approval of the Local Planning Authority.

REASON: In the interest of residential amenity in accordance with Policy 8 of the North Northamptonshire Core Spatial Strategy.

11. 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 B to C have been complied with.

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.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy 6 and 8 of the North Northamptonshire Joint Core Strategy

12. Before development commences an air quality assessment shall be undertaken to assess the impact of local air quality on occupiers of the proposed development against the National Air Quality Standards and Objectives. The assessment shall be submitted to the local planning authority for approval and shall identify exceedances of the air quality objectives in addition to any mitigation measures required to reduce exposure. Once approved the mitigation measures shall be implemented in full before occupation of the development.

REASON: In the interest of residential amenity and to protect public health and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

13. Prior to the commencement of development hereby permitted, a scheme and timetable detailing the provision of two fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the hydrants serving the development have been provided in accordance with the approved details.

REASON: To secure the provision of fire hydrants in the interests of safety in accordance with policy 8 of the North Northamptonshire Joint Core Strategy

14. No development shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment (prepared by JPP consulting dated January 2017) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme shall include; details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required). Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.

REASON: A surface water drainage scheme is required prior to the commencement of development to prevent the increase risk of flooding in accordance with Policy 11 of the NPPF and Policy 5 of the North Northamptonshire Joint Core Strategy.

15. No development shall commence until an external lighting scheme has been submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

REASON: To conserve biodiversity and in the interests of visual amenity in accordance with Policy 8 and 11 of the North Northamptonshire JCS.

16. Reserved matters for landscaping and/or layout shall take full account of the Badger Mitigation Strategy dated 08/05/2017, referenced 5158 BRMS dv1 CL as compiled by aspect ecology, which shall be submitted to and approved in writing by the Local Planning Authority together with details of any required mitigation measures and timing of implementation of these measures and shall include landscaping on the western boundary to be undertaken prior to the commencement of construction with temporary protective (chestnut or similar) fencing installed. The development shall not be carried out other than in accordance with the approved details and mitigation.

REASON: In the interests of protecting ecology in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy

17. Development shall not commence until a detailed scheme for ecological enhancement (including species and the provision of badger friendly habitat and planting) and an Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority, the implementation of which should be overseen by a suitably experienced ecological clerk of works. The development shall not be carried out other than in accordance with the approved Ecological Management Plan.

REASON: To protect ecology and secure a net gain in biodiversity in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

18. The Reserved Matters applications for layout and/or landscaping shall be accompanied by a scheme for the retention and removal of trees, hedges and hedgerows on site. The scheme shall include a plan and schedule in accordance with BS 5837: 2012 (or as updated) and shall make provision for a Combined Footway Cycleway (CFC) access through the sites southern edge to link up with Thorpe Malsor Road and proposed/ existing CFC provision on Gipsy Lane . The development shall be carried out in accordance with the approved details.

REASON: To ensure the continuity of amenity afforded by existing trees, hedges or hedgerows and in the interests of ecology in accordance with policies 4 and 8 of the North Northamptonshire Joint Core Strategy.

19. No development shall take place until a scheme of hard (full details of materials) and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees, hedgerows and shrubs to be planted, the layout, contouring and surfacing of all open space areas shall be submitted to and approved by the Local Planning Authority. The works approved shall be carried out in the first planting and seeding seasons following the occupation of any of the dwellings hereby approved, unless these works are carried out earlier. Any trees or plants which, within a period of 7 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 and to protect and enhance biodiversity in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

20. No development shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately-owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy

21. Prior to the commencement of the development hereby permitted, a full CTMP (Construction Traffic Management Plan) shall be submitted to and be approved in writing by the local planning authority. The Plan is to include the following elements:

- Detailed work programme / timetable.
- Site HGV delivery / removal hours to be limited to between 10:00 - 16:00
- Detailed routeing for demolition, excavation, construction and abnormal loads.
- Supply of pre-journey information on routeing and site restrictions to contractors, deliveries and visitors.
- Detailed plan showing the location of on-site stores and facilities including the site compound, contractor & visitor parking and turning as well as un/loading point, turning and queuing for HGVs.

- Breakdown of number, type, size and weight of vehicles over demolition & construction period.
- Details of debris management including location of wheel wash, programme to control debris spill/ tracking onto the highway to also include sheeting/sealing of vehicles and dust management.
- Details of public impact and protection to include road, footway, cycleway and PRow. Details of TROs and road / footway / cycleway / PRow closures and re-routeings as well as signage, barriers and remediation.
- Public liaison position, name, contact details and details of public consultation/liaison.
- Route details as required covering culverts, waterways, passing places, tracking of bends/junctions and visibility splays.
- Pre and post works inspection of the highway between points A and B as requested to identify remediation works to be carried out by the developer. Inspections are to be carried out in the presence of a member of the Highway Authorities Inspection team. To also include the removal of TROs, temporary signage, barriers and diversions.
- Details of temporary construction accesses and their remediation post project.
- Provision for emergency vehicles.

REASON: In the interests of highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy

22. All dwellings shall be constructed to achieve a maximum water use of no more than 110 litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition);

REASON: In the interests of water efficiency in a designated area of water stress in accordance with Policy 9 of the North Northamptonshire Joint Core Spatial Strategy 2016.

23. All new dwellinghouses (excluding flat) shall be constructed to meet M4(2) Accessible and Adaptable Dwellings of schedule 1 part M of the Building Regulations 2010 (as amended).

REASON: In the interests of ensuring that the development caters for both the current and future needs of the population and in the interests of sustainable development in accordance with Policy 30 of the North Northamptonshire Joint Core Strategy 2016.

24. The development hereby permitted shall not be carried out other than in accordance with the approved 'Framework Residential Travel Plan' referenced R-RTP-U8173PM-01-A dated April 2017 as compiled by jpp Consulting and no development shall take place until a detailed Travel Plan is submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

25. The development hereby permitted shall not be carried out other than in accordance with the approved highway related plans and information detailed as approved which for clarity include: Drawings: U8173PM TA Rev. D or U8173PM

TA15 Rev D and the findings of the Road Safety Audit Stage 1 dated 27th June 2017 laid out in the revised Design Officers Response dated 5th July 2017. No development shall be carried out until full engineering, construction and drainage plans for the off-site works shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be completed and available prior to occupation of the first property.

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

Officers Report for KET/2017/0137

This application is reported for Committee decision because there are unresolved, material objections to the proposal and because the application requires an agreement under Section 106

3.0 Information

Relevant Planning History

Land to the south off Gipsy Lane:

KET/2015/0551 – Outline – Residential development of up to 350 dwellings and associated access – currently subject to an appeal on non-determination

Site Visit

Officer's site inspection was carried out of 09/03/2017 and 08/08/2017

Site Description

The triangular site comprises nearly 3ha of agricultural land enclosed to the west by a treed strip of land with the A14 (junction 7) slip and carriageway beyond.

To the south the site is bounded by Thorpe Road with agricultural land subject to a residential development appeal beyond. To the north is Warren Hill otherwise referred to as Rothwell Road (A4300) with Kettering Crematorium, The Church of Jesus Christ of Latter-day Saints and commercial uses further to the north with Telford Way Industrial Estate to the north-east. To the east is housing with Kettering General Hospital beyond.

Proposed Development

The application seeks outline planning permission including access with all other matters reserved for up to 81 dwellings served off Rothwell Road and associated landscaping and open space. The submission states that the proposal would consist of 57 market 2, 3 and 4-bed dwellings and 24 affordable (30%) 1 and 2-bed dwellings to a maximum height of two storeys.

The indicative layout plan shows strips of landscaping around the site periphery with public open spaces toward its southern and northern extents with a mix of detached, semi-detached and short rows of terraced dwellings and a block of eight maisonettes.

The application also proposes two scenarios' for works within the highway on Warren Hill/Rothwell Road based on whether the development to the south of Thorpe Road and served off Gipsy Lane comes forward or does not.

Pre-application

The proposal was subject to pre-application advice under reference PRE/2016/0063 for up to 100 dwellings where Officers supported the principle of the proposal subject to the layout resisting the provision of numerous parking courtyards, taking account of a gas pipeline easement and positively addressing the relationship between open space and buildings. The proposal has been submitted broadly in accordance with this advice.

Any Constraints Affecting the Site

Nene Valley NIA Boundary

High pressure gas pipe line toward the sites western edge

A14 to the west (noise)

4.0 Consultation and Customer Impact

KBC – Environmental Protection: *No objection* stated subject to the imposition of a condition requiring the provision of noise mitigation measures in the reserved matters layout and the need for a phased environmental risk assessment and air quality survey to be approved prior to commencement

KBC – Housing Development: *No objection* subject to the provision of 30% affordable dwellings with 30% of those to be intermediate houses and 70% affordable rent being included in the Section 106 agreement. The reserved matters should include 1-4 bed affordable units and seek to ‘pepper-pot’ the units throughout the site.

NCC - Local Highway Authority (LHA): *No objection* stated with the following observations, which are copied verbatim for the Committees information:

The application for development on the Diocese land on Gypsy Lane is currently moving to a planning appeal. Should the appeal be successful there must be allocation for flexibility regarding the junction at Warren Hill, the bus stops and footways / cycle ways

Travel Plan

- *The framework Travel Plan is to be adhered to. A detailed Travel Plan is to be submitted in writing and approved prior to commencement of site works*

Access, off-site works and TA response

- *The site access should be laid out in accordance with plan U8173PM TA14 rev D or U8173PM TA15 rev D*
- *The LHA will seek a proportional contribution towards works to improve the junction of Warren Hill / Gypsy Lane to improve the flows along the Rothwell Road*
- *Prior to commencement of the development full engineering, construction and drainage plans for the off-site works shall be submitted and approved in writing by the LHA.*

Bus Infrastructure and promotion

- *Should the Diocese land come forward we request that this site supply a bus shelter, with commuted sum for maintenance as standard, outbound from town outside Kettering General Hospital. RealTime displays will be required at the two stops on Warren Hill as well as the new shelter at KGH, with commuted sum for maintenance as standard*
- *Should the Diocese land come forwards there may be a requirement to*

re-locate the existing outbound bus stop with layby further to the west of its currently proposed location which would also require additional footway / cycleway connections from this site and Gipsy Lane

- Should the Diocese application not proceed the site is to supply a bus shelter with commuted sums at both the outbound and town inbound bus stops in the locality of the Warren Hill junction with RealTime displays on separate posts
- The site should supply its residents with a 28 day Megarider Stagecoach bus ticket covering the local area of Kettering, Corby and Desborough to promote sustainable transport means on the occupation of each dwelling

Internal layout notes

- The site estate roads will need to be laid out and constructed to adoptable standards, this does not include permeable road or footway systems

Non-Motorised-User

- NMU access from the site to the proposed bus stop to the east is required at a minimum width of 3m alongside further footway / cycleway works on Warren Hill, to include a controlled crossing of Warren Hill to the west of the site access junction, location to be agreed with the LHA, in accordance with plan U8173PM TA14 rev D or U8173PM TA15 rev D
- The site should provide a Combined Footway Cycleway (CFC) access through the site to connect to the Thorpe Malsor Road and proposed / existing CFC provision on Gipsy Lane

Road Safety Audit

- The findings of the RSA1 are to be complied with as laid out in the revised Designers Response dated 05/07/2017. A

Prior to the commencement of the development hereby permitted, a full CTMP (Construction Traffic Management Plan) shall be submitted to and be approved in writing by the local planning authority.

NCC – Development Management: Based on their current multipliers require the following contributions:

Primary education contribution

Size of Dwelling	1 bed	2 bed	3 bed	4+ bed
Cost per unit	£0	£1,614	£3,972	£4,592

based on the mix proposed this equates to a contribution of £230,132

Secondary education contribution

Size of Dwelling	1 bed	2 bed	3 bed	4+ bed
Cost per unit	£0	£1,170	£4,600	£5,941

based on the mix proposed this equates to a contribution of £253,170

Libraries

Size of Dwelling	1 bed	2 bed	3 bed	4+ bed
Cost per market dwelling	£109	£176	£239	£270

based on the mix proposed this equates to a contribution of £16,865

In addition the proposal would be expected to make provision for two fire hydrants by condition and to provide broad band infrastructure.

NCC – Archaeology: No objection saying that the *area is of low archaeological potential*

NCC – Ecologist: No objection saying that the badger mitigation measures proposed are acceptable

NCC – Lead Local Flood Authority (LLFA): No objection subject to the imposition of a condition requiring approval of a surface water drainage scheme prior to construction

Environment Agency: No objection with *no comment* stated and referring to the LLFA as the responsible authority

Anglian Water: No objection saying that local wastewater facilities and sewerage will have capacity and that the method of surface water disposal would not involve use of their network

Wildlife Trust: No objection saying *no comment*

Badger Group: No objection subject to the development being implemented in accordance with the recommendations set out in the ecological reports

Northamptonshire Police: Crime Prevention Design Advisor: No objection and giving a series of measures that the reserved matter applications should include

National Grid: No objection subject to the imposition of an informative saying that the developer should liaise with them before starting work

Neighbours: Two third party **objection** letters received from nearby residents at 79 and 85 Gipsy Lane on the basis of the impact the development, together with other developments and surrounding uses resulting in harm to highway safety

5.0 Planning Policy

National Planning Policy Framework (NPPF):

Paragraph 17. Core planning principles

Chapter 4. Promoting sustainable development

Chapter 6. Delivering a wide choice of high quality homes

Chapter 7. Requiring good design

Chapter 8. Promoting healthy communities
Chapter 10. Meeting the challenge of climate change, flooding and coastal change
Chapter 11. Conserving and enhancing the natural environment
Chapter 12. Conserving and enhancing the historic environment.

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS)

Policy 1: Presumption in favour of Sustainable Development
Policy 2. Historic Environment
Policy 3. Landscape character
Policy 4. Biodiversity and Geodiversity
Policy 5. Water environment and flood risk management
Policy 7. Community assets
Policy 8: North Northamptonshire Place Shaping Principles
Policy 9: Sustainable Buildings
Policy 10: Provision of Infrastructure
Policy 11: The Network of Urban and Rural Areas
Policy 15: Well-Connected Towns, Villages and Neighbourhoods
Policy 22: Delivering Economic Prosperity
Policy 28: Housing Requirements
Policy 29: The Distribution of New Homes
Policy 30: Housing Mix and Tenure

Saved Policies in the Local Plan (LP) for Kettering Borough

Policy 35. Housing within towns

Kettering Town Centre Area Action Plan

Policy 7. Road networks and junctions
Policy 11. Public realm and public art

Emerging Policies (Local Development Framework)

Site Specific Part 2 Local Plan for Kettering Borough.
Emerging Site Specific Proposals LDD (Options Paper March 2012)

Supplementary Planning Documents

Open Space SPD
Biodiversity SPD

6.0 Financial/Resource Implications

The development would be expected to off-set its impacts by making a financial contribution towards local services and infrastructure in a Section 106.

The application was supported by a 'Draft Section 106 Heads of Terms' indicating a willingness to enter in to a Regulation 122 CiL compliant Section

106 agreement including the provision of affordable housing and open space and any other contributions necessary to make the development acceptable in planning terms and directly related to the development providing they are fair and reasonable.

Section 106 Contributions to be negotiated would include the following provisions:

- 30% affordable housing
- Off-site highway improvements along Warren Hill or the affected highway
- Contribution toward off-site sports facilities
- Contribution toward combined footway cycleway connections from the site on to Gypsy Lane and Thorpe Malsor Road and the provision of controlled crossing(s) on Warren Hill
- Requirement relating to the Travel Plan
- Contribution toward town centre regeneration projects
- Education contribution for Primary and Secondary school places – see section 4 above for formula breakdown
- On site open space, including management
- Libraries contribution - see section 4 above for formula breakdown
- Provision of a new bus shelter, their re-location and/or improvements to existing and commuted sum for on- going maintenance
- Travel plan and travel plan monitoring
- Monitoring fee

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. The principle of the development
2. Impact on character and appearance of the area
3. Impact on highway safety and convenience
4. Impact of this proposal – taking account of Gypsy Lane development (KET/2015/0551)
5. Impact on residential amenity
6. Impact on flooding and drainage
7. Impact on biodiversity
8. Impact on archaeology
9. Impact of possible ground contamination
10. Impact on gas pipeline
11. Sustainable buildings
12. Affordable housing provision
13. Community infrastructure
14. Benefits

15. Planning Balance
16. Response to objectors

1. The principle of the development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. As detailed at section 5 above, the development plan consists of the Saved Policies of the adopted Kettering Borough Local Plan (1995) and the adopted North Northamptonshire Joint Core Strategy (2016), with the National Planning Policy Framework (NPPF) as a significant material consideration in planning applications. Other material considerations include the Planning Practice Guidance, Supplementary Planning Documents and Guidance, and supporting reports and strategies. Limited weight should be afforded to the emerging Site Specific Local Plan Part II as it is in the early stages of adoption.

The site is located within the Town boundaries as defined by Policy 35 of the Local Plan. Policies 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS) seek to focus such development within the growth town of Kettering in support of a sustainable pattern of growth and the protection of the countryside. This Development Plan approach to the sustainable development accords with the key principles of the NPPF.

It is noted that the site was designated as open space within the Local Plan (LP) together with the larger site to the south down to Junction 8 of the A14. This designation however is not a saved LP policy. As such the proposal is assessed on its own merits with this past land designation not imposing a constraint to development. This was the approach adopted for the proposals to the south with some of that land currently subject to residential development at 'Westhill'

Thereby the principle of the development is consistent with the Development Plans housing policies and the key principles of the NPPF that aim to deliver the right development in the right places. Development however should not be at any cost and to be successful should be judged against the site specific merits of the proposal and the impacts it has to the site and its surroundings. These matters are discussed in the context of local planning policy and the NPPF below.

2. Impact on character and appearance of the area

Policy 8 (d) of the Joint Core Strategy (JCS), consistent with Chapter 7 of the NPPF seeks to create development with distinctive local character by responding to local context and the overall form, character and landscape setting of the settlement.

The site comprises agricultural greenfield land and notably contributes to the verdant character to this edge of Kettering and provides a buffer between the A14 and the built up area of the Town to the east. In particular the land and its pleasant green openness are experienced on the approach to the Town along Thorpe Road, Warren Hill/Rothwell Road and from a small section of the A14.

In the wider setting the site would be visible from parts of Gipsy Lane to the south-west and from elevated land to the west of the A14. As such the proposal would result in a fundamental change to the green character of the site and the way it is experienced in the locality. Such a change would be considered harmful in terms of 'absolute' harm to the character and appearance of the site and to land immediately surrounding the site.

Whilst this identified harm must be weighed in the balance the lands character change is not considered to be a determinative factor particularly given its lack of specific designation and location within defined Town boundaries.

Turning to the specifics of the proposal; the application is outline, with all matters except access reserved, however an indicative layout has been provided. This layout shows a relatively low dense proposal consisting of two storey dwellings ranging from 1-4 bedrooms together with the provision of open spaces and decent spacing's between dwellings. The layout also indicates a hard built edge facing the A14 and an area of front open space adjacent to an existing treed buffer to the edge of the A14 slip to accommodate the gas pipeline easement. The layout also makes provision for a pumping station and surrounding hedgerow.

For the most part the quantum of residential proposed (81 dwellings) is shown as resulting in a spacious development that offers opportunities for landscaping in an around the site and together with the existing surrounding landscaping features is the type of sub-urban development that would sit comfortably to the edge of Kettering. The higher dense elements shown are to the western edge of the site and are required for noise mitigation purposes. Whilst such provision results in a hard developed edge its visual impact is lessened by the existing treed buffer and the opportunities for further planting. This was also the approach adopted on the 'Westhill' development to the south close to A14's junction 8. Opportunities to reduce the amount of frontage parking will be explored when the reserved matters are considered and in particular options other than the provision of a closed board noise attenuation fence along that edge of the site considered.

As such there is no reason to believe that the nature and amount of development proposed could not result in a high quality spacious development that could take the opportunities available to provide properly integrated and functional open spaces and the provision of a locally distinctive design. Thereby subject to the imposition of various conditions relating to the prior approval of materials and the finish of the development the proposal is not considered to have over-riding harm to the character and appearance of the area.

The heights of the houses proposed will be condition to not exceed two storeys or 81 dwellings in order to guide the low dense development envisaged. The outstanding reserved matters will consider the details of the proposal in terms of its appearance, landscaping, layout and scale. As such the proposal is considered to comply with the Development Plan policies that relate to visual impacts in the context of assessing it on an outline basis and thus the proposal

is considered to be acceptable in this regard.

3. Impact on highway safety and convenience

Policy 8 (b) of the JCS consistent with the Core Principles of the NPPF is concerned with highway safety and seeks to ensure satisfactory means of access and parking provisions and resist development that would prejudice highway safety. Consistent with Chapter 4 of the NPPF the JCS policy also prioritises the needs of pedestrians, cyclists and public transport users.

In terms of parking provision, the indicative layout demonstrates that at least two parking spaces per house and one space per one-bed maisonette can be accommodated within the site. This together with the availability of visitor spaces on the internal road network is considered to be ample parking provision especially as the site is not a vehicular throughway. The arrangements and safety of the internal road network will be considered in the layout reserved matter, with only the safety of the access and the impact of the proposal to the wider local transport network considered here.

To demonstrate that the proposal promotes sustainable transport opportunities the application was accompanied by a 'Framework Residential Travel Plan' which has been assessed by the LHA and accepted. Immediately beyond the sites northern boundary there is a bus stop which is served by the X10 bus service which connects Kettering with settlements to the north. The southern travelling X10 bus stop is in close proximity to the east on the opposite side of the road. There is also another bus stop in Gipsy Lane to the east which serves local destinations. As such the Town centre, railway station and other destinations are readily accessible from the site via public transport links.

In addition the site is located a little over 1km distance from Kettering Town Centre and its associated facilities and services along a relatively easy pedestrian and cycle route with some other facilities to the periphery of the Centre closer. Notably a restaurant is located approximately 2 minutes' walk north from the site entrance. The site is also very close to Kettering General Hospital. Whilst schools may be accessible on foot from the site it must be accepted that the likelihood is that currently school goers would travel to school by private car. Although there is an allocated school site on the nearby 'Westhill' development that would improve this prospect as this has not been delivered currently its provision cannot be guaranteed. To improve the pedestrian accessibility of the site it is envisaged that a route or routes be provided through the sites southern boundary to link in with the potential future development to the south. In any event the proposal appears to make allowances for the provision of such links. This approach marries up with LHA comments.

As such whilst the site could be more convenient to schools overall it has good sustainable transport opportunities and is sufficiently proximate to the Town Centre and other commercial uses to ensure that sustainable options for travel is a reasonable prospect for future occupants. The LHA agree and have approved the Framework Travel Plan subject to this plan being adhered to and

a detailed Travel Plan being approved prior to commencement. These details and adherence shall be secured by condition or within the Section 106.

Moving on to the proposed access arrangements and impacts on the existing highway network and transport infrastructure. To demonstrate that the proposal is safe in this regard the application was accompanied by a 'Transport Assessment' compiled by a recognised Civil and Structural Engineer and also the findings of a Stage I Safety Audit. The proposal provides two scenarios for highway works; one shows arrangements in the event that the Gipsy Lane development, referenced KET/2015/0551, is approved (at appeal) and the second scenario shows highway arrangements in the event that it does not proceed. The notable difference in the two proposals is that the first scenario includes one uncontrolled crossing point across Rothwell Road/Warren Hill and removal of the existing bus lay-by and possibly (depending on the LHA) moved further west; whereas the second scenario would see two uncontrolled crossing points either side of the access with a contribution required by the LHA for bus stop infrastructure. In both cases a filter lane is proposed to serve ingress into the site as approaching from the west. The LHA have looked at these proposals and subject to the either/or safeguarding approach being secured by condition (and likely tied within a Section 106 agreement) together with the findings of the Road Safety Audit consider the proposed access arrangements and the conclusions of the Transport Assessment acceptable.

The sites internal roads will be considered in the reserved matters applications.

Thereby and consistent with the LHA agreed conclusions of the Transport Assessment the proposal generally would not have an adverse impact on surrounding highway infrastructure. In the event that the Gipsy Lane development does not proceed the proposal would have a slight adverse impact at the Gipsy Lane junction but to mitigate this harm 'nil detrimental' widening works to Gipsy Lane will be required. In short the proposal can take place by itself, independent from the Gipsy Lane proposal or at the same time in a way that protects highway safety. Therefore and with no LHA objection or persuasive demonstrable evidence that would support a different approach, there is considered to be no highway grounds why planning permission for the development should not be granted. As such the proposal is consistent with development plan policy and as such is acceptable this regard.

4. Impact of this proposal – taking account of Gipsy Lane development (KET/2015/0551)

In reaching the conclusions with respect to highway safety full account has been taken of the impact of this proposal coming forward along with the nearby possible development for up-to 350 dwellings on land off another part of Gipsy Lane (ref. KET/2015/0551), which is subject to appeal against non-determination (Appeal ref. APP/L2820/W/17/3177505). Two particular matters to be noted as far as this proposal is concerned include:

- i. The means of egress/access onto Warren Hill/Rothwell Road will not jeopardise a potential solution for a roundabout at the Warren Hill/Gipsy

- Lane junction, in the event that this solution is accepted by the Planning Inspectorate;
- ii. A Section 106 highways contribution is to be sought towards other highway changes on Warren Hill or linked highways taking traffic from this site. The contribution trigger will depend on the timescales for delivery of this site

Thereby measures can be reasonably put in place to ensure highway safety whether this development comes forward by itself or together with the Gipsy Lane proposal.

5. Impact on residential amenity

Policy 8 (e) of the JCS consistent with the Core Principles (point 4) of the NPPF aims to ensure quality of life by *protecting amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.*

In terms of impacts to existing residential receptors; the closest dwellings are approximately forty metres to the east of the site at 1 and 4 Winterburn Court and 5 Langsett Close. It is likely, as demonstrated in the indicative layout that there would be a further 10m separation buffer within the site together with boundary planting. Such arrangements and proximity to neighbours would mean that the proposal would not result in an adverse impact to surrounding occupiers. Any significant impacts arising through development of the site will be controlled via the approval of a Construction Management Plan by condition prior to commencement.

Moving on to the impact of the proposal to future occupiers; the density proposed, as demonstrated by the indicative layout, is such that the reserved matter layout can be arranged in such a way to avoid harmful levels of overlooking, overbearing and overshadowing. The gardens are also shown to be appropriately sized for family accommodation with public open spaces also proposed. The internal sizes of the units would be judged against Policy 30 of the JCS, which seeks compliance with National Space Standards, when the reserved matters are considered.

The noise mitigation measures proposed within the accompanying 'Noise Impact Assessment' includes the provision of acoustic fences and layout measures together with alternative ventilation for specified habitable rooms to protect future residents from adverse noise pollution, particularly from the A14. These measures have been accepted by the Council's Environmental Protection Officer (EPO) in principle. As such subject to the implementation of these measures within the reserved matters the development would not be adversely effected by noise sources.

The EPO also requires the imposition of a condition requiring the approval of an air quality survey prior to commencement. This would safeguard the amenities of future occupiers from air pollution impacts.

As such, for the purposes of considering impacts associated with the principle of developing the site for the quantum of residential units proposed at this location with all other matters other than access reserved, the proposal is considered to safeguard residential amenity. Therefore in this context the proposal is considered to be acceptable in this regard.

6. Impact on flooding and drainage

Policy 5 of the JCS, consistent with Chapter 10 of the NPPF states that development *should contribute towards reducing the risk of flooding and to the protection and the improvement of the quality of the water environment.*

To demonstrate compliance with this Policy the application was supported by a 'Flood Risk Assessment' and also a document entitled 'Incoming Services Appraisal', with the latter, amongst other things discussing surface, foul and water supply arrangements. These documents and their proposals have been accepted by Anglian Water and the Lead Local Flood Authority subject to the imposition of a condition requiring the approval of a surface water drainage scheme prior to commencement of the development. The EA also have no objections.

As such and with no reason to come to a different view the proposal is considered to be acceptable on this matter.

7. Impact on biodiversity

Paragraph 99 of Circular 06/05 states that: *it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.* Likewise section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: *every public authority must in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity.*

On this issue the proposal was accompanied by a 'Preliminary Ecological Appraisal' which included Phase I Habitat Surveys and also two Badger Surveys including a Mitigation Strategy. The Appraisal concluded that the site had low wildlife value other than at its margins which had evidence of Bat and Badger activity. Nesting birds were also evident. The Appraisal went on to make a series of precautionary safeguarding recommendations including stripping of Ivy covered trees under the supervision of an ecologist and the removal of trees of hedgerow restricted to certain times of the year. The Badger survey also gave separate bespoke recommendations that should be followed. Opportunities for biodiversity enhancements were also included, which included recommendations to retain hedgerow and areas proposed for native planting of trees and wildflower grasses.

These supporting documents have been considered by the County Ecologist and the Local Badger Group and whilst the latter would prefer to see the site remain undeveloped the measures proposed and the findings of the studies have been accepted and thereby would not preclude development. As such

the proposal would not result in an adverse impact to fauna, protected or otherwise, subject to the ecological recommendations in the submission being applied to the proposal by condition and being taken into account in the reserved matters layout.

Moving on to the impact of the proposal to trees; on this matter the application was accompanied by an 'Arboricultural Method Statement' and a 'Tree Schedule'. The Statement tallies with the findings of the Ecological Appraisal describing the site as an arable field with boundary hedgerows and trees. The notably important single trees in the area are mostly located outside of the site to its east and therefore would not be affected. The same applies to the tree groups beyond its northern and western edges which function as buffers between the site and the A14 and the Junction 7 roundabout, respectively. The reports say that the hedgerow along the sites southern edge with Thorpe Road constitutes 'justifiable removals' given its broken and poorly maintained state. Nevertheless much of this hedgerow and its trees would remain and therefore offers the opportunity to introduce further planting to supplement and improve the quality of this green boundary to the site. Such improvements can be secured by condition requiring the approval of a scheme for biodiversity enhancement prior to construction and would also be a consideration for the Landscaping reserved matter.

The position of the access along the sites northern edge onto Warren Hill/Rothwell Road will inevitably result in the loss of a section of mature and well established hedgerow and some trees. This must be considered harmful but none of the species proposed to be lost are notable and the remaining extent would mean that a reasonable degree of group value is retained. As such subject to the provision of the protecting root measures recommended in the Arboricultural Statement the impact to some of the sites boundary trees and hedgerow are not of sufficient weight to preclude development.

As such and considering this matter as a whole the proposal would not result in harm to biodiversity, subject to the adherence to certain mitigation and safeguarding measures recommended in the reports that accompany the application. This will be ensured through condition. As such the proposal is considered to be acceptable in this regard.

8. Impact on archaeology

Policy 2 of the JCS consistent with Chapter 12 of the NPPF seeks development to protect heritage assets which includes resisting the loss of archaeological remains.

There are no Listed Buildings or Conservation Areas close to or inter-visible from the site with the closest heritage asset nearly 1.5km to the east at Thorpe Malsor. As such no impacts in this regard.

The application was also supported by a desk-based 'Archaeological Heritage Assessment' and also the findings of a geophysical survey and trial trenching. The County Archaeological has assessed this information and agree with their conclusions which say that the proposal would not have a harmful impact to

archaeology with only remnants of ridge and furrow remaining and no notable archaeological features or remains evident. Thereby the proposal is considered to be acceptable in this respect.

9. Impact of possible ground contamination

Policy 6 of the JCS, amongst other things and consistent with Chapter 11 of the NPPF seeks to make land safe from contamination.

The application was accompanied by a Phase I Environmental Risk Assessment which concluded that the proposal would be *unlikely to have an adverse effect on the value of property*. In adopting a precautionary approach however because of the naturally occurring arsenic strata evident in some parts of Northamptonshire the Council's EPO has recommended the imposition of a condition requiring a full ground investigation to be undertaken and submission of remediation scheme if necessary. As such through imposition of this condition the proposal would not give rise to fears relating to possible contamination on site.

10. Impact on gas pipeline

As illustrated by the applications 'Constraints' plan the gas pipeline and the extent of its easement strip travelling along the sites western edge is acknowledged within the indicative plan and therefore can be safeguarded within the site whilst also delivering the amount of houses proposed.

National Grid have provided comments on this issue and have no concerns subject to engaging with the developer prior to commencement and indicate that the inclusion of an informative stating that this should be undertaken is sufficient. As such there is no reason to believe that the impact of the proposal on the pipeline would pose a constraint to development.

11. Sustainable buildings

Policy 9 of the JCS seeks to incorporate measures in all residential developments to limit water use to no more than 105 litres/ person/ day and external water use to more than 5 litres/ person/ day. Although limited information regarding water usage has been provided as part of this outline application, a suitably worded condition can ensure that detailed reserved matters applications will incorporate these sustainability measures.

Policy 30 of the JCS also seeks new residential development to be constructed to meet Category 2 of the National Accessibility Standards with a proportion meeting Category 3 of the National Accessibility Standards. These Standards have not been adopted by the Government, however Category 2 and 3 equates to Part M4(2) and M4(3) of The Building Regulations respectively. It is considered appropriate that a suitably worded condition is added to ensure detailed reserved matters applications are built in accordance to Part M4(2) and M4(3).

With those conditions in place together with implementation of the submitted 'Site Waste Management Plan' with a focus on reduction of waste the proposal is considered to be acceptable in this regard insofar the requirements relate to

an outline housing proposal.

12. Affordable housing provision

JCS Policy 30, consistent with Chapter 6 of the NPPF, states that to deliver sustainable residential communities, a balanced mix of housing tenures and types should be provided. An identified need for 30% affordable housing will be expected.

The application proposes 81 dwellings of which 30% (24 dwellings) are proposed to be affordable. The Council's Housing Strategy team have advised that the provision should be split 70% affordable rent and 30% intermediate with a mix of one, two, three and four bed properties. The information submitted with the application shows a developer willingness to provide such a contribution and whilst the sizes of the affordable units proposed in the outline and their locations do not tally with requirements; their location and distribution and the exact mix would be approved at the reserved matters stage.

Thus; the affordable housing proposed accords with policy subject to being secured through a Section.106 legal agreement in the event that this application is approved by the Planning Committee.

13. Community infrastructure

In accordance with Policy 10 of the JCS the proposed development would be expected to off-set its impact to local services and infrastructure by making a financial contribution in a Section 106 legal agreement. The requests from responsible stakeholders are detailed above in section 4 of this report and all likely contributions to be sought in the agreement are detailed in section 6.

The applicants have indicated a willingness to provide financial contributions, by providing a Draft Heads of Terms for a Section 106 Agreement towards improving the provision of 30% affordable housing and public open space in particular and also any other contribution necessary to make the development acceptable in planning terms directly related to the development providing they are fair and reasonable.

In the event that the Planning Committee resolves to approve the application issuing of the permission would be subject to securing an acceptable Section 106 agreement.

14. Benefits

The proposal would offer a number of social, environmental and economic benefits. These include the provision of 81 homes in a sustainable location, direct and indirect jobs and increased local spend by future occupiers together with Section 106 and Council Tax contributions. The provision of open space and biodiversity enhancement is also considered to be a benefit.

15. Planning Balance

The benefits that would accrue from the development are set out above and together should be afforded significant weight in this balance.

The proposal would have some identified visual harm, most notably to the character and appearance of the greenfield site and the way it is experienced in its surroundings. This harm is little more than 'absolute' harm through the development of the site itself. Given that the site is located within the defined boundaries of the Town and is not subject to any saved safeguarding Development Plan designation it must be acceptable that at some point this site will be developed and therefore this harm would be expected. The site is also not reasonably proximate to schools.

The proposal has been found to be acceptable in all other respects, most notably in terms of its highway impacts subject to securing an acceptable section 106 agreement. Critically, the prospect of the proposal is in accordance with Policy 1 of the JCS which favours sustainable development and thereby is broadly Plan led. In addition the proposal is consistent with the key role of the NPPF in favour of the presumption of sustainable forms of development which aims to ensure that the right land is developed in the right places and at the right times to support growth.

As such the harm identified is considered to be little more than limited and would not outweigh the significant benefits highlighted and particularly those that are derived from the provision of 81 homes (including 24 affordable) in a sustainable location.

16. Response to objectors

The key concern of the two third party objectors relate to the impact the proposal would have to highway safety when considered together with other development planned and existing uses in the area.

This issue has been discussed above in sub-section 3 and having been considered by the Local Highway Authority and found not to harm highway safety. As such this is not considered to be a reason to withhold permission subject to the imposition of safeguarding conditions and acceptable related Section 106 provisions. Thereby and in the absence of third party evidence that would support a different approach the proposal would protect highway safety and thereby would not preclude development.

Conclusion

In light of the above the proposal is considered to be in full accordance with Development Plan Policies. There are no other material considerations or persuasive arguments that would justify coming to a different conclusion. As such this outline application with access is recommended to the Planning Committee for approval subject to an acceptable Section 106 agreement being secured.

The reserved matters for layout, scale, external appearance and landscaping would need to be submitted and approved prior commencement.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Sean Bennett, Senior Development Officer on 01536 534316