

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/10/2017	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 conditions laid out in the associated attached Committee item deferred from the 22nd August 2017 Full Planning Committee.

Officers Report for KET/2017/0137

UPDATE REPORT

This application is represented to the Planning Committee for determination following the items deferral at the 22nd August 2017 Planning Committee by Members. The item was deferred to give Members a greater understanding of the highways issues pertaining to the proposal prior to determination.

The report presented at the 22nd August 2017 Planning Committee is attached to and should be read in conjunction with this agenda item.

A Members briefing was held on 28th September 2017 from a representative of Northamptonshire County Council as Local Highway Authority (LHA). Points of discussion were as follows:

- The 'nil-detriment' highway modification scheme, discussed at section 7.3 of the original report, was presented and involves widening the Gipsy Lane Junction as entering Rothwell Road to enable more traffic to enter the junction and turn left whilst waiting for vehicles to turn right. A plan of this proposal accompanies this report. This scheme would be built-out in the event that the proposal comes forward without the 350 homes Gipsy Lane development.
- A highway accident history in the locality was presented – it showed that since 2012 there had been one severe accident on the A4300 Kettering Road at the junction with Telford Lodge and four minor incidents. The severe incident was not related to use of the Gipsy Lane Junction. The Transport Assessment that accompanied the application says that: *from the reported accident data there does not appear to be a significant accident problem on the surrounding highway infrastructure. We therefore do not consider that the proposed development will result in conditions detrimental to highway safety.* In addition a Road Safety Audit was carried out by the developer. The LHA have assessed the proposal on the basis of the information submitted and have found the proposal acceptable.
- Cumulative impact of the proposal was also a topic for conversation with Members wanting assurances that the proposal had been assessed together with other planned development in the area; notably including the 350 homes Gipsy Lane development. The LHA was able to confirm that cumulative impact was assessed when reaching their conclusions. It was also explained with regard to the separate 350 dwelling proposal that whatever arrangement comes forward for the junction of Warren Hill and Gipsy Lane IE- signals or a roundabout, the current highway proposals for this 81 dwelling development could work with either.
- The potential for an alternative access off Thorpe Malsor road was also discussed – the safety or not of such an access has not been considered as the application is considered on its own planning merits. In any event the amount of traffic would be the same as proposed with an increased number of vehicle movement's probable using the Gipsy Lane Junction.

- The amount of traffic that would be expected at the Gipsy Lane junction as a result of the proposal would see a 1% increase (31 cars). The impact of the additional movements at the junction would be off-set by the 'nil-detriment' scheme proposed or the more significant alterations at the junction proposed as part of the 350 home Gipsy Lane development.
- The provision of pedestrian access, including those crossing Warren Hill/Rothwell Road in terms of connectivity
- The perceived problem of emergency vehicles accessing the hospital was discussed – there was no reason to believe that this is a particular problem. Nevertheless the Hospital has been contacted on this matter by Officers. The Hospitals Estates Director has reported that the new visitor access and separate Ambulance access are working very well and are aware of the improvements that have occurred concerning emergency access to the Emergency Department.
- The level of third party objection associated with the proposal was also highlighted and comparisons drawn with the Gipsy Lane proposal. With two objections to this proposal compared with approximately thirty objections to the Gipsy Lane development from individual households.

In addition; Members were advised by their Officers that a decision should be made on the proposal and that any further deferment is not advised as that is likely to lead to an appeal against non-determination. Furthermore when reaching their decision Members were advised that the comments of the statutory consultees should be considered with great or considerable weight and any departure from those views require cogent and compelling reasons and thereby be convincing in the event that the proposal is subject to appeal. This approach to application decision making is consistent with recent case law on the subject [Shadwell Estates Ltd v Breckland DC (2013) EWHC 12 (Admin)].

In light of the above there were no matters discussed or that arose as a result of the briefing that would result in the recommendation put forward in the original associated report being changed.

Conclusion

In terms of highways implications; the proposal can be delivered in a way that maintains highway safety whether or not it comes forward independently or with the nearby Gipsy Lane proposal.

In light of the above and the findings of the original report and with no reason to come to a different view; the application is recommended for approval, subject to an acceptable Section 106 agreement being secured and the imposition of the conditions stated on that report.

Title of Document:

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Contact Officer:

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