

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 12/03/2019</b>	<b>Item No: 5.4</b>
<b>Report Originator</b>	<b>Gavin Ferries Senior Development Officer</b>	<b>Application No: KET/2018/0799</b>
<b>Wards Affected</b>	<b>Brambleside</b>	
<b>Location</b>	<b>Scott Road (land north-east of), Kettering</b>	
<b>Proposal</b>	<b>KBC Own Development: (Regulation 3 Development) 22 no. dwellings with access road and associated works</b>	
<b>Applicant</b>	<b>Ms K Prati Kettering Borough Council</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 under the Town and Country Planning Regulations 1992 (as amended) subject to securing payments towards education and the following conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall be carried out in accordance with the following approved and amended plans;

Site layout drg.no008S received 21/01/19

Plot 1-4, 15-18, 19-22 elevations drg.no009.5B(J) received 03/01/19

Plot 1-4, 15-18, 19-22 floor plans drg.no009.GA(J) received 03/01/19

Plot 5-6 elevations drg. no.009.6B(F) received 05/12/18

Plot 5-6 plans drg. no009.6A(F) received 05/12/18

Plot 7-8 Elevation drg. no.009.1B(F) received 05/12/18

Plot 7-8 plans drg. no.009.1A(F) received 05/12/18

Plot 9-10 elevations drg.no 009.3B(G) received 05/12/18

Plot 9-10 plans drg. no.009.3A(G) received 05/12/18

Plot 11-12 elevations drg. no.009.2B(G) received 05/12/18

Plot 11-12 plans drg. no.009.2A(G) received 05/12/18

Plot 13-14 elevations drg. no.009.4B(G) received 05/12/18

Plot 13-14 plans drg. no.009.4A(G) received 05/12/18

Boundary Treatment drg. no.011G received 21/01/19

Bin and Cycle Store drg. no.014A received 05/12/18

Landscape Strategy drg. no.012 received 09/10/18

REASON: In order to define the permission

3. Before any above ground works commence a surface water drainage scheme for the site, based on the approved Drainage Strategy ref FRA-2018-001048 prepared by STM Environmental Consultants Ltd dated 12th February 2019 will be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed or first occupation of any dwelling to which it relates, whichever is the sooner.

The scheme shall include

i) 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).

ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations with an allowance of 10% for Urban Creep.

iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices.

iv) Full manufacturer's specification of permeable paving

v) Confirmation of permitted rate of discharge and connection point to the AW sewer

vi) A maximum discharge rate of 2.2 l/s.

REASON: In the interests of preventing surface water flooding in accordance with policy 10 of the National Planning Policy Framework and policy 5 of the North Northamptonshire Joint Core Strategy.

4. Before any above ground works commence a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site shall be submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Details are required of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of when replacement assets may be required, should be submitted.

A maintenance schedule should be accompanied by a site plan to include access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site.

REASON: In the interests of preventing surface water flooding in accordance with policy 10 of the National Planning Policy Framework and policy 5 of the North Northamptonshire Joint Core Strategy.

5. No occupation shall take place until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Drainage Strategy ref FRA-2018-001048 prepared by STM Environmental Consultants Ltd dated 12th February 2019

These shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any performance testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

REASON: In the interests of preventing surface water flooding in accordance with policy 10 of the National Planning Policy Framework and policy 5 of the North Northamptonshire Joint Core Strategy.

6. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction.

REASON: The details are required prior to commencement of development because the CMP needs to be in place and in force throughout the construction period and in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy

7. No development shall commence above slab level until details of the types and colours of all external facing and roofing materials to be used and details of the hard-surfacing materials 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: In the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. Prior to the first occupation of the development all garden and landscaped areas shown on the approved plans shall have a capping layer of soil (top and/or sub soils) (as outlined in chapter 13 of report ref. STM3078A-G02 dated August 2015 by soiltechnic) (to a minimum depth of 600mm in private residential gardens and 300mm in general landscaped areas) and a verification report to demonstrate that the required depth of cover has been achieved, to include a topographic survey or a visual inspection at numerous points across the site supported by photographic evidence, shall be submitted to and approved in writing by the Local Planning Authority. Details of the supplier and confirmation of the source(s) and total quantity of imported soil

material shall be stated in the verification report. The soil should be free from asbestos, metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils and otherwise comply with the requirements of BS 3882:2007 - Specification for topsoil and requirements for use. Occupation of the development shall only be permitted on approval of the verification report.

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

9. Prior to the first occupation of the dwellings hereby permitted, the new access road point onto Scott Road shall be construction in accordance with the approved plan 40382/008S (revision S) received 21 January 2019 and the existing access from Scott Road shall be removed and blocked up.

REASON: In the interests of highway safety

10. 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 5 of the North Northamptonshire Joint Core Strategy 2016.

11. All new dwellinghouses 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.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A (extensions), B (additions to the roof), E (outbuildings) of the Order shall be constructed on the application site.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

13. Prior to the commencement of any ground works, a method statement for the protection of reptiles and amphibians in accordance with the measures outlined within sections S5-5.8 of the approved ecology report (Scott Road Phase 1 Survey Report, Lockhart Garratt ref 16-2287 3487 5405 v2, Dec 2016) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

REASON: In the interest of biodiversity in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy and Policy 15 of the National Planning Policy Framework.

14. Prior to the first occupation of any property hereby approved, the boundary treatments for the property concerned as identified on approved Boundary Treatment Plan drg. no. 40382/011G (rev G) received 21 January 2019 shall be constructed in full. Thereafter the boundaries identified as Brick Wall and Black Rail shall be retained for the lifetime of the development.

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

15. The carriageway areas from Scott Road to the allotment access road and the area to the front plots 12 to 14 shall be constructed to accommodate a minimum of a 10 tonne axle weight vehicle unless alternative details are agreed with the Highways Authority as part of an adoption agreement.

REASON: In order to ensure that fire tenders and bin lorries can service the residents.

16. No development shall take place until a scheme and timetable detailing the provision of fire hydrants and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants and associated infrastructure shall be provided in accordance with the approved scheme and timetable.

REASON: To ensure adequate water infrastructure provision is made on site from the local fire service to tackle any property fire.

## **Officers Report for KET/2018/0799**

This application is reported for Committee decision because there are unresolved, material objections to the proposal and the applicant is Kettering Borough Council. Regulation 3 of the Town and Country Planning Regulations 1992 (as amended) permits a Local Authority to develop land within its jurisdiction.

### **3.0 Information**

#### **Relevant Planning History**

None

#### **Site Visit**

Officer's site inspection was carried out on 5 November 2018.

The application site is the former garage site located off Scott Road. The garages have been demolished to base level and the site is fairly unkempt and partially overgrown with trees having grown through the concrete bases with a variety of discontinuous surface levels and angles.

The site includes a public right of way through the site and vehicular access to the allotments. The proposal includes the creation of a new access position onto Scott Road and a partial diversion of the public right of way to accommodate the upgraded road.

It is noted that the application has been through multiple iterations as a result of objections including from nearby residents. Additional consultations were undertaken on the amendments which included moving several of the properties away from the boundary with Kipling Road.

#### **Proposed Development**

The application seeks consent for the site clearance and the erection of 22 affordable units built as council housing, a road and the diversion of the footpath to accommodate the development.

#### **Any Constraints Affecting the Site**

Public Footpath VD48

### **4.0 Consultation and Customer Impact**

#### **Northamptonshire County Council**

The County Council has requested contributions towards primary and secondary education funding, a fire hydrant condition and contribution towards libraries.

**Northamptonshire Ecology Advisor**

Overall the site has limited biodiversity interest but recommend that method statement in accordance with measures in submitted ecology report.

*Officers Note: condition applied*

**Environment Agency**

No objection

**Natural England**

No comment

**Environmental Protection:**

Condition requests regarding construction management and soil measures as per submitted report.

*Officers Note: conditions applied*

**Police Design Advisor (final comments)**

Northamptonshire Police has no formal objection to the application in its current form.

General guidance:

- All doors and windows in domestic dwelling should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of 3<sup>rd</sup> party accredited products.
- When the lighting scheme has been produced it is important that as well as adopted areas being considered that unadopted areas are similarly treated for safety and security reasons.

**Cadent Gas**

Advised that apparatus in vicinity of site.

*Officers note: advisory notes.*

**Lead Local Flood Authority**

Consider that the impacts of surface water drainage have been adequately addressed subject to requested condition.

**Highway Authority: Object**

The proposal does not accord with NCC parking standards regarding the provisions of parking spaces nor meet the requirements for adoption standards.

The proposal includes more than 5 properties off a private drive contrary to NCC Highways policies.

*Officers Note: Neither the NCC Parking Standards nor the 5 Properties off a private drive policy are adopted by Kettering Borough Council.*

*The applicant has been advised regarding non-compliance with adoption standards but Kettering Borough Council cannot insist on the adoption of roads.*

## **Neighbours**

Objections were received from surrounding properties including on Kipling Road in respect of

- loss of outlook
- overlooking
- overshadowing
- proximity to boundaries
- dominance of the new properties
- size of new properties not in keeping with theirs e.g. should be bungalows
- increased flood risk

Concerns were also raised by the allotment holders regarding access to the allotments.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 2 Achieving sustainable development

Policy 5 Delivering a sufficient supply of homes

Policy 8 Promoting healthy and safe communities

Policy 9 Promoting sustainable transport

Policy 11 Making effective use of land

Policy 14 Meeting the challenge of climate change, flooding and coastal change

Policy 15 Conserving and enhancing the natural environment

### **North Northamptonshire Joint Core Strategy**

Policy 1 Presumption in favour of Sustainable Development

Policy 4 Biodiversity and Geodiversity

Policy 5 Water Environment, Resources and Flood Risk Management

Policy 6 Development on Brownfield Land and Land affected by contamination

Policy 8 North Northamptonshire Place Shaping Principles

Policy 9 Sustainable Buildings

Policy 10 Provision of Infrastructure

Policy 28 Housing Requirements

Policy 29 Distribution of new homes

Policy 30 Housing Mix and Tenure

## **6.0 Financial/Resource Implications**



See officers comments under 7.7 below

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of development
2. Layout
3. Design
4. Amenity (new occupiers)
5. Amenity (existing occupiers)
6. Access, parking and public right of way
7. Obligations in regard to contributions for education
8. Other matters

### **1. Principle of development**

The application site is located within the defined urban area of Kettering Town and is located on brown field land. The site is therefore generally considered to be appropriate for the provision of housing and is acceptable in principle subject to considerations of impacts of the development.

It is noted that the application is proposed as affordable housing. However, as the site is located within an area which is defined as being suitable for housing generally, there is no need to consider whether the exception policy for affordable housing applies.

The principle of the development is therefore considered to generally accord with policies 1, 6, 8, 28 & 29 of the North Northamptonshire Joint Core Strategy and policies 5 & 11 of the National Planning Policy Framework.

### **2. Layout**

The layout of the site is fairly constrained by the sewers at the front of the site and the vehicular access to the allotments to the rear. The proposal is primarily linear in layout with a central road with most of the properties accessed directly from the new road. There is a small private drive area which serves 4 properties at the rear of the site.

The allotment access from the rear of the site is retained in the same location, although the access onto Scott Road is changed. The access to the allotments will therefore not be substantively affected by the proposal.

The layout on the west side is generally laid out as a back to back for the Kipling Road properties until the northern most part where they are side on to Kipling Road. The set of flats at the front of the site are orientated towards Scott Road but are offset back from the road due to the easement area.

Issues of access and parking are discussed later in the report. The layout of the site is generally considered to be acceptable in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

### 3. Design

The site will form a relatively distinct development due to the offset from Scott Road (as a result of the easement) and the limited continuity and design constraints of the surrounding housing area. There are a variety of houses, flats and bungalows within the surrounding roads in particular Scott Road and Kipling Road.

The proposal seeks to provide a mixture of property types across the site. There are bungalows, two story flats and family houses. The property designs have been amended throughout the application to ensure they overlook the parking and amenity spaces within the development site (whilst ensuring that they don't overlook the existing properties).

There are five property types proposed;

House type & no.		Bedrooms	Size (Sqm)
A x 4	2 storey house	2	80
B x 3	2 storey house	3	93
C x 1	2 storey house	4	137
D x 12	2 storeys flats	1	57.5
E x 2	1 storey bungalow	2	76

The variety of housing within the site requires some degree of uniformity to ensure that the development forms a cohesive whole and this is provided by the detailing and materials within the development.

The design of the buildings, are generally considered to be acceptable being primarily relatively standard in form and character, with some slight changes to windows and door positions which breaks up some of the larger blank elevations.

The design is therefore considered to be acceptable in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

### 4. Amenity (new occupiers)

The properties have been designed to be M4(2) compliant and meet or exceed the nationally described technical space standards. All of the houses and bungalows have private gardens with the flats having shared amenity spaces.

Whilst the private external amenity space provided for units 15-18 and 19-22 is small, these are for 1 bedroom flats and therefore whilst it is small it is considered to be commensurate with the property sizes.

The amenity of new occupiers is therefore considered to be acceptable in accordance with policies 8 & 30 of the North Northamptonshire Joint Core Strategy.

#### 5. Amenity (existing occupiers)

There have been significant alterations to the proposed layout during the application process. It is noted that the impact of the originally proposed scheme on the residential amenity of several of the bungalows on Kipling Road was not considered to be acceptable and numerous amendments have been sought to resolve these objections and concerns.

Plots 5-6 have the shortest direct back to back distance with no. 38 Kipling Road at approximately 17.5m. Both the proposed and existing properties are bungalows and the 17.5m is considered to comfortably protect the residential amenity of both the existing and new occupiers.

Plots 7-8 have a slightly longer back to back distance with no.40 Kipling Road (bungalow) but are a two storey properties. The back to back distance is approx. 18m but they are slightly angled rather than a direct back to back and therefore any opportunity for overlooking is slightly reduced. An 18m distance between the existing bungalow and the new house is considered to be acceptable especially given the 11m (min.) garden length of plot 7 which has the closest relationship with No.40 Kipling Road.

As the shortest distance between the existing bungalows and the proposed new properties is considered to be acceptable, these relationships are considered to be acceptable in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

No.s 46-50 Kipling Road are houses and therefore a greater back to back distance would usually be required than where bungalows are involved. The shortest distance between existing houses (no.48) and plot 11 is a back to side distance of 17m with the shortest back to back distance at approx. 27m between plot 10 and no.46 Kipling Road.

Due to these distances it is considered that there is no significant overlooking of the existing properties. Concerns have been raised regarding the overlooking of the rear garden of No.50 Kipling Road as part of the garden

runs along the northern boundary of the site. However, it is considered that the view of the rear garden from plots 11 & 12 starting approximately 20m down the rear garden of No.50, is not harmful to the residential amenity of No.50 and would not be a justifiable refusal reason.

Overall, it is considered that subject to relevant conditions in respect of extensions and windows, that the proposal has an acceptable impact on the existing dwellings in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

#### 6. Access, parking and public rights of way

There is an existing access onto Scott Road which serviced the garages and the allotment. The application proposes a replacement improved access onto Scott Road and to realign the public right of way to run along the side of new access point.

The public right of way diversion is currently being processed alongside the planning application. The diversion is limited and continues along the private road to the allotments along the same alignment as currently within the northern part of the site.

The layout provides 1 space for each of the 1 bed flats, 2 spaces for the 2 and 3 bed houses and 3 spaces for the 4 bed unit. The proposal also includes 2 visit spaces to serve the flats. It is considered that given the nature of the development and its location, that the parking provision presents an appropriate balance between the generated parking needs and the design of the development.

It is noted that the Highways Authority have objected to the proposal on the basis of it not being to an adoptable standard. However, as there is not a requirement for the road to be adopted by Northamptonshire Highways, especially given there is currently a road maintained at public expense by Kettering Borough Council through the site, this is not grounds for refusal.

It is recommended that construction conditions are applied to the road to ensure that fire tenders and bin lorries can service the site.

#### 7. Education provision contributions

An appropriate mechanism to be completed to ensure the payment of £26,192 towards primary education and £26,761 towards secondary education will be made at the appropriate time. Such an obligation is to be finalised prior to the issuing of the planning permission in accordance with policies 1 & 10 of the North Northamptonshire Joint Core Strategy and policy 8 of the National Planning Policy Framework.

## 8. Other matters

There have been conditions requested in relation to contamination, ecology and boundary conditions and drainage. The requested conditions mostly require compliance with submitted details and are considered to be necessary to make the development acceptable.

Northamptonshire County Council has been unable to demonstrate that the libraries contribution request meets the necessary, reasonable and related tests set out in the CIL regulations and therefore has not been requested.

As Kettering Borough Council is the applicant and site owner, the responsibility of the maintenance of the non-private areas of grass and the road are being retained by Kettering Borough Council and as such conditions or legal agreements are not required in relation to this aspect.

## Conclusion

There have been significant amendments throughout the application process which are considered to have resulted in an acceptable scheme that provides additional housing on previously developed land in the urban area and does not result in harm to existing residents that would justify a refusal.

Overall, the development is considered to be acceptable and is therefore recommended for approval subject to conditions and the signing of the legal agreement.

### **Background Papers**

Title of Document:

Date:

Contact Officer:

Gavin Ferries, Senior Development Officer on 01536 534316

### **Previous Reports/Minutes**

Ref:

Date: