

BOROUGH OF KETTERING

Committee	Full Planning Committee - 07/05/2019	Item No: 5.1
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2018/0958
Wards Affected	St. Peters	
Location	Warren Hill (land off), Kettering	
Proposal	Approval of Reserved Matters: Appearance, landscaping, layout and scale in respect of KET/2017/0137 relating to 75 no. dwellings including car parking with associated infrastructure, public open space and all ancillary buildings	
Applicant	Mr B Lekh Morris Homes Eastern Ltd	

1. PURPOSE OF REPORT

To describe the above proposals
 To identify and report on the issues arising from it
 To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.

For the developers clarity the 'list of plans and documents' below also sets out any exclusions to the approved information and detail any submitted information that should be considered for information purposes only (NOT APPROVED) and should be re-presented, together with any information indicated as being excluded from approval, as part of a discharge of conditions application associated with Outline planning permission KET/2017/0137.

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

2. All external walls shall be constructed in natural stone and shall not be laid, coursed or pointed other than in accordance with a sample panel which shall have been constructed on site and approved in writing by the Local Planning Authority prior to the commencement of construction of any such external walls. As approved, the sample panel shall be retained on site and kept available for re-inspection throughout the construction period. Details of the source of the Stone shall also be provided.

REASON: In the interests of the character and appearance of the site in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

NOTE: The source of natural stone (Goldholme Stone, Lincolnshire) is rarely acceptable as being representative of Local Stone. Please consult the local planning authority for guidance on a suitable local source for the stone.

3. The parking spaces (excluding garages) shown on the Parking Strategy Plan drawing E1158.P.PL07D and the refuse areas shown on the Refuse Strategy Plan drawing E.1158.P.PL06D hereby approved shall be provided prior to occupation of the dwellings they serve and shall be permanently retained and kept available for those purposes in perpetuity.

REASON: To ensure adequate on-site parking and refuse storage provision for the approved dwellings and to discourage parking on the adjoining highway in the interests of local amenity and highway safety.

Officers Report for KET/2018/0958

This application is reported for Committee decision because there is unresolved, material objection to the proposal from the Local Highway Authority

The applicant has provided amended drawings that take account of the Local Highway Authority (LHA) objection comments. Whilst these revisions may be acceptable to the LHA, so as not to frustrate delivery of a housing development that is keen to commence and consistent with the Council's five-year housing delivery objectives, the application has been included on the Planning Committee Agenda based on current LHA comments/objection. In the event that the LHA do not maintain their objection the application shall likely be withdrawn from the Planning Committee Agenda and determined under delegated powers.

3.0 Information

Relevant Planning History

KET/2017/0137 – Outline Application - Residential development of up to 81 dwellings with associated car parking, landscaping, public open space and vehicular access off Rothwell Road – APPROVED – 14 March 2018

Site Visit

Officer's site inspection was carried out on 30/01/2019

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 planning permission beyond for 350 houses under approval KET/2015/0551. To the north is Warren Hill with Kettering Crematorium and The Church of Jesus Christ of Latter-day Saints beyond.

Proposed Development

The application seeks reserved matters approval including appearance, landscaping, layout and scale for seventy-five dwellings associated with the above Outline approval which included approval of the access.

Pre-application

Pre-application advice was given for seventy-four homes and considered the proposal to be acceptable subject to the acceptability of technical information and adherence to design recommendations. The application had been submitted broadly in-line with this pre-application advice although a round of amendments have been provided to overcome some technical and design matters.

Any Constraints Affecting the Site

High pressure gas pipe line toward the sites western edge

4.0 Consultation and Customer Impact

KBC – Environmental Protection: Say “*no comments*”

KBC – Housing Strategy: Say that they accept the house types providing that they can accommodate the number of bed spaces required based on Housing Quality Indicators and whilst the distribution of the affordable units along the western edge of the site is not ideal – no objection.

NCC - Local Highway Authority (LHA): *Object* to the proposal on the basis of the proposal failing to demonstrate a layout that does not prejudice highway safety; this includes the following summarised points:

- Omission of four bin collection points
- The cycle route through the site is acceptable providing that such provision is provided at the junction of Warren Hill/ Gypsy Lane
- Proposed trees are shown within 2.5m of the highway boundary
- The proposal shows unlawful discharge of water on to the highway
- Vehicle tracking exercise shows some vehicle overhang
- Some parking arrangements are sub-standard
- The proposal does not include the roundabout due to come forward at the Gypsy Lane junction
- A raft of conditions, taken from Highway Standards, have been provided in the event that the application is approved and also discusses the infrastructure contributions that the development should provide including bus stops and a 28 day mega-ride bus ticket
- Conditions relating to the provision of a construction management plan and maintenance of the private driveways are also recommended

NCC – Lead Local Flood Authority (LLFA): Say that ‘*the impacts of surface water have been adequately addressed at this stage*’.

NCC – Ecology: Say that the Ecological Management Plan is sufficient

NCC – Developer Contributions: Say that they have ‘*no further comments*’ with matters addressed in the outline approval and its associated S106.

Northamptonshire Crime Prevention Design Adviser: Make the following summarised comments in the interests of security:

- The level of illumination for some of the areas is not acceptable
- The provision of low post and rail division between shared boundaries is unacceptable

- Plot 21 should have a gated entrance serving its rear alley-way and where parking is accessed via a rear gate the gates should be lockable from both sides
- All doors and windows should meet Approved Document Q of the Building Regulations

Northamptonshire Fire and Rescue Service: Say that the road width should be 3.7m; turning circles 15.7 between kerbs; road carrying capacity should be able to accommodate 15tonnes; and access to the furthest point of any building should be no more than 45m from the road.

Northamptonshire Adult Social Services: Say that the affordable units should be built to accessible standards of lifetime homes and adhere to 'Housing our Aging Population Panel for Innovation' principles.

Natural England: *'No comments'* stated

Neighbours: One third party letter of *'comment'* received from 85 Gipsy Lane resident nearby saying that they are concerned by construction traffic impacts associated with using Thorpe Lane due to its sub-standard nature making it unsuitable for heavy construction traffic.

5.0 Planning Policy

National Planning Policy Framework (NPPF):

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change
15. Conserving and enhancing the natural environment
16. 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 for Kettering Borough:

Policy 35. Housing within towns

6.0 Financial/Resource Implications

Secured through Section 106 associated with the Outline permission

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
3. Impact on residential amenity
4. Impact on highway safety
5. Impact on flooding and drainage
6. Impact on biodiversity
7. Sustainable buildings
8. Affordable housing provision
9. Other matters

1. The principle of the development

The principle of the development has been established through the grant of Outline planning permission, which is extant. This reserved matter relates to that permission and is consistent with its restricting conditions.

2. Impact on character and appearance

Policy 8 (d) of the Joint Core Strategy (JCS), consistent with Chapter 12 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.

Outline approval has been granted for up to 81 dwellings – that 2017 application included an indicative layout plan to demonstrate that the site could accommodate that number of dwellings in a way that was acceptable without resulting in its overdevelopment. This proposal consists of six less dwellings than could come forward. This has resulted in a more spacious layout than envisaged in the outline with good separation distances between houses, open frontages and pockets of open space and has also meant that a denser flatted-element has now been planned out.

This type of low dense housing development, particularly on the Thorpe Road frontage is consistent with surrounding built patterns of development and is consistent with the sub-urban location where lower dense development is generally expected. The retention of much of the sites mature boundary hedgerow is also seen as an advantage in being able to

provide that instant landscaped maturity to the proposal. There is also scope for planting hedges and some specimen trees to the fronts and side of houses within the created public realm as shown in the 'Landscape Structure Plan' provided.

Whilst the layout does show small areas of frontage parking these are not over-riding features of the proposal and are not too expansive with landscaping used successfully to soften their car dominated influences in created streetscapes. Close-board fences are also avoided to public boundaries.

The house-type designs broadly adhere to the rural domestic style of architecture laid out in the Design and Access documents approved in the Outline permission and have taken the opportunity to pick up on some surrounding house designs in nearby Gipsy Lane including the provision of a front 'cat-slide' roof design.

The houses proposed are considered to be a high quality modern interpretation of rural domestic vernacular architecture (and detailing) and has taken the opportunities to address dual frontages with appropriate designs and create interest and variation within streetscapes. The proposal is considered to have successfully created its own identity and distinct sense of place with a pleasant verdant 'edge of settlement' character whilst also acknowledging nearby interesting house design on its edges including the provision of quality materials including the occasional natural stone dwelling. Whilst condition 6 on the outline requires approval of external materials a condition shall be added requiring approval of a stone sample panel prior to construction of the stone walls, with a note added to say that the intended source of the stone (Goldholme) is rarely accepted as local stone.

The architectural details have also been provided at this stage and continue the high quality finish suggested in the elevation drawings. Although shall be approved through the relevant condition (9) on the Outline permission pursuant to architectural details.

The proposal has sought to follow 'Secured by Design' principles and in particular has avoided, all but one, rear accessing alleyway. Initial concerns regarding how the site dealt with a Public Open Space to its northern corner and potential future occupier disputes and garage proximity have been addressed in revisions with good surveillance throughout.

The Police's Crime Prevention Design Advisor, however raise some issues to be addressed including poor illumination to certain areas, poor boundary measures separating gardens and the provision of lockable gates to particular locations. The matters identified are critical in the delivery of an overall scheme that is safe and secure for users. Whilst the proposal has been submitted with plans indicating lighting locations and coverage and boundary treatment, such details are required to be approved under conditions 15 and 8 of the Outline permission, respectively, and thereby the identified matters by the Police shall be dealt with when the discharge of

conditions are considered. This consent shall include guidance notes in this regard and also a note saying that the scheme should look to be built to Document Q of Building Regulations with regard window and door security.

Consequently, the application is considered to have successfully delivered a proposal consistent with the Outline brief and results in a distinctive character which also responds to local character and creates a pleasant and safe environment and therefore is acceptable in this regard.

3. Impact on residential amenity

Policy 8 (e) of the JCS consistent with paragraph 127 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*'.

With regard impact on existing residential receptors; the closest is nearly 40m to the east close to the junction of Gypsy Lane and separated by retained hedgerow and also garaging associated with that property. Such distances and arrangements would mean that the proposal would not cause harmful impact to the residential amenities of nearby occupiers. Any significant impacts arising through construction will be controlled via the approval of a Construction Management Plan under condition 21 on the Outline approval prior to commencement.

Moving on to the impact of the proposal to future occupiers; the layout is such that it avoids harmful levels of mutual overlooking, overbearing and overshadowing. The gardens are also shown to be appropriately sized for family accommodation with public open spaces also available for informal play. Whilst the block of eight one-bed dwellings have no notable outside space, as these are not likely to accommodate families this arrangement is not considered to be determinative with the provision of a secure bin and cycle store. The internal sizes of the dwellings comply with National Space Standards.

Any noise mitigation measures that may be required to deal with harmful impacts that may be experienced by future occupiers from surrounding sources of noise and air pollution, notably from the A14, shall be dealt with through the discharge of condition 9 and 12 on the Outline permission. Any ground contamination issues will also be dealt with through the Outline permission and its condition 11.

As such the application, together with safeguarding conditions on the Outline is considered to provide a good standard of residential amenity for surrounding and future users and as such is acceptable in this regard.

4. Impact on highway safety

Policy 8 (b) of the JCS consistent with Chapter 9 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 and also prioritises the needs of pedestrians, cyclists and public transport users.

The access arrangements and any impacts arising from the sites trip generation and nearby consented residential developments has been considered and accepted in the Outline permission which included approval of Access.

A condition (24) requiring the approval of a Travel Plan was attached to the Outline consent has been approved and the overseeing Section 106 includes provision of Bus Service Infrastructure and the availability of a 28 day bus ticket for future occupiers. In addition the proposal makes suitable arrangements for cycle storage and also shows provision of a cycle/pedestrian route through the site that would connect with a planned residential development to the south-east. The application therefore has suitable regard to the encouragement of sustainable travel options for future occupiers.

To deal with Fire and Rescue comments; the roads are at least 5m in width and any private drives are no less than 4m in width and thereby are sufficiently wide to allow fire vehicle access which requires 3.7m road widths. Turning of large vehicles would be achievable at the well-sized turning heads (rather than via a turning circle) which are of sufficient size to allow a fire truck/bin lorry to turn with a simple three-point manoeuvre. This is illustrated by swept-path analysis using a refuse and fire truck on the provided 'Vehicle Tracking Plan', which also shows the manoeuvrings of the large vehicles around the site in the context of cars parked on the estate roads.

The roads (excluding the private drives) will be constructed to adoptable standard and thereby will be built to accommodate at least 15tonnes of vehicle. There are no buildings more than 45m from a road for fire hose access, whilst some dwellings may be more than this distance from the proposals estate roads the private driveways allow close accessibility or otherwise are within 45m of the surrounding road network including Warren Hill, Gipsy Lane or Thorpe Lane. Condition 13 on the Outline also requires approval of Fire Hydrants. As such the proposal allows safe accessibility for emergency vehicles and bin lorries together with similarly sized delivery vehicles.

Any adverse impacts caused to highway safety as a result of the site's construction shall be dealt with through the approval of Condition 21 on the Outline consent which requires approval of a 'Construction Traffic Management Plan'. Whilst such a Plan has been provided as part of this application the correct place to deal with its merits is through the Outline permission. It is noted that the Plan details use of a Thorpe Lane access as a 'secondary' access for construction, which is a noted concern of the third party commentator, however this matter will be picked up when Condition 21 on the Outline is considered and whether or not the proposition of the Thorpe Lane access is a safe one.

To deal with the Local Highway Authority (LHA) grounds of objection as described above under Section 4.0:

The revised plans; notably the 'Refuse Strategy Plan' show the required bin collection points to all shared driveways as required by the LHA.

As discussed above the proposal makes suitable arrangements for provision of a cycle/pedestrian route through the site that would connect with the planned residential development to the south-east. Given the non-through road nature of the proposal this is considered to be appropriate. This coupled with the planned Roundabout at the Warren Hill/ Gipsy Lane junction (which will be Section 106 funded and designed by the LHA once nearby planned residential development progresses) includes provision of a 3m wide footpath/cycleway that would link up with the site's 3m wide access footway (as secured in the outline permission) and cross the roundabout via an uncontrolled refuge crossing before linking with existing infrastructure on Rothwell Road.

The revised 'Landscape Structure Plan' removes all proposed trees within 2.5m of the adoptable highway. Whilst this is considered to be a shame in terms of landscaping quality it is necessary to achieve adopted highway and thereby is accepted.

The provision of a positive means of drainage to prevent water flowing from private driveways to the site's adoptable highway shall be picked up in the adoption processes.

As discussed above the provided 'Vehicle Tracking Plan' shows the manoeuvrings of the refuse and fire trucks around the site in the context of cars parked on the estate roads. This does show some minor overhanging of those vehicles on a couple of the turning spaces however these are shown at the private drive accessing and thereby is not considered to cause safety concerns.

The 'Vehicle Tracking Plan' and the revised 'Parking Strategy Plan' provided shows the provision of at least two off-street car parking spaces per house (plus garages) with the eight flats having one space each off-street. This equates to 145 spaces overall with 144 required with an additional 39 garage spaces giving a total of 184 private spaces. In addition this is shown to be supplemented by the safe parking of 52 spaces on shared driveways, estate roads and small parking lay-bys. 8 of the supplementary spaces would offset a shortfall to private spaces associated with some of the larger dwellings which require three parking spaces (excluding the garage). The provision therefore of 236 car parking spaces (184 of which are private) for a scheme of 75 dwellings (including 8 one-bed flats) is considered to be ample provision particularly on a site which has good access to public transport and cycle/footway links and located approximately 1km from the Town Centre and its associated services and facilities.

The car parking spaces are broadly consistent with LHA Standard sizes with any under/oversizing considered *de minimus*.

The drawings of the proposed roundabout associated with the nearby approved residential development of 350 houses approved by appeal under reference KET/2015/0551 illustrates the boundary to this site and does not interfere or otherwise require land associated with this development with a good sized verge shown between the roundabout edge and the site. This roundabout was designed by LHA so is available to their Officers. This proposal would not prejudice delivery of that Roundabout.

The contributions including the provision of bus stops and the availability of a 28 day mega-ride bus ticket have been secured via a Section 106 associated with the outline and thereby have already been dealt with.

The provision of a Construction Management Plan condition has been attached to the outline approval and will need to be discharged prior to commencement.

The private drives shall be conveyed to the individual dwellings with shared rights over them, the management and maintenance of the drives will be proportionately divided by the number of dwellings the drive serves which is a standard practice and ensures that maintenance arrangements are in place.

The above points, together with the amended and additional plans provided and the provisions of the Outline approval are considered to have addressed the LHA points of objection and therefore results in a development that successfully mitigates its impacts whilst also maintaining highway safety. In any event the LHA concerns have largely been built on matters that are available to them to easily satisfy themselves on (with respect to the Roundabout implications), are dealt with through road adoption processes or conditions attached to the outline or otherwise are so minor in nature that they would have no highway safety implications.

Consequently and with no clear indication from the LHA to say that the proposal would result in an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe, which is the test for refusal of a scheme on highway safety ground laid out at paragraph 109 of the NPPF, the proposal is considered to be acceptable and safe in this regard.

5. Impact on flooding and drainage

Policy 5 of the JCS, consistent with Chapter 14 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.*

The application has been supported by drainage data, which has been accepted by the Lead Local Flood Authority for the purposes of this application with condition 14 on the Outline permission pursuant to surface

water drainage to be approved. As such the application is acceptable in this respect.

6. 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.*

These matters and in particular those relating to Badgers were suitably addressed through the Outline approval, with updates provided as necessary in this application, with Northamptonshire County Council (NCC) Ecologist confirming that the proposal remains acceptable in this regard.

Various conditions relating to biodiversity including the provision of a landscape management plan are attached to the Outline permission and will be dealt with in that manner; although this information has accompanied this application and have in effect already been accepted by the County Ecologist in their response.

The 'Landscape Structure Plan' submitted has appropriate regard to the sites retained hedgerow edge, including provision of a tree/hedge protection plan and is mindful of fauna protection measures to certain areas of the site. The 'Ecological and Management Plan' submitted as part of the application and with a view to also discharging the relevant condition (17) on the Outline details various enhancements including the planting of a small Wildflower Meadow and the provision of bat/bird boxes. Long-term management plans of these biodiversity enhancements are also detailed.

As such the proposal would not result in harm to biodiversity, subject to the adherence to certain mitigation and safeguarding measures provided through Outline conditions and the measures stated in the submission and provides suitable biodiversity enhancement. As such the proposal is considered to be acceptable in this regard.

7. 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. A suitably worded condition (22) has been attached to the Outline consent requiring the development to incorporate this sustainability measure.

Policy 30 of the JCS, amongst other things, 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. This provision is required by condition 23 on the Outline (excluding the eight flats) consistent with the comments provided by Northamptonshire's Adult Social Services.

The proposal thereby, largely through measures provided in the Outline consent is considered to have appropriate regard to the sustainability of buildings.

8. Affordable housing provision

JCS Policy 30 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 Section 106 associated with the Outline required this 30% provision and an affordable tenure based on 70% affordable rents and 30% shared ownership together with a mix of house types. Affordable housing provision thereby would equate to the requirement to provide twenty-three (rounded-up) affordable units. This is the amount proposed and illustrated on the submitted 'Affordable Tenure Plan', which also shows the tenure split required. The house types proposed include one bed-flat's (8), two and three bed houses. The proposal thereby provides the correct amount of affordable housing, the right split and also a good mix.

It is accepted that the locations of the affordable units in a continual line along the sites western edge is not ideal, however their design is generally consistent with the other house types on the site with some garaging and thereby are not readily identifiable as affordable dwellings and thereby are tenure blind. This matter therefore is not considered to be determinative.

As such and with no issue raised in this regard from the Council's Strategic Housing Department the proposal is considered to deliver the level, type and nature of affordable housing required to make the scheme acceptable.

9. Other matters

As with the Outline approval this Reserved Matters application continues to have regard to the gas pipe-line along its western edge, which would remain to be accessible to the Utilities company.

Any archaeological impacts were dealt with under the Outline application with no notable remains evident on the site.

The small numbers of conditions applied relate to those arising through the provisions of this application and were not foreseen in the Outline.

Conclusion

In light of the above the proposal is considered to be in full accordance with Development Plan Policies and consistent with the constraints of the Outline consent. As such the application is considered to be sustainable

development, where there is presumption in its favour and therefore is recommend for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date: