

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/12/2019	Item No: 5.3
Report Originator	Jonathan Pavey-Smith Development Officer	Application No: KET/2019/0309
Wards Affected	Brambleside	
Location	Malham Drive (land off), Kettering	
Proposal	Full Application: 9 no. dwellings with associated parking and landscaping. Construction of footpath along Furnace Lane	
Applicant	Seagrave Developments 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 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 not be carried out other than in accordance with the approved plans and details listed below.

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

3. The development hereby permitted shall not be occupied until visibility splays has been constructed in accordance with the approved plans and that area shall thereafter be reserved for the visibility.

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

4. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

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.

5. No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used, 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 in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Prior to the commencement of development a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented before first occupation of the residential units and therefore maintained in the approved state at all times. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.

REASON: Details are required prior to the commencement of development because any noise measures required are likely to be an integral part of the design and in the interest of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. The window at first floor level on the southern elevation of plot 3 and plots 4/5 shall be glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking.

8. Except for the following times Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays there shall be no demolition or construction works at the site, this includes deliveries to and from the site the site and any work undertaken by contractors and sub contractors.

REASON: In the interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. 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

10. Each dwelling hereby approved shall be built incorporating measures to limit use of potable water to no more than 105 litres per person per day and external potable water use of no more than 5 litres per person per day.

REASON: In the interests of sustainable development in accordance with policy 9 of the North Northamptonshire Joint Core Strategy.

11. All ecological measures and/or works shall be carried out in full and in complete accordance with the details contained in section 6.5 (Amphibians and Reptiles) of the submitted Ecological Survey of Malham Drive, Kettering, Northamptonshire by Philip Irving and dated August 2019, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: To protect the ecology on the site in the interests of amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. All arboricultural measures and/or works shall be carried out in complete accordance with the details contained in section 6.0 (Tree Protection) of the submitted Tree Survey of Malham Drive, Kettering, Northamptonshire by Robert Yates and dated August 2019.

REASON: To protect the health and stability of the trees to be retained on the site in the interests of amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

13. No development shall commence on site until details of the management, maintenance and ownership arrangements for the access road and any non-private domestic areas together with a plan showing the extent of these areas have been submitted to and approved in writing by the local planning authority. The proposal shall be carried out in accordance with the approved details.

REASON: Details are required prior to commencement in the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. During the construction of the development hereby permitted all trees being retained shall be protected in accordance with British Standard 5837:2012 "Recommendations for Tree Work".

REASON: To protect the health and stability of the trees to be retained on the site in the interests of amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2019/0309

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

The application site forms part of a wider site, which is all under the applicant's ownership. Due to constraints regarding access into the site, the site has been divided into two separate parcels. The part of the site to the east of the application site, known as Rockingham Dene, was granted outline permission for the development of 9 dwellings (KET/2015/0220), with reserved matters subsequently approved (KET/2018/0257). The approved scheme is now being built out on site. This site was originally owned by NCC who have an uplift clause on the remainder of the land comprising the current application site.

Site Visit

Officer's site inspection was carried out on 16/09/2019

Site Description

The application site is located in the northern part of Kettering Town in a primarily residential area which is characterised by a mix of single and two storey dwellings. The site is located within the settlement boundary of Kettering Town but is not allocated for any specific use within the Development Plan. The site was formerly a children's care home which closed in 2002 and was subsequently demolished. The site is currently vacant and is comprised of rough grassland.

The site makes up part of a larger 1Ha site that was also under the applicant's ownership. However, the other part of the site to the east has recently been granted permission for the development of 9no. dwellings and is now being built out. The site is surrounded by residential properties to all sides. To the north of the site is Furnace Lane which provides access to the site from Malham Drive and continues across the north of the site towards Rockingham Road. The access point and Furnace Lane are open for pedestrians however bollards are currently in place to prevent vehicular access.

To the south west of the site is the Slade Brook and flood storage area. The site is located in Flood Zone 1 and is therefore not considered to be at risk of flooding from the Brook. The site slopes downwards towards the west and the site itself sits on higher ground.

Proposed Development

This application seeks full planning permission for the proposed development which is comprised of 9no. dwellings. The mix of dwellings proposed is as set out below, and all are to be delivered as market housing:

House Type No.

3-bedroom semi-detached: 6

4-bedroom detached: 3
Total: 9

Access into the site is taken off Malham Drive, utilising an existing road which currently runs along the northern boundary of the site, which will be redesigned and extended to enter into the site. Private drives will be accessed off this, with a turning head also provided. The road has been designed to an adoptable standard and a dedicated footpath will be constructed along Furnace Lane to the benefit of existing and future users alike.

The site has a number of existing trees, particularly on the northern and western boundaries of the site, and these will be retained and incorporated into the site layout. There are three TPO's trees to the north corner and western corner of the site. The trees also provide a good level of screening to ensure a good level of privacy is afforded to the rear private gardens of the proposed dwellings.

Some new planting is also proposed across the site to provide further visual amenity and soften the development street scene.

A 1.8-metre-high close boarded fence is proposed around the boundary of the site for security and privacy of existing and future residents.

All dwellings have their own designated bin store, with bins placed in the road for collection on the relevant day.

Any Constraints Affecting the Site

TPO

Classified Road

Public Right of Way

Nene Valley NIA Boundary

4.0 Consultation and Customer Impact

NCC Highway Authority

Objects to the proposal as the proposed access is not to an adoptable standard. The objection relates to visitor number and the access being to an unadopted standard.

NCC Ecology

No objections provided the recommendations in the submitted Ecological Report are followed.

NCC Archaeology

There is an archaeological desk-based study of the site from 2012 which concluded that the potential for archaeology to be present was low. On this basis NCC archaeology do not have any comments to make.

KBC Environmental Health

No objections subject to conditions requiring a construction and demolition statement and standard contaminated land conditions.

Neighbours: 1 representation has been received;

- Object on the grounds of being overlooked and loss of privacy which may affect the resale value the property.
- Impact on conservation and wildlife.
- Materials out of keeping

NCC Development Management

NCC Education: Development of this size is expected to generate approximately 3 Nursery / Pre-school pupils, 3 Primary School pupils and 3 Secondary and Sixth Form School pupils based on the dwelling mix provided and the County Council's adopted pupil generation multipliers.

Early years Services

The County Council has a statutory responsibility to provide Early Years services (e.g. pre-school, play-group, and/or nursery provision) for children aged two, three or four.

The County Council's 'sufficiency of capacity' evidence base for Early Years provision is currently being updated and it is therefore not possible to determine what the current capacity is and the likely s106 planning obligation this development would yield. However, the County Council will provide an updated position to this response once this update has been completed.

Should an Early Years contribution be deemed necessary to meet the needs of this development, the current Department for Education (DfE) cost multipliers for Early Years Education will give you an indication of the likely contribution required.

Primary Education

A Primary Education contribution of £37,608 will be required for this development. These figures will be reviewed in the event that the proposed dwelling mix for the site alters during the planning process.

It should be noted that the schools specified in this response are the most likely recipients of the funding we are requesting, however it is not guaranteed that this is where the contributions will be spent. The County Council recognises that any s106 contribution secured must be spent on mitigating the impact of the development locally; however we reserve the right to specify the project on which it is spent on at a later date when further clarity is known.

Due to the pooling restrictions on planning obligations in place since April 2015 the County Council will always aim to detail a specific school and/or project in the completed Section 106.

Secondary School

Based on the proposed housing mix and the cost multipliers above, it is anticipated that a Secondary School Education contribution of £45,423 will be required. This figure

will be reviewed should the number or mix of dwellings delivered on the site be amended.

It should be noted that the schools specified in this response are the most likely recipients of the funding that has been requested. However, it is not guaranteed that this is where the contributions will be spent. The County Council recognises that any contribution secured must be spent on mitigating the impact of the development locally. The County Council reserves the right to specify the project on which it is to be spent on at a later date, once further clarity is known, for example the ability of the schools to expand on their existing site. Due to the pooling restrictions on planning obligations in place since April 2015, the County Council will always aim to detail a specific school and/or project in the completed s106 Planning Obligation agreement.

NCC Fire Service: New developments generate a requirement for additional fire hydrants in order to manage fires if they occur. An assessment of the site will be required, however, it is assumed that 1 fire hydrant will need to be installed at a cost of £892 per hydrant.

It is preferred that fire hydrants are designed into the development at the master plan stage and enforced through a planning condition, the final location of the hydrant must be agreed in consultation with the Fire and Rescue Service prior to installation. A standard condition is provided for securing fire hydrants.

NCC Libraries: An estimated Libraries Contribution of £2,244 is therefore required, to contribute towards the improvement, enhancement or expansion of Library facilities to serve the Kettering area. This figure will be reviewed in the event of the final number or mix of dwellings to be delivered on the site alter, and a specific project identified prior to entering into a signed S106 agreement.

5.0 Planning Policy

National Planning Policy Framework (NPPF 2019)

Section 2- Achieving sustainable development

Section 5- Delivering a sufficient supply of homes

Section 11- Making effective use of land

Section 12- Achieving well-designed places

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS 2016)

Policy 1 Presumption in favour of Sustainable Development

Policy 6 Development on Brownfield Land & Land Affected by Contamination

Policy 8 North Northamptonshire Place Shaping Principles

Policy 9 Sustainable Buildings & Allowable Solutions

Policy 11 The Network of Urban and Rural Areas

Policy 29 Distribution of new homes

Policy 30 Housing Mix and Tenure

Saved Policies in the Local Plan for Kettering Borough 1995

Policy 35 – Housing with Towns

6.0 Financial/Resource Implications

None

7.0 Climate Change Implications

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaptation to, climate change.

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of the development
2. Design and impact on the surrounding area
3. Impact on residential amenity
4. Transport and highway safety etc.
5. Ecology and trees
6. Contaminated Land
7. Section 106

1. Principle of the development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kettering

Borough currently comprises the adopted North Northamptonshire Joint Core Strategy and saved policies of the Kettering Borough Local Plan 1995.

The application site is in an established residential area to the north of Kettering town centre.

Paragraph 49 of the National Planning Policy Framework states that applications for housing should be considered in the context of the presumption in favour of sustainable development.

Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct the majority of development to existing urban areas and indicate that Kettering as a Growth Town will be the focus for infrastructure investment and higher order facilities to support all elements of development.

Policy 8 of the North Northamptonshire Joint Core Strategy (NNJCS) is supportive of new residential development provided there is no adverse impact on character and appearance, residential amenity and the highway network.

The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

2.Design and impact on the surrounding area

Policy 3(a) of the NNJCS requires new development should conserve and where possible enhance the character and qualities of the local landscape through appropriate design and management.

The house types and styles proposed are similar to those found on the adjacent Rockingham Dene site in terms of scale and design, and also reflect those found in the wider surrounding area. All of the proposed dwellings are limited to two stories in height to ensure the development assimilates into its surroundings and reflects the surrounding character.

The proposed materials are also complementary to the surrounding area, taking key design cues from the local character. The materials proposed are all also of a high quality with a high quality of design proposed. Due to the sites location and layout the development represents a somewhat stand-alone scheme which is well shielded from view from Malham Drive and as such does not necessarily need to relate directly to adjacent styles or building designs. This approach was noted by the LPA in the report for the adjacent site.

As the proposal sits within an existing landscaped suburban area of the town it is not considered necessary to require an extensive landscape strategy for the site. Existing vegetation and protected trees already effectively soften and screen the site from key aspects. The submitted hard and soft landscape proposals are therefore considered to satisfactorily comply with the requirements of policy 3(a) and policy 8 of the NNJCS in that the proposal will conserve and enhance the landscape character of its surroundings.

3. Residential Amenity

The NNJCS in Policy 8 (e), consistent with Chapter 12 (para. 127(f)) of the NPPF, states that development should protect the amenity of all future and surrounding users of land and buildings.

The nearest existing properties to the site are those located along Dene Close and Willow Garden Close to the south. The proposed development minimises the impact to the existing properties, with sufficient separation distances achieved. With regard to the proposed dwellings at plots 3 and 4/5 there are no window openings proposed on the southern elevations of these dwellings with the exception of a bathroom window at first floor level on plot 3 which would be obscure glazed by condition. As such it is considered that there would be no issues regarding overlooking between the existing properties along Dene Close/Willow Garden Close and those proposed on site.

Due to the presence of the existing trees on the site's western boundary with Malham Drive, the dwellings have been orientated to front onto the new access road within the site rather than onto Malham Drive itself. The existing trees provide a sufficient level of screening to the private rear gardens of these dwellings adjacent to Malham Drive. Additional planting is proposed to the southern boundary of the site to provide further privacy to the existing and proposed dwellings here.

All dwellings are also provided with generously sized rear gardens relative to the size of each dwelling and also in reflection of the size of gardens found in the surrounding area.

The Council's Environmental Protection service has been consulted upon the application and has stated no objection. This is subject to conditions being applied to ensure that the site is properly investigated and – if required – remediated in respect to potential contamination. Furthermore, a scheme to ensure that appropriate noise levels are achieved for the residential units is also requested (to include details of glazing and ventilation specifications). A Construction Method Statement is also requested in order to ensure that the scale and nature of construction works are properly controlled. It is considered that these constitute appropriate requests that would be in the interests of safeguarding amenity in compliance with Policy 13 (I) of the Core Spatial Strategy.

4. Transport and highway safety

Policy 8 (b) of the NNJCS consistent with Section 9 of the NPPF is concerned with highway safety, seeking to ensure satisfactory means of access and parking provisions and promoting sustainable forms of transport within and to serve developments. Part of this is to prioritise the needs of pedestrians, cyclists and public transport users and ensure safe forms of movement for all transport modes.

The proposed access into the site is taken off Malham Drive, utilising an existing track called Furnace Lane. Works have already been undertaken to replace the damaged vehicular gate and pedestrian kissing gate on site. New bollards and improvements already in situ (as a result of a request by the Highway Authority) allow for ease of use for pedestrians and cyclists but will prevent vehicles using Furnace Lane past the

proposed vehicular access point of the application site. The new footpath proposed along Furnace Lane will provide a better-quality surface and linkage through from Malham Drive to Rockingham Road and beyond.

Full details of the proposed access to the site have been provided as part of this application. Access would be provided via Furnace Lane (which constitutes a private gated vehicular route) in close proximity to where it meets Malham Drive (a classified C road).

To comply with Local Highway Authority's requirements relating to more than 5 dwelling off a private drive, would mean that the layout be to a standard that could be adopted by the Local Highway Authority. The Local Highway Authority has raised concerns in respect to the proposed access arrangements and the design continuing to not meet the dimensions for an adoptable shared surface.

The applicant has stated that instead of Northamptonshire Highway's proposals the applicants design extends the shared surface up to the footway on Malham Drive. Whilst this may be more attractive for pedestrians, arrangements for maintenance by means other than the Local Highway Authority is likely to be necessary. To ensure this is satisfactory details of the proposed maintenance will need to be agreed and will be conditioned.

Similar junction layouts to those proposed on this development have been implemented elsewhere in the borough and within the county.

1. Dale Crescent, Barton Seagrave – serving in excess of 40 dwellings;
2. Humphrey Close, Barton Seagrave – serving in approx. 15 dwellings;

In summary, the amended road layout has increased the road width to include 1.5m wide service strips. The Pedestrian visibility splays included in the drawing as 2m x 2m following the highway boundary; Vehicle tracking refuse vehicle shown opposed by large car;

The majority of the LHA points have now been adhered to and the attached letter from the applicant's retained highway consultant deals with the matters accordingly and also provide details of similar arrangements elsewhere in the County. All are relevant to the current proposal.

As such, the proposed development includes the provision of 21no. allocated spaces, resulting in 3no. spaces per dwelling. It is considered that this is sufficient to meet the expected demand and given the sustainable location of the site.

Overall it is considered that the proposed development provides a safe access point and sufficient car parking and as such is in accordance with Policy 8 of the NNJCS and Section 9 of the NPPF.

5. Ecology and Trees

An ecological report was submitted with the application which shows that at the time of the surveys carried out there were no protected species present on the site. The

report recommends that the native species hedgerow present on site is retained and the site plan shows this to be the case. Best practice is set out with regard to checking for species during demolition and construction. The County Council's ecologist does not object to the proposals subject to the recommendations in the report being carried out and this can be conditioned.

It is considered that the new development provides opportunities to enhance the biodiversity value of the site with additional native hedge planting and landscaping etc. As such, subject to conditions concerning the ecological recommendations and landscaping, the proposal is acceptable and complies with policy 4 of the JCS and section 15 of the NPPF.

An arboriculture survey has been undertaken which shows that it will be necessary to remove a total of 4no. individual trees, albeit including one tree that is the subject of a Tree Preservation Order (TPO). In addition, a section of the hedgerow H2 will need to be removed to facilitate the proposed footpath to the north side of Furnace Lane. The loss of the four trees represents a minimal impact upon visual amenity. The remaining TPO trees (T1 & G1) will be largely unaffected by the construction works, subject to the provision of protective barriers/fencing in accordance with British Standard . However, steps are to be taken during construction to retain these trees and root protection measures will be needed. This will be covered by a condition.

6. Contaminated Land

The Council's Environmental Health Officer has raised no objections subject to contaminated land conditions being imposed. They also recommend a condition requiring a construction/demolition method statement and hours of working shall be included in this. It is considered that subject to these conditions the proposal is in accordance with policy 6 of the JCS.

7. Community Infrastructure/S106

The NPPF guidance states that there are specific circumstances where contributions for tariff style planning obligations (including section 106 planning obligations) should not be sought from small scale and self-build development, including developments of 10-units or less.

Nevertheless, the County Council have stated that it is likely that the proposed units will generate a higher yield of Primary and Secondary School age pupils than an average development of this size based on the dwelling mix provided, which will impact on the capacity of local education infrastructure to accommodate the increased demand.

However, Kettering Borough Council recognises that this proposed development of 9 new dwellings falls below this threshold and the requirement of a section 106 planning obligations is not required.

Conclusion

In light of the above the application is considered to comply with the Development Plan with no other material considerations that would justify coming to an alternative view and therefore it is recommended the application is approved subject to the existing conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Jonathan Pavey-Smith, Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date:

