

North Northamptonshire Area Planning (Kettering) Committee 15/06/2022

Application Reference	NK/2022/0098
Case Officer	Sean Bennett
Location	Phase 4, Westhill (land at), Kettering
Development	s.73 Application: Variation of conditions 1 (approved plans) and 2 (parking spaces) of KET/2016/0607 (Appearance, scale, layout and landscaping in respect of KET/2006/0541, residential development for 151 dwellings): proposed changes to house types associated with 59 homes (parcels 4A and 4B) including design and material changes and to take account of Nationally Described Space Standards and Updated Part M of the Building Regulations (disabled access and adaption). Changes also include more space for the existing landscape, which has matured since the original approval, and makes more allowance for the drainage ditch on the northern boundary.
Applicant	Mr J Griffiths Tilia Homes
Agent	Mr J Griffiths Tilia Homes
Ward	St. Peters
Overall Expiry Date	20/05/2022
Agreed Extension of Time	17/06/2022

All plans and documents can be viewed using the application reference number at <https://www.kettering.gov.uk/planningApplication/search>

This application is brought to committee because the Town Council has a material written objection

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions

2. The Proposal

- 2.1 s.73 Application: Variation of conditions 1 (approved plans) and 2 (parking spaces) of KET/2016/0607 (Appearance, scale, layout and landscaping in respect of KET/2006/0541, residential development for 151 dwellings): proposed changes to house types associated with 59 homes (parcels 4A and 4B) including design and material changes and to take account of Nationally Described Space Standards and Updated Part M of the Building Regulations (disabled access and adaption). Changes also include more space for the existing landscape, which has matured since the original approval, and makes more allowance for the drainage ditch on the northern boundary.
- 2.2 Following comments received and Officer advice the original submission was subject to minor amendments to the layout and house design. The below reflect those changes and the proposal is considered based on these amendments.
- 2.3 The proposal consists of the following open market house types:

Open Market Accommodation Schedule							
	Housetype	Sqft/type	Sqm/type	No. of Plots	no. of Beds	Storey	Total Sqft
PRIVATE PLOTS	MAIS GF	546	50.76	3	1 Bed	2	1638
	MAIS FF	608	56.55	3	2	2	1824
	HINTON	704	65.40	6	1+study	2	4224
	ROSEDENE	749	69.58	22	1+study	2	16478
	BRADLEY	774	71.91	1	2	1	774
	ALDERLEY	872	81.01	4	2+study	2	3488
	BEMBRIDGE	930	86.40	9	2+study	2	8370
	DERWENT	962	89.37	5	2+study	2	4810
	DUNSTABLE	963	89.46	1	2+study	2	963
	MELFORD	999	92.81	3	2+study	2	2997
	ALFRISTON	1109	103.03	2	3+study	2	2218
TOTAL				59			47784

3. Site Description

- 3.1 The site is part of a wider development toward the eastern extent of the Town served off Northampton Road that commenced some years ago and is nearing its final stages, with this immediate parcel (4A and 4B) consisting of one of the last parcels to be delivered.
- 3.2 The wider scheme approved in Outline under KET/2006/0541 proposed 460 dwellings at 40 dwellings per hectare, a local centre of 0.3 hectares of land for retail, community, and health uses, 10.4 hectares of land for open space and 1.1 hectares of land to facilitate a new primary school. Much of the housing, including a care home have been built and occupied together with the provision of a play area, a large area of open space along the A14 edge and water attenuation measures. The local centre, which is proposed close to Northampton Road and the Primary School have yet to be built, although space remains available for those and with respect to the School a 'land-transfer' mechanism to enable that to come forward by the local

education authority, when required, is in place within the secured financial agreement.

- 3.3 The immediate site is toward the northern extent of the wider development with its approach roads progressing with the site being prepared for development. To the east is the established 'Wren Spinney School' and the rear boundaries of three dwellings fronting Gipsy Lane.
- 3.4 To the south is the land associated with the proposed Primary School site and to the west is another parcel of residential development that is being progressed with a linear area of open space and the A14 carriage way beyond.
- 3.5 To the north is farmland, which has recently been granted full planning permission for 340 homes under KET/2020/0773 and notably includes provision of a vehicular link to this proposal off the T-stub toward the sites north-western edge. There is also a Gas Compound to the north-east.

4. Relevant Planning History

- 4.1 KET/2006/0541 – Outline Application - Residential development, District Centre, School and Public Open Space – APPROVED – 23/08/2013
- 4.2 KET/2016/0607 - Approval of Reserved Matters - Appearance, scale, layout, and landscaping in respect of KET/2006/0541, residential development for 151 dwellings – APPROVED – 20/03/2017

5. Consultation Responses

A full copy of all comments received can be found on the Council's website at: <https://www.kettering.gov.uk/planningApplication/search>

5.1 Town Council:

Original objection comments:

'The Council is of the view that the applicant has sought to reduce the space provided for parking, by artificially reducing the actual number of bedrooms in each property with the inclusion of a "study" which will in reality [could] be used as a bedroom by occupiers. This is simply going to store up medium and long term problems for the public realm on this development and create a poorer quality of life. The Council fully supports the comments of the highway authority.'

The development proposals also fail on a number of other fronts:

- EV charging points*
- The overall size of the units proposed*
- Energy efficiency measures*
- Mitigation for loss of habitat'*

Following amendments and an applicant response to the above Town Council comments the Town Council returned the following maintained objection comments:

'We note the observations made by the developer about the Town Council's last set of comments, and would point out in response, that the under provision of parking for each unit would in fact lead to a more car dominated development as residents would leave their cars on street in ways which blocked movement by pedestrians and cyclists and caused ongoing environmental damage to verges, highways and planting.

The minor changes made to the application, such as the retention of planting on the south eastern corner of the development were noted and supported. However, the development continues to fail on all the points made in the Council's previous submission, so the Council's objection is maintained.

In addition, the Council remained concerned that too many units were relying on one point of access and egress from the development.'

5.2 Neighbours / Responses to Publicity

No comments received at the time of writing this report

5.3 NNC - Local Highway Authority (LHA): Provide the following observations:

'1. The footway wrapping around the turning head adjacent to the northern boundary should be 2m wide.

2. The adoptable shared surface requires a carriageway width of 4.8m and 1.5m service strip around its perimeter with 20mm kerb upstand (all block paved). The southern most of these does not accord. The 2m footway only needs to extend 2m beyond the ramp before the service strip commences.

3. The adoptable shared surface to the north-east serves more than 20 dwellings.

4. Opposite plot 444, the service strip is required to wrap around the carriageway with the footpath joining onto it.

5. Roads should be tracked with a 4-axle refuse vehicle opposing a large private car.

6. Pedestrian crossing points must be provided at all new junctions consisting of two dropped kerbs and two tapered kerbs. To be provided in accordance with the LHA's approved details. The colour must be buff.

7. The boundary treatments as shown on plan (JIG024-127) are reasonable.

8. The single garage shown in the garage plan (JIG024-250) requires a minimum internal length clear of piers/openings of 6m in line with the LHA Standing Advice (2016).

9. There continue to be instances whereby drives in dual ownership between two dwellings e.g. 407/408 which are less than 6.6m wide between each dwelling wall.

10. *It is noted from the email that previous/different parking requirements may have been agreed at earlier stages, which do not appear to align with current requirements as per Northamptonshire Parking Standards (2016).*

11. *As detailed in the LHA's previous response, there are several dwelling types with studies which can and often are used as bedrooms which can exacerbate car parking requirements.*

12. *No visitor parking is detailed. Visitor parking is required at 0.25 spaces/dwelling.*

13. *The LPA should take a view with regards to the provision of electric vehicle charging facilities.'*

5.4 Northamptonshire Police: Provide the following comments:

Northamptonshire Police have the following comments, which if implemented will reduce the likelihood of crime, disorder and anti-social behaviour occurring. This is in the interest of the security and quality life of future occupants of the development in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

- *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. Private driveways must have some street lighting and a lux plan for these areas should be supplied. The uniformity levels (consistent lighting, no very bright or very dark patches) should be no lower than 0.25lux on the private roads. This will prevent residents from installing their own light sources which are often bright, angled PIR lighting. These cause areas of bright light and very dark area and increase fear of crime. These also cause neighbour disputes and can be harmful to the local wildlife and the dark sky agenda.*
- *Plots 370, 371, 404-413,414-420, 426-432: Where side tandem parking is positioned between two dwellings there should be some meaningful surveillance from 'active' rooms i.e. living room or kitchen from at least one of the dwellings adjacent to the parking.*

5.5 NNC – Environmental Protection: Say: *'no objections to the proposed change of house types and site layout provided that the existing Condition 4 (KET/2016/0607) regarding noise mitigation measures is complied with.'*

5.6 NNC – Developer Contributions: State: *'no comments'* although note that: *'... the inclusion of offices or studies in the layouts which often have a tendency to end up being used as bedrooms, especially where they are on the first floor. This obviously has potential to impact significantly on pupil yields – if for example a 2 bed home ends up being a 3 bed when it comes to occupation...'*

5.7 National Highways: State *'no comment'* in their response

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)

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
15. Conserving and enhancing the natural environment

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

1. Presumption in favour of sustainable development
4. Biodiversity
8. Place shaping
9. Sustainable buildings
11. The network of urban and rural areas
28. Housing requirements
29. Distribution of new homes
30. Housing mix and tenure

6.4 Kettering Site Specific Part 2 Local Plan (SSP2LP)

LOC1 – Settlement Boundaries

HOU1 – Windfall and infill development principles of delivery

7. Evaluation

The key issues for consideration are:

- The principle of the development
- Impact on character and appearance
- Impact on residential amenity
- Impact on highway safety
- Sustainable building implications
- Housing type
- Community infrastructure
- Other matters

7.1 The principle of the development

7.1.1 The principle of development has been established by extant planning permissions.

7.2 Impact on character and appearance

7.2.1 Policy 8(d) of the JCS and HOU1 of the SSP2LP, consistent with chapter 12 of the NPPF seeks development to respond to local character and wider context.

7.2.2 The site is read in the context of the wider development. Whilst the house types proposed and the layout are changing from that approved, by themselves the changes are relatively minor although are not suitable for consideration under a non-material amendment application, when considered as a whole.

7.2.3 Nevertheless, the changes are broadly consistent with the approved design code for the development and reflect the general design typologies associated with the wider site, with some variations to design welcomed to create character areas across the site rather than being seen in one design style.

7.2.4 It is accepted that the development is fairly car dominant particularly along the curved section of highway, however this arrangement together with most of the layout is unchanged from the extant approval. To assist understanding please find below the approved layout followed by the proposed:

7.2.5 Approved:



7.2.6 Proposed:



7.2.7 In terms of the Police comments, the location and nature of the lighting on the highway will be progressed through adoption processes, however given that there is a significant stretch of private road requiring proposed details of the lighting by condition is reasonable.

7.2.8 In terms of the surveillance of car parking, whilst the small number of parking spaces indicated by the Police may not have surveillance from the associated dwelling via a habitable room window, they are overlooked by landing and WC windows and from other houses. This arrangement is acceptable to discourage crime.

7.2.9 An increase to the extent of landscaping toward the sites north-east corner is welcome to provide a greener appearance to that edge of the development, which provides access to a footpath through to Gipsy Lane and has the benefit of further concealing the Gas Compound.

7.2.10 As such the proposal is considered to result in minor betterment to the approved design aspects of the consented extant scheme and is acceptable in this regard.

7.3 Impact on residential amenity

7.3.1 Policy 8(e) of the JCS and HOU1 of the SSP2LP, consistent with paragraph 130(f) of the NPPF seeks development to ensure residential amenity.

- 7.3.2 In terms of future occupiers' amenity, the proposal provides adequate internal and external space consistent with national space standards whilst also complying with Building Regulations, Part M, Category 2 standards which make it easier for the disabled to access the home and adapt it if required. The extant consented scheme does not always comply with these standards, having been determined at a different time, and therefore the proposal constitutes an improvement to future occupiers' amenity and the adaptability of the houses.
- 7.3.3 The dwellings are appropriately orientated and sited to avoid adverse impact on existing neighbours and each other.
- 7.3.4 The noise mitigation condition (4) attached to the existing permission and cited by the Council's Environmental Protection Officer shall be repeated for this proposal.
- 7.3.5 As a result, the proposal would provide appropriate standards of living for future occupiers and their neighbours.

7.4 Impact on highway safety

- 7.4.1 Policy 8 (b) of the JCS consistent with chapter 9 of the NPPF seeks development to ensure satisfactory means of access and parking provision and resist development that would prejudice highway safety.
- 7.4.2 The proposal provides 114 (2 garage) parking spaces, which equates to approximately two spaces per dwelling with the one-bed units having one space each and the three-beds having three (one garage) spaces available. Most dwellings will have two off-road parking spaces which is appropriate for the one and two bed (with studies) dwellings. The streets will be able to accommodate some parking in a manner consistent with normal street parking arrangements elsewhere. These provisions are adequate.
- 7.4.3 Comparing the proposed and existing layouts above together with the amount of parking. The arrangements are broadly the same and the applicant has made some minor changes following initial highway comments, such as increasing footway widths, gaps between parking spaces and their dimensions. As such the changes result in minor improvements to the consented scheme. Whilst the Local Highway Authority retain residual 'observations' there is no indication that highway safety is compromised, especially as a slightly worsened layout would come forward as a fall-back if delivering the extant proposal.
- 7.4.4 As a result, the proposal is considered to provide sufficient parking, including two covered cycle parking spaces per dwelling, and safe arrangements for highway users.

7.5 Sustainable building implications

- 7.5.1 Whilst the buildings do not propose energy efficiency measures, above building regulations, it is reasonable to impose a condition requiring the houses to be constructed to limit water usage to no more than 105 litres/person/day by condition

consistent with policy 9 of the JCS. This therefore together with the intention to construct to national space standards and to improve disabled accessibility is betterment over the extant permission.

7.5.2 The proposal fails to provide electric vehicle charging points, which is to its disbenefit, and whilst this is not required by local policy it is encouraged within the NPPF and is an approach that the Council tend to be delivering on schemes as a percentage. As such the lack of such facilities is a failure of the proposal. However, in this case the fall-back position would not require any such infrastructure and therefore in this case the lack of the charging points is not determinative.

7.5.3 As such the proposal is acceptable in this regard.

7.6 **Housing type**

7.6.1 The proposal relates to a portion of the wider sites market homes with the 30% affordable being delivered in other parcels across the whole development. This ensures a good mix of tenure. The proposed dwellings have a good range of one to three bed dwellings with variances in sizes including maisonettes and a bungalow.

7.6.2 As has been noted by the Town Council and other consultees many of the units include a 'study', in some cases they could be used as a small bedroom suitable for a child and in other cases they are not likely to be used for that purpose due to their internal constraints. They do however offer a flexible room, which notably can be used as a home-office with homeworking becoming a more common practice of late. The ramifications of this to financial contribution provisions shall be discussed below.

7.6.3 As such and as the proposed home sizes are comparable to those approved in the extant permission the proposed housing type, mix and tenure are acceptable.

7.7 **Community infrastructure**

7.7.1 The contributions secured for the scheme were agreed in a legal agreement associated with the Outline permission KET/2006/0541 and therefore that application should be referred to for full details.

7.7.2 There is however an implication to the amounts collected in the legal agreement associated with this application, which was picked up by the Council's Developer Contribution department, because of the provision of the studies and the fact that they could be used as bedrooms. The applicant has dealt with this matter by stating *'I can confirm that we will treat any unit identified with a study as being a bedroom as far as the S106 monies are concerned and therefore the payments will remain as agreed particularly for the education contribution.'*

7.7.3 As such the proposal would not have implications to the contributions being sought.

7.8 **Other matters**

- 7.8.1 The proposal would not have any implications to biodiversity, drainage or any other technical matters with any implications and measures for these impacts being addressed through safeguards and provisions associated with the outline approval.
- 7.8.2 The Town Council mention that they are concerned about the single point of access to the development. Whilst this is an existing situation associated with the wider permission that cannot be influenced by this application it is noted that an access will come forward at some point in the future associated with the consented development to the north which will provide accessibility from this site to Gipsy Lane when complete and therefore deliver the alternate access envisaged by the Town Council.

8. Conclusion / Planning Balance

- 8.1 The proposal may fall slightly below the standards of reserved matter applications being considered today – such as the lack of electric vehicle charge points. However, overall, it represents an improvement on the current permissions arrangements, especially with respect to future occupier's internal space and an area of additional landscaping. This improvement would not be realised through the current fall-back position through implementation of the extant consented scheme. As such the proposal is acceptable and consistent with the Development Plan.

9. Recommendation

- 9.1 Approved subject to conditions.

10. Conditions

1. 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.
2. No works shall take place above slab level until full details of an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out other than in accordance with the approved details and remain in place for the duration of the development.
REASON: In the interests of visual amenity and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
3. All of the dwellings shall be constructed to achieve a maximum water use of no more than 105 litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition);
REASON: In the interests of water efficiency in a designated area of water stress in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy.
4. The noise mitigation measures outlined in Section 6, page 3 of the technical note reference 4501 written by WBM Acoustic Consultant, Dr Robert Storey dated

9 August 2016 shall be carried out in full before occupation of the residential units and remain in place for the duration of the development.
 REASON: In the interest of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. Informatives

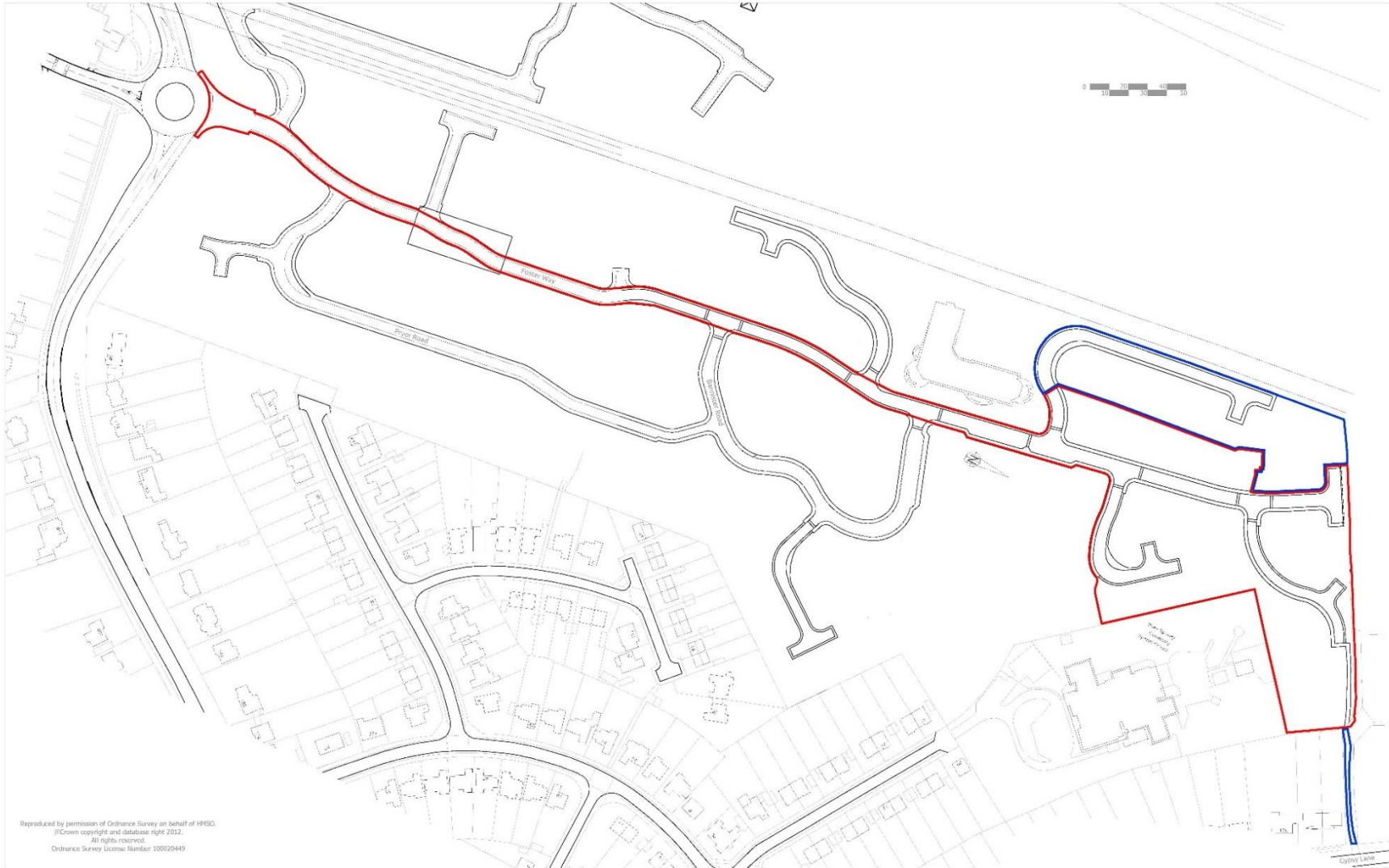
Positive/Proactive - amendments
 ARM to be read with outline planning permission
 List of plans

The plans and documents, some of which may have been subsequently referenced by the LPA, are set out below and form the basis for this decision:

Title	NK Ref.	Agent's Ref	Received Date
Design Statement Parcels 4A & 4B	NK/2022/0098/1		18/02/2022
Planning layout		JIG024-022B	14/04/2022
Location plan		JIG024-120A	18/02/2022
Character Area		JIG024-122B	28/04/2022
Parking Dispersion		JIG024-123B	28/04/2022
Storey Height Dispersion		JIG024-124B	28/04/2022
Materials		JIG024-125C	28/04/2022
Refuse Storage Collection		JIG024-126B	28/04/2022
Boundary Treatment		JIG024-127B	28/04/2022
Presentation Layout		JIG024-150A	28/04/2022
Street Scenes		JIG024-152	08/02/2022
Proposed elevations Alderley Avenue		JIG024-201A	28/04/2022
Proposed ground/first floor plans Alderley Avenue		JIG024-202A	28/04/2022
Proposed elevations Alfriston Avenue		JIG024-203A	28/04/2022
Proposed ground/first floor plans Alfriston Avenue		JIG024-204A	28/04/2022
Proposed elevations Bembridge Avenue		JIG024-205A	28/04/2022

Proposed elevations, detached Bembridge Avenue		JIG024-206A	28/04/2022
Proposed elevations Bembridge Lanes		JIG024-207A	28/04/2022
Proposed ground/first floor plans Bembridge		JIG024-208A	28/04/2022
Proposed ground/first floor plans Detached Bembridge Avenue		JIG024-209A	28/04/2022
Proposed elevations Bradley Mews		JIG024-210A	28/04/2022
Proposed ground floor plan Bradley Mews		JIG024-211A	28/04/2022
Proposed elevations Semi Derwent Mews		JIG024-212A	28/04/2022
Proposed elevations Derwent Avenue		JIG024-213A	28/04/2022
Proposed ground/first floor plans Derwent Avenue		JIG024-214A	28/04/2022
Proposed ground/first floor plans Semi Derwent Mews		JIG024-215A	28/04/2022
Proposed elevations Dunstable Mews		JIG024-216	08/02/2022
Proposed ground/first floor plans Dunstable Mews		JIG024-217A	28/04/2022
Proposed elevations Hinton Mews		JIG024-218A	28/04/2022
Proposed ground/first floor plans Hinton Mews		JIG024-219A	28/04/2022
Proposed elevations Melford Lanes		JIG024-220A	04/05/2022
Proposed ground/first floor plans Melford Lanes		JIG024-221A	28/04/2022
Proposed elevations Rosedene Mews		JIG024-222A	28/04/2022
Proposed elevations Rosedene Avenue		JIG024-223A	28/04/2022
Proposed ground/first floor plans Rosedene		JIG024-224A	28/04/2022
Proposed elevations Detached Maisonette Avenue		JIG024-225A	28/04/2022
Proposed ground/first floor plans Detached Maisonette Avenue		JIG024-226A	28/04/2022
Proposed elevations Semi Maisonette Mews V1		JIG024-227A	28/04/2022

Proposed ground/first floor plans Semi Maisonette Mews V1		JIG024-228A	28/04/2022
Proposed elevations Semi Maisonette Mews V2		JIG024-229A	28/04/2022
Proposed ground/first floor plans Semi Maisonette Mews V2		JIG024-230A	28/04/2022
Proposed elevations Melford Mews		JIG024-245A	04/05/2022
Proposed elevations and floor plan, garages		JIG024-250	08/02/2022
Covering Letter	NK/2022/0098/2		18/02/2022
Covering e-mail			14/04/2022
Covering letter dated 3 May 2022			04/05/2022



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Rev.	Description.	By.	Date.

Date	Dec 2021	Scale	1:1250@A2	Drawn by	MP	Check by	
Project No	JIG024	Drawing No	120	Revision	A		

Project
 Westhill, Kettering
 Drawing Title
 Location Plan

