Comments

Site Specific Part 2 Local Plan - Publication Plan Consultation (18/12/19 to 12/02/20)

Comment ID 137
Response Date 12/02/20 09:05
Consultation Point Policy KET4 Land west of Kettering, Gipsy Lane (View)
Status Processed
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Representation
Please use a separate form for each representation.

Which part of the Publication Plan does your representation relate to?
Policy KET4

Tests of Soundness
Do you consider the Local Plan is sound in terms of being:

- Justified . Yes
- Effective
- Positively prepared . Yes
- Consistent with National Policy . Yes

Legal and Procedural requirements

Do you consider the Local Plan has been prepared in line with legal procedural requirements? Yes

Duty to Cooperate

Do you consider the Local Plan to be compliant with the Duty to Cooperate? Yes

Reasons
Please give the reason(s) why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the statutory Duty to Cooperate.

Peterborough Diocesan Board of Finance (PDBF) owns the land included within Site Allocation Ref. KET4: Land west of Kettering, Gipsy Lane. PDBF supports the proposed allocation and requests that it is retained unchanged in the final version of the Kettering Site Specific Part 2 Local Plan. The site benefits from an extant outline planning permission for residential development. PDBF is in the process of selling the site. It is considered that Site Allocation KET4 is consistent with the four tests of soundness. The reasons to support Site Allocation KET4 are provided below.

The land included within the Site Allocation KET4 is a commitment because it has an extant outline planning permission for 350 dwellings. In summary, a planning application (Ref. KET/2015/0551) for 350 dwellings was submitted in 2015 and reported to Planning Committee in 2017. The application was recommended for approval but Planning Committee deferred making a decision on the application pending a further assessment of off-site highway improvement works. PDBF submitted an appeal in 2017 (Appeal Ref. APP/L2820/W/17/3177505). In 2018 the appeal was allowed, with the Inspector concluding that the proposed junction improvements would effectively mitigate the adverse impacts at the junctions. The appeal decision considered all aspects of the proposed development and concluded that it would be acceptable subject to conditions; a completed S106 Agreement was submitted during the appeal process. The principle of development at the site for 350 dwellings was established through the appeal process. The date of the appeal decision was 21st February 2018, and Condition No.2 requires an application for the approval of reserved matters to be made within 3 years from the date of the permission i.e. before 21st February 2021. It is normal practice for emerging local plan documents to identify sites with planning permission as a commitment, and to include a site specific policy for those larger sites with outline planning permission against which future applications can be considered. Therefore, the decision to include a site specific policy for KET4 is justified.

The application and appeal processes considered all of the potential impacts of the proposed development. Policy KET4 includes criteria so that significant impacts are addressed; it is noted that all of these impacts are addressed in conditions or the S106 Agreement for the outline planning permission. The relevant policy criteria and related conditions are listed as follows: residential amenity – see Condition No.5; noise mitigation measures – see Condition No.23; surface water flow paths – see Condition No.14; site specific flood risk assessment – see Condition No.14; ecological management plan and additional surveys – see Condition Nos.17 and 18; highway access and junction improvements – see Condition No.26; and, design and character – see Condition No.5. There is no specific condition requiring a net gain in biodiversity, although it is anticipated that ecological enhancements would be provided as part of the ecological management plan that is required through Condition Nos.17 and 18, and in any event Paragraph 170 of the NPPF now requires net gains in biodiversity to be demonstrated as part of development. The affordable housing requirement for the proposed development is contained in the S106 Agreement for the outline planning permission.

The Sustainability Appraisal for the Part 2 Local Plan demonstrates that the site (referred to as Site Ref. KE/011) scores well against most sustainability objectives e.g. mostly green and amber. The assessment of the site acknowledged that the proposed development has outline planning permission, and as such significant adverse impacts had been identified and suitable mitigation measures are provided. It is noted that the site scores ‘severe constraint – red with two crosses’ for cultural heritage related sustainability objectives. The cultural heritage constraint relates to archaeology. However, Condition No.12 of the outline planning permission requires a written scheme of investigation to be submitted and approved prior to the commencement of development, in order to enable any archaeological remains on the site to be recorded. Therefore, it has been determined at planning application stage for the proposed development that mitigation measures are possible to address impacts on cultural heritage at the site, and as such the findings in the Sustainability Appraisal that this issue is a ‘severe constraint’ is not correct and should be amended. In addition, the site is located within the town boundary of Kettering, which is identified as a Growth Town in the North Northamptonshire settlement hierarchy and a focus for new housing because it is a sustainable location for development – see Policies 11 and 29 of the North Northamptonshire Joint Core Strategy (adopted July 2016). Table 1 which supports Policy 11 (of the North Northamptonshire Joint Core Strategy) expects development requirements to be met through the re-use of previously developed land, sustainable urban extensions and smaller greenfield sites at the Growth Towns including Kettering; the decision to allocate Site Ref. KET4 would be consistent with this approach. Furthermore, Site Ref. KET4 Land West of Kettering is included within the Council’s Housing Land Supply Background Paper.
(dated October 2019) as a site that contributes towards the housing land supply during the short and medium term. As such, the site contributes towards the Council being able to demonstrate a five year housing land supply. The landowner is progressing a sale to a house builder with completion targeted in spring 2020. It is anticipated that a reserved matters application will be forthcoming thereafter. In conclusion, it has been demonstrated through the planning application process and the Sustainability Appraisal that the site is suitable for the proposed development, and since development has not started it would be appropriate to allocate the site in the Part 2 Local Plan. The site is suitable, available and deliverable for the proposed development specified in Policy KET4. If appropriate a Statement of Common Ground could be prepared between the Council and PDBF to confirm that Site Allocation KET4 is suitable for allocation in the Part 2 Local Plan.

Proposed Actions/Changes

Please explain what changes or actions are needed to make the Local Plan legally compliant.

No changes are needed in respect of Policy KET4, and it is requested that this policy and the associated site allocation are retained.

Notifications

Do you wish to be notified?

- When the Plan is submitted for independent examination?
- When the Inspector’s Report is published?
- When the document is adopted?