

BOROUGH OF KETTERING

Committee	Full Planning Committee - 06/11/2013	Item No: 5.1
Report Originator	Rebecca Collins Senior Development Officer	Application No: AOC/0274/0801
Wards Affected	ALL	
Location	East Kettering Development, Cranford Road, Barton Seagrave,	
Proposal	Approval of Condition: Condition no. 56 of KET/2008/0274 and proposed/revised Condition no. 35 of KET/2013/0514 - Reptile Method Statement	
Applicant	Alledge Brook LLP	

1. Purpose of Report

Outline planning permission was granted for the East Kettering development in April 2010 (references KET/2007/0694 and KET/2008/0274). The application site is an area of 328.5 hectares to the east of Kettering and Barton Seagrave. The permission is in outline (with all matters reserved) for 5,500 dwellings and related development. This includes a secondary school, primary schools, retail, employment, hotel, health, leisure and community uses and formal and informal open space.

Conditions were attached to the planning permission (91 in total) and a S106 agreement was completed. Work started early in 2012 to discharge pre commencement conditions. Subsequently a Variation of Condition Application reference KET/2013/0514 has been submitted and was considered by Members of the Planning Committee on Thursday 24th October 2013. This application seeks to vary a number of the 91 conditions required by the previously approved applications and reduce them down to 57. Members were minded to approve this application.

This condition (condition 56 of KET/2008/0274 and revised/proposed condition 35 of KET/2013/0514) has had only minor amendments made to the 'reason' of this condition, which it is proposed to be updated to reflect the up to date policy position and changes to National Policy and the Development Plan.

This report provides the details and recommendations in order to discharge condition 56 and, without prejudice, the revised/proposed condition 35, if approved – the Reptile Method Statement for East Kettering.

2. Recommendation

Condition 56 – Reptile Method Statement

It is recommended that following document be approved and condition 56 of KET/2008/0274, be discharged:

No works shall take place on site unless and until a Reptile Method Statement has been submitted to and approved by the local planning authority. The Method Statement shall be in accordance with recommendations of the Reptile Survey contained within the Environmental Statement Supplement 2008. The development shall not be carried out other than in accordance with the approved Method Statement.

REASON: To ensure reptiles are protected during the construction phases of development in accordance with the Wildlife and Countryside Act (1981) and to secure a net gain in biodiversity in accordance with PPS1, PPS9, Policy 1, 2, 28 and 29 of the East Midlands Regional Plan (2009) and Policies 5, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

And, without prejudice, when a decision is issued for variation of condition application reference KET/2013/0514 then it is recommended that this document be approved and condition 35 be discharged:

Condition 35 – Reptile Method Statement

No works shall take place on site unless and until a Reptile Method Statement has been submitted to and approved by the local planning authority. The Method Statement shall be in accordance with recommendations of the Reptile Survey contained within the Environmental Statement Supplement 2008. The development shall not be carried out other than in accordance with the approved Method Statement.

REASON: To ensure reptiles are protected during the construction phases of development in accordance with the Wildlife and Countryside Act (1981) and to secure a net gain in biodiversity in accordance with policy 11 of the NPPF and policies 5, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

3. Background Information

3.1 Relevant Planning History

KET/2013/0514 – Variation of Condition (PENDING)

KET/2007/0694 – Outline application for 5,500 dwellings and related development (APPROVED) - 1st April 2010

KET/2008/0274 – Outline application for 5,500 dwellings and related development (APPROVED) - 1st April 2010

AOC/0694/0701 – AOC/0694/0715 – Various approval of condition applications (APPROVED) - September 2012 and March 2013.

3.2 Site Description

Kettering East is an area of 328.5 hectares to the east of Kettering and Barton Seagrave. The site is positioned adjacent to existing development on the town's edge, bounded by the A14 trunk road to the south and open countryside to the north and east. The site comprises arable farmland, allotments and some woodland. The only buildings located within the development site are those at Poplars Farm within the northern part of the site.

3.3 Constraints

Mineral consultation area 2004, flooding, protected species, trees/hedgerows, archaeology, contaminated land, bridleways and footpaths, potential wildlife sites.

3.4 Environmental Impact Assessment

As the original outline planning applications (KET/2007/0694 and KET/2008/0274) were EIA development, this application for the approval of condition 56/35 (AOCs) is also regarded as an EIA application. Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (which came into force on 24th August 2011) subsequent EIA applications include reserved matters and matters requiring approval before development can commence e.g. approval of conditions.

As part of the requirements contained within the Regulations, a Screening opinion has also been carried out for this AOC application. The local planning authority has adopted the screening opinion that the proposed development as described by the applicant is EIA development but that the original Environmental Statement (ES) (original dated July 2007) as amended August 2008 and January 2009 accompanying KET/2007/0694 and KET/2008/0274 adequately addresses the environmental effects of the proposals. Therefore, in accordance with Regulation 8 (2) no further ES is required. Under Regulation 8 (2) where the environmental information before a local planning authority (submitted with an original application) is adequate to assess the environmental effects of the development, that information shall be taken into consideration in the determination of a subsequent application. The original ES has therefore been taken into account and considered in the assessment of this AOC application, the officer recommendation and therefore the determination.

4. Approval of Condition Applications

4.1 Condition 56 of KET/2008/0274 and revised/proposed Condition 35 of KET/2013/0514 – Reptile Method Statement

4.1.1 Policy Framework

- ◆ National Planning Policy Framework
- ◆ North Northamptonshire Core Spatial Strategy
- ◆ Biodiversity SPD

The National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment; conserve and enhance local biodiversity; and any harm should be adequately mitigated and compensated for.

Policy 13 of the North Northamptonshire Core Spatial Strategy sets out general sustainable development principles at the local level. With respect to biodiversity, the over-riding aim is to conserve and enhance.

The North Northamptonshire Biodiversity SPD was adopted in July 2011. It outlines a flow chart for assessing the impacts of planning applications on biodiversity and states that all developments shall seek to improve Northamptonshire by providing a net gain in biodiversity, appropriate to the scale of the development and type and location of the development. Any enhancements that are proposed must be backed by a sound plan to ensure that they are sustainable and will result in a long-term benefit to biodiversity.

4.1.2 Consultation

The responses received are summarised below. All responses are on file and available to view in full at the Council Offices.

Natural England

Common reptiles are protected by domestic legislation and we advise that our standing advice can be used to assess the impacts. Therefore, Natural England currently has no further comments.

Wildlife Trust

1st October 2013 – raised some concerns with regards to the contents of the submitted Reptile Method Statement.

15th October 2013 - Based upon the revised version of the “Reptile Method Statement” report document, in its V3 format (Ref. is 13-1216 3156 D01 R V3), dated October 2013, as produced by the consultants Lockhart Garratt Ltd., The Wildlife Trust both notes and welcomes the amendments and the additions that have now been made to this document and are of the view that this “Reptile Method Statement” is fit-for-purpose and the relevant condition(s) can be discharged.

4.1.3 Key Proposals

(a) The submitted information relates to Condition 56 of the outline planning permission for Kettering East KET/2007/0694 and KET/2008/0274 and revised/proposed condition 35 of KET/2013/0514, which states that:

Condition 56 and revised/proposed condition 35

No works shall take place on site unless and until a Reptile Method Statement has been submitted to and approved by the local planning authority. The Method Statement shall be in accordance with recommendations of the Reptile Survey contained within the Environmental Statement Supplement 2008. The development shall not be carried out other than in accordance with the approved Method Statement.

(b) Application Submission

The originally submitted Reptile Method Statement V1 (10 September 2013) has been revised in accordance with comments received from the Local Planning Authority and The Wildlife Trust.

The submitted and revised Reptile Method Statement V3 (October 2013) builds upon the work carried out during the outline application stage of East Kettering, particularly the 2008 Reptile Survey recommendations. It provides further details in relation to measures for reptile mitigation before and during works taking place on the site. The following is proposed:

The following actions are to be undertaken in habitats where reptiles are likely to be present (where there is no conflict with great crested newt licensing and mitigation):

- All works will be supervised by a suitably qualified Ecologist,
- Grassland will be directionally strimmed in two stages to allow reptiles to move naturally,
- All vegetation will be removed to prevent areas of refuge,
- Whilst strimming, scrub and trees roots and debris piles will be left in tact,
- Suitable refugia will be dismantled by hand,
- During habitat manipulation the ecologist will use roofing felt and tin tiles around the affected area to provide refuges and to aid capture,
- A reptile receptor site will be created.
- These measures will also be used if any reptiles are encountered outside the identified habitat areas.

Within the area(s) where Great Crested Newts (GCN) are present any person(s) undertaking works in these areas will be required to obtain a license from Natural England. The methods for protecting and relocating GCN would apply similarly to reptiles in this location and careful translocation will be employed to ensure GCN are not endangered by reptiles.

4.1.4 Planning Considerations / Policy Compliance

The proposed Reptile Method Statement will ensure that reptiles currently onsite are conserved and local habitat will be enhanced through the creation of appropriate translocation sites, which are biodiversity rich for the species which they will serve. The proposal is therefore considered in accordance with the NPPF, policy 13 of the CSS and the Biodiversity SPD.

4.1.5 Conclusions

The Reptile Method Statement provides the necessary details for condition 56 and, when a decision is issued, revised/proposed condition 35, to be discharged. Natural England and the Wildlife Trust raise no objection to the discharge of these conditions based on the revised submitted version of the Reptile Method Statement, as outlined below.

4.1.6 Recommendation

It is recommended that following document be approved and condition 56 be discharged and when a decision is issued, condition 35 of application KET/2013/0514 is also discharged:

Reptile Method Statement, East Kettering, 13-1216 3156 D01 R V3, dated, October 2013, prepared for Alledge Brook Ltd, by Lockhart Garratt, received on 14th October 2013.