

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 10/11/2015</b>	<b>Item No: 4.1</b>
<b>Report Originator</b>	<b>Nicola Thompson</b>	<b>Application No: KET/2015/0689</b>
<b>Wards Affected</b>	<b>Queen Eleanor and Buccleuch</b>	
<b>Location</b>	<b>East Kettering Development - Parcels R23 &amp; R26, Cranford Road, Barton Seagrave</b>	
<b>Proposal</b>	<b>s.73 Application: Variation of Condition 18 (Code for Sustainable Homes) of KET/2013/0695 in respect of code levels for Parcels R23 and R26.</b>	
<b>Applicant</b>	<b>Mr A Lord Persimmon Homes,</b>	

### 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 a S.106 OBLIGATION being entered into, and to the following conditions:-

1. Details of the access, appearance, landscaping, layout and scale (hereinafter called the Reserved Matters) for each development parcel (or part thereof) as shown on the Strategic Masterplan and detailed in the approved Land Use Schedule (see Condition 5) shall be submitted to and approved in writing by the Local Planning Authority before any

development begins on the land to which it relates. The development shall be carried out in accordance with the approved details.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. All applications for the approval of Reserved Matters for Phases 1 and 2 as shown on the approved Phasing Plans (see Condition 5) shall be made to the Local Planning Authority no later than 31st March 2020.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

3. The development hereby permitted shall be begun before the expiration of two years from the final approval of Reserved Matters for the first fully approved development parcel in Phase 1 as shown on the approved Phasing Plan (see Condition 5).

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

4. Reserved Matters applications for approval of details required under Condition 1 of this permission shall be accompanied by the following additional details:

i) Infrastructure and construction sequence comprising details of the following for the relevant parcel or part thereof:

a) Road junctions and junction alterations, road improvements, carriageway widening, new roads, footpaths, bridleways, cycleways, bridges, traffic signalling, highways signage, the treatment of all surfaces and any traffic calming measures;

b) Lighting, signage and street furniture;

c) Foul and surface water drainage;

d) Details of services (including the adequacy/availability/details of gas, water and electricity supplies, cables, telecommunications, sub-stations, poles, cable runs and other utilities);

e) Security infrastructure and equipment;

f) Vehicle parking;

g) Publicly accessible open space;

- h) Waste recycling, disposal and management measures including a statement of conformity with the approved Waste Audit and Waste Facilities Management Strategy (approved document set out in Condition 6);
- ii) Existing and proposed site levels and finished floor levels for all buildings;
- iii) Travel plans;
- iv) Cycle parking facilities;
- v) A schedule of floorspace and uses proposed within the relevant phase or development parcel;
- vi) A Statement of Conformity to the Design Code (see Condition 6);
- vii) Sustainability Report (pursuant to Condition 21) which shows how environmental sustainability issues have been addressed in the design process and shows how the equivalent to Code 4 of Code for Sustainable Homes (CSH)/BREEAM and Lifetime Homes Standards (pursuant to Conditions 18, 19 and 20) will be achieved based on the actual design of units on the Reserved Matters site;
- viii) Construction Management Plan (see Condition 41);
- ix) Noise Impact Assessment (pursuant to Condition 51);
- x) Schedule of building materials;
- xi) A written statement of conformity which demonstrates compliance with the approved foul water drainage strategy (approved document set out at Condition 6); and
- xii) A written statement of conformity which demonstrates compliance with the approved Stage 2 FRA (referred to in Condition 6).

The development shall be carried out in accordance with the approved details.

REASON: To ensure that the scheme of development accords with the approved Strategic Masterplan and Environmental Statement which has identified and assessed environmental issues and relevant mitigation measures and to secure a high standard of development in accordance with Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008) and Policies 4, 7, 8, 10 and 11 of the National Planning Policy Framework.

5. The development to which this permission relates shall be carried out only in accordance with the revised Strategic Master Plan (Drawing No. BBD034\138 E), the revised Phasing Plans (Drawing Nos. BBD034/136 B - Phase 1 and BBD034/137 - Phase 2), and the revised Land Use Schedule dated November 2013 or in accordance with a revised Strategic Masterplan, Phasing Plans and Land Use Schedule which shall first be

submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the scheme of development accords with the approved Strategic Master Plan and Environmental Statement which has identified and assessed environmental issues and relevant mitigation measures and to secure a high standard of development in accordance with Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008) and the National Planning Policy Framework.

6. The development shall be carried out in accordance with the following approved documents listed (a) to (n) below. Reserved Matters applications submitted pursuant to Conditions 1 and 2 of this permission shall accord with the principles set out in these approved documents:

- a) The Design Code dated March 2013 approved on 26 March 2013 under application reference AOC/0694/0710.
- b) The Retail Strategy (Final Report) dated September 2012 and Appendix 1 Retail Impact Assessment (Final Report) dated September 2012 approved on 20 September 2012 under application reference AOC/0694/0705.
- c) The Green Infrastructure Strategy (reference 12-0076/3156/D01) dated September 2012 approved on 20 September 2012 under application reference AOC/0694/0702.
- d) The Open Space Strategy (reference 12-0385/3156/D01) dated September 2012 approved on 20 September 2012 under application reference AOC/0694/0704.
- e) The Archaeological Written Scheme of Investigation dated May 2012 approved on 19th September 2012 under application reference AOC/0694/0701.
- f) The Waste Audit and Waste Management Facilities Strategy Ref: 25134/003/Rev 3 dated March 2013 approved on 1st March 2013 under application reference AOC/0694/0707.
- g) The Low or Zero Carbon Feasibility Study 2012 Project Ref: 25134/ Doc Ref: R8/rev 8 dated October approved on 22nd October 2012 under application reference AOC/0694/0703.
- h) The Water Efficiency Strategy for Non-Residential Buildings Project Ref: 25134 Doc Ref: 25134/003/Rev1 dated December 2012 approved on 26th February 2013 under application reference AOC/0694/0709.
- i) The Stage 2 Flood Risk Assessment (FRA) document reference 25134/010/01E Revision E dated May 2014 received on 21st May 2014 under application reference AOC/0514/1302.

j) The Traffic Access and Impact Assessment (A14) Project Ref: 25134/001 Doc Ref: Rev 1 dated October 2012 approved on 19th December 2012 under application reference AOC/0694/0706.

k) The Walking and Cycling Audit Version 4 Project Ref: 25134/011, Doc Ref: 001 dated February 2013 approved on 21st February 2013 under application reference AOC/0694/0711.

l) The Traffic Access and Impact Assessment Weekley-Warkton Avenue and associated junctions and Elizabeth Road access junction and link road) Project Ref: 25134/001 approved on 21st March 2013 under application reference AOC/0694/0712 and AOC/0694/0713.

m) The Traffic Access and Impact Assessment (Phasing) Revision 5 Project Ref: 25134/001 Doc Ref: 001 dated 12th March 2013 approved on 28th March 2013 under application reference AOC/0694/0714.

(n) The Foul Water Drainage Strategy, document reference 25134/008/011 dated December 2013, prepared by Peter Brett Associates on behalf of Alledge Brook Ltd approved on 7th February 2014 under application reference AOC/0274/0802.

Any revisions to the approved documents referred to in this condition shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Each Reserved Matters application shall be accompanied by a written statement of conformity which demonstrates compliance with the approved Design Code.

REASON: To secure a high quality sustainable development and in the interests of the visual appearance of the development in accordance with the principles set out in Policies 2, 4, 7, 8, 10, 11 and 12 of the National Planning Policy Framework and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy.

7. The residential development hereby permitted shall not comprise more than 5,500 dwellings (use class C3).

REASON: The development must be limited accordingly and not exceed the total 5,500 tested by the Environmental Statement and to ensure sustainable development in accordance with the principles contained within paragraph 17 of the National Planning Policy Framework and Policies 1, 13 and 16 of the North Northamptonshire Core Spatial Strategy.

8. Construction of Employment Parcels E1 and E2 as shown on the approved revised Strategic Master Plan (see Condition 5) shall not be carried out other than in accordance

with the phasing shown in the Employment Areas Table in the approved revised Land Use Schedule (see Condition 5). No residential development shall take place on Phase 2 of the development unless and until the employment developments required in Phase 1 of the development, as set out in the approved Land Use Schedule (see Condition 5), have been practically completed, as defined by the Royal Institute of Chartered Surveyors (RICS).

REASON: To ensure that the scheme of development accords with the approved Strategic Master Plan and Environmental Statement which has identified and assessed environmental issues and relevant mitigation measures and to secure a high standard of development in accordance with Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008) and the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) or any Order revoking and re-enacting that Order with or without modification, the Class B1 office employment floorspace to be provided as part of the development shall be retained as such and shall not be used for any other purpose.

REASON: To ensure that the scheme of development accords with the approved Strategic Masterplan and Environmental Statement which has identified and assessed environmental issues and relevant mitigation measures and the significance of any material alteration and impact that has not been assessed must be considered. The development must be limited accordingly and the amount of B1 use tested by the Environmental Statement must not be altered and to ensure the continuing supply of B1 employment land in the Borough in accordance with Policy 1 of the National Planning Policy Framework and Policies 1, 8 and 11 of the North Northamptonshire Core Spatial Strategy (2008).

10. Prior to the completion of 1000 dwellings on the site or the submission of any Reserved Matters Application(s) for the District Centre, whichever is the earliest, a programme for the delivery of the District Centre within Phase 1 of the development shall be submitted to and approved in writing by the Local Planning Authority. The programme of delivery shall be informed by the approved Retail Strategy (see Condition 6b) and shall identify and justify the timing of completion of the floorspace specified for each use class contained within the District Centre as shown in the approved Land Use Schedule (see Condition 5). The development shall be carried out in accordance with the approved programme of delivery.

REASON: To provide a range of local facilities for the homes in Phase 1 in accordance with the principles contained within Policy 1, 2 and 6 of the National Planning Policy Framework and Policies 6, 12, 13 and 16 of the North Northamptonshire Core Spatial Strategy.

11. A building with net floorspace of 750 square metres of D1 community use shall be provided at the District Centre within Phase 1 of the development.

REASON: To provide community facilities for the residents of dwellings in Phase 1 of the development in accordance with Policies 6 and 8 of the National Planning Policy Framework and Policies 6, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

12. Prior to the submission of any Reserved Matters application(s) for the District Centre, details of the nature, scale and extent of the D2 floorspace, as set out in the approved Land Use Schedule (see Condition 5), shall be submitted to and approved in writing by the Local Planning Authority. The Reserved Matters applications for the District Centre shall accord with these approved details. The development shall be carried out in accordance with the approved details.

REASON: To provide sport and recreation facilities for the residents of dwellings in Phase 1 of the development in accordance with Policies 7 and 8 of the National Planning Policy Framework and Policies 6, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

13. No development shall commence on Phase 2 of the development as shown on the approved Phasing Plan (see condition 5) unless and until a programme of delivery for the Local Centres of the development has been submitted to and approved in writing by the Local Planning Authority. The programme of delivery shall be informed by the approved Retail Strategy (see condition no. 6(b)) and shall identify and justify the timing of completion of the floorspace specified for each Use Class contained within the Local Centres as shown in the approved revised Land Use Schedule. The development shall be carried out in accordance with the approved programme.

REASON: To provide a range of local facilities for the residents of Phase 2 of the development in accordance with the National Planning Policy Framework and Policies 6, 12, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

14. No more than 1500 dwellings shall be occupied until a serviced site of 0.25 hectares for a public healthcare facility (to accommodate a maximum of 2000sqm of floorspace) is provided at the District Centre as shown on the approved Strategic Masterplan (see Condition 5).

REASON: To provide public health facilities for the development in accordance with Policies 6 and 8 of the National Planning Policy Framework and Policies 6 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

15. No development shall take place on development parcel PS1, PS2, PS3 or SS1 as shown on the approved Strategic Masterplan (see Condition 5), unless and until a strategy for that parcel has been submitted to and approved in writing by the Local Planning Authority that sets out how the school and its facilities in that parcel will be made available for community use during the day, evening, weekends and school holidays. The strategy shall detail the total floorspace and facilities to be made available for community use. The development shall be carried out in accordance with the approved strategies.

REASON: To provide community facilities for the development in accordance with Policies 6 and 8 of the National Planning Policy Framework and Policies 6, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

16. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) or any Order revoking and re-enacting that Order with or without modification, the floorspace to be provided for Class D2 purposes at the District and Local Centres shall be used for sports and community leisure uses only, and for no other purpose within Class D2.

REASON: To provide sport and recreation facilities for the development in accordance with Policies 6 and 8 of the National Planning Policy Framework and Policies 6, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

17. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) or any Order revoking and re-enacting that Order with or without modification, the floorspace to be provided for Class D1 purposes at the District and Local Centres shall be used for community uses only, and for no other purpose within Class D1.

REASON: To provide community facilities for the development in accordance with Policies 6 and 8 of the National Planning Policy Framework and Policies 6, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

18. For Parcels R23 and R26, all dwellings shall meet the equivalent to Code Level 4 of the Code for Sustainable Homes and shall meet the following minimum technical standards beyond the requirements of Building Regulations Part L for Energy and Part G for water efficiency in accordance with the approved strategy 'Energy Statement Version 4 dated October 2015':

i. A minimum reduction in Dwelling Emissions Rate (DER) of 19% against the Target Emissions Rate as determined by SAP 2012 in compliance with Part L2A 2013 (equivalent to a minimum 25% reduction under 2010 building regulations).



ii. An Internal Water Consumption of no more than 105Litres/ person/ day as determined by the water efficiency calculator in line with Approved Document Part G methodology.

iii. Prior to construction, details of the specifications and locations of the solar PV panels to be installed, and the final expected generation contribution, to be submitted and approved in writing by the Local Planning Authority.

REASON: In the interests of sustainable development and energy efficiency in accordance with Policies 7 and 10 of the NPPF and Policy 14 (a) (i) of the CSS for North Northamptonshire.

19. The design and layout of all residential units shall accord with the 'Lifetime Homes' standard (or any standard(s) which replaces the 'Lifetime Homes' standards in force when the residential units concerned are commenced). Each Reserved Matters application for residential development shall be accompanied by a written statement of conformity which demonstrates compliance with the relevant 'Lifetime Homes' standards.

REASON: To ensure dwellings within the development are capable of being adapted to meet the needs of all people in accordance with Policies 7 and 10 of the National Planning Policy Framework and Policy 15 of the North Northamptonshire Core Spatial Strategy (2008).

20. Non-residential buildings shall achieve a minimum of Building Research Establishment Environment Assessment Method (BREEAM) level "very good" (or the equivalent standard which replaces BREEAM and is to be the assessment in force at the time when the non-residential unit or units concerned are registered for assessment purposes). In the event that the BREEAM standard achieved for the actual building falls short of the "very good" standard (or the equivalent standard which replaces BREEAM and is to be the assessment in force at the time when the non-residential unit or units concerned are registered for assessment purposes) achieved at design stage, a programme of remediation works shall be agreed in writing by the Local Planning Authority and carried out in accordance with a timetable to be agreed.

REASON: In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with Policy 10 of the National Planning Policy Framework and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

21. Reserved Matters applications for the layout, scale and/or appearance of the development shall be accompanied by a Sustainability Report that demonstrates how

environmental sustainability issues have been addressed during the design process and sets out the way in which the credits under the relevant BREEAM Rating and relevant CSH level (or the equivalent standards which replace BREEAM or CSH and is to be the assessment in force at the time when the non-residential or residential units concerned are registered for assessment purposes) will be achieved based on the actual design of the non-residential or residential units.

REASON: In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with Policy 10 of the National Planning Policy Framework and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

22. Prior to the commencement of development within a development parcel or part thereof, as shown on the approved Strategic Masterplan (see Condition 5), a copy of the Interim Design Stage Assessment Certificate shall be provided to the Local Planning Authority to demonstrate that any residential or non-residential units to be constructed within that parcel or part thereof will achieve the required CSH and BREEAM levels (or the equivalent standards which replace BREEAM or CSH and is to be the assessment in force at the time when the non-residential or residential units concerned are registered for assessment purposes) (pursuant to Conditions 18 and 20).

REASON: In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with Policies 7 and 10 of the National Planning Policy Framework and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

23. Within six months of the completion of any unit(s) a copy of the Post Construction Final Certificate shall be provided to the Local Planning Authority to prove that the unit(s) has/have been constructed in accordance with the Sustainability Report (see Conditions 4 and 21) and that the development has achieved the relevant BREEAM and CSH level or the equivalent standards which replace BREEAM or CSH (pursuant to Conditions 18 and 20).

REASON: In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with Policy 10 of the National Planning Policy Framework and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

24. A waste management facility shall be provided at the District Centre within Phase 1 of the development. This facility shall be provided in accordance with the approved Waste Audit and Waste Management Facilities Strategy (see Condition 6f).

REASON: To provide residents and workers of the development with waste management facilities in accordance with Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008) and Policy 6 of the Northamptonshire Waste Local Plan.

25. Prior to the occupation of any dwelling within any development parcel as shown on the approved Strategic Masterplan (see Condition 5) or part thereof, the arrangements for the ongoing management of the public realm within that development parcel (excluding areas of open space), street furniture and any unadopted roads shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details/management arrangements.

REASON: To ensure a continued high quality public realm in accordance with Policy 8 of the National Planning Policy Framework and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

26. Prior to submission of a Reserved Matters application for Access C serving the development and/or its link road into the development (shown as Ise Avenue within the approved Design Code (see Condition 6a), a strategy for relocating the existing 'Green Patch' facility to the development site or other location as first agreed with the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall include details of the new site location (as close to the existing site as possible), its size and design, site characteristics (including the quality of the land and soil), facilities and amenities to be provided on site and a timetable for completion and transfer of the new facility to the Local Authority. The size and quality of the land within the new site shall as a minimum be commensurate with the existing 'Green Patch' site. The strategy shall include evidence of consultation with users of the existing 'Green Patch' facility on the contents of the strategy. The development shall be carried out in accordance with the approved strategy.

REASON: To ensure that the loss of a community open space facility is compensated by way of new provision on-site or nearby in accordance with Policy 8 of the National Planning Policy Framework and Policy 13 of North Northamptonshire Core Spatial Strategy (2008).

27. No development shall take place on a phase of the development, as shown on the approved Phasing Plans (see Condition 5) unless and until a scheme for strategic landscape works for that phase, including landscaping of key access routes (motorised and non-motorised routes), the Primary Street network (i.e. Central Avenue, Eastern Avenue, Poplars Farm Avenue and Ise Avenue set out in the approved Design Code (see Condition 6a) and strategic open spaces as shown on the approved Strategic Masterplan (see Condition 5) has been submitted to and approved in writing by the Local Planning Authority.

Such a scheme shall specify:

- i. the species, position, diameter, approximate height and canopy spread of all existing trees, shrubs and hedges and an assessment of their general state of health and stability;
- ii. which trees, shrubs and hedges outlined in (i) are to be retained;
- iii. the protection measures to be used during the construction stages for the trees, shrubs and hedgerows to be retained in accordance with British Standard 5837 (Trees in Relation to Construction 2005: recommendations);
- iv. the layout of all new planting including species, plant sizes, spacing and numbers to be planted;
- v. existing contours and any proposed alterations to the land such as earth mounding; and
- vi. timetable for implementation of works.

Any trees or plants which within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of the visual appearance of the development and enhancement to biodiversity in accordance with Policy 11 of the National Planning Policy Framework and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy.

28. No development shall take place on a development parcel as shown on approved Strategic Masterplan (see Condition 5) or any part thereof, unless and until a scheme of hard and soft landscaping, for that parcel or part thereof which includes the items listed (i) - (v) in Condition 27 has been submitted to and approved in writing by the Local Planning Authority. The approved scheme(s) shall be carried out in the first planting and seeding seasons following the occupation of the buildings on the development parcel(s) or sub parcel(s) to which the landscaping scheme relates. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: In the interests of the visual appearance of the development and enhancement to biodiversity in accordance with Policy 11 of the National Planning Policy Framework and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy.

29. No works shall take place on a development parcel including any tree felling, tree pruning demolition works, soil moving, temporary access construction/widening, or any

operations involving the use of motorised vehicles or construction machinery shall take place within that parcel unless and until a detailed Arboricultural Method Statement for that parcel has been submitted to and approved in writing by the Local Planning Authority. The development and all other operations shall not take place other than in accordance with the approved Method Statement. The Method Statement shall include details of the following:

- a) Implementation, supervision and monitoring of the approved tree protection measures outlined in Condition 27(iii)
- b) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved tree protection measures outlined in Condition 27 (iii)
- c) Timing and phasing of Arboricultural works in relation to the approved development.

REASON: To ensure the continued well-being of the trees on the site in the interests of the visual appearance of the locality and the preservation of biodiversity in accordance with Policy 11 of the National Planning Policy Framework and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy (2008).

30. The existing hedgerows which are identified for retention within approved landscaping schemes submitted and approved pursuant to Conditions 27 and 28 shall be retained in perpetuity and shall not be cut down, grubbed out or otherwise removed, or topped or lopped so that the height of the hedge falls below 2 metres at any point, without the written consent of the Local Planning Authority. Any hedges removed without such consent or which die or become severely damaged shall be replaced in the next planting season with hedging plants of such size and species as approved in writing by the Local Planning Authority.

REASON: To ensure the continued wellbeing of hedgerows in the interests of the visual appearance of the locality and the preservation of biodiversity in accordance with Policy 11 of the National Planning Policy Framework and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy (2008).

31. Prior to the occupation of each phase as shown on the approved Phasing Plans (see Condition 5) a landscape management plan for the strategic landscaping works in that phase approved under Condition 27 shall be submitted to and approved in writing by the Local Planning Authority. Such management plan(s) shall include long term objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately-owned, domestic gardens. The development shall be carried out in accordance with the approved landscape management plan(s).

REASON: In the interests of the visual appearance of the development and enhancement to biodiversity in accordance with Policies 7 and 11 of the National Planning Policy Framework and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy (2008).

32. Prior to the occupation of any development parcel or part thereof as shown on the approved Strategic Masterplan (see Condition 5) a landscape management plan for the hard and soft landscaping of development parcels required by Condition 28 shall be submitted to and approved in writing by the Local Planning Authority. Such management plan(s) shall include long term objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned domestic gardens. The development shall be carried out in accordance with the approved landscape management plan(s).

REASON: In the interests of the visual appearance of the development and enhancement to biodiversity in accordance with Policy 7 and 11 of the National Planning Policy Framework and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy (2008).

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order) no additional fencing, walling or other means of enclosure shall be erected in the approved landscaping or amenity areas other than that approved by details pursuant to Conditions 27, 28, 31 and 32.

REASON: To ensure a satisfactory level of amenity space and to protect the visual appearance of the development in accordance with Policy 7 of the National Planning Policy Framework and Policy 13 of North Northamptonshire Core Spatial Strategy (2008).

34. Development shall only take place in accordance with:

- Great Crested Newt Mitigation Strategy reference 13-1442 3156 D01 V4 received 3rd March 2014 under application reference AOC/0514/1301.
- Bat Mitigation Strategy reference 13-1557 3156 D01 R V1 received 19th November 2013 under application reference AOC/0514/1301.
- Badger Mitigation Strategy 13-1471 3156 D01 R V3 received 3rd March 2014 under application reference AOC/0514/1301.

- Reptile Method Statement reference 13-1216 3156 D01 R V3 dated October 2013 prepared by Lockhart Garratt on behalf of Alledge Brook Ltd under application reference AOC/0274/0801.

Unless written consent is given by the Local Planning Authority for any variation to these mitigation strategies. Development shall be carried out in accordance with the approved details.

REASON: To ensure necessary ecological mitigation measures and management regimes are implemented in accordance with Policy 11 of the National Planning Policy Framework and Policies 5, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

35. Development shall only take place in accordance with the approved Combined Landscape and Ecological Management Plan reference 13-1369/3156/D01 V5 received on 6th March 2014 under application reference AOC/0514/1301. Unless written consent is given by the Local Planning Authority for any variation to this Strategy. The Ecological Management Plan shall be in accordance with the Green Infrastructure Habitat Creation Plan (submitted September 2009) unless written consent is given by the Local Planning Authority for any variation to this Plan. The development shall be carried out in accordance with the approved Ecological Management Plan.

REASON: To secure a net gain in biodiversity and enhancements to the green infrastructure network in accordance with Policy 11 of the National Planning Policy Framework and Policies 5, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

36. No development shall commence on a development parcel of the development as shown on the approved Phasing Plans (see Condition 5) unless and until details of pollution prevention measures for all surface water drainage facilities and details of a scheme for pollution control during groundwork's and construction, including surface water runoff management within that parcel have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To prevent pollution of the water environment in accordance with Policy 10 of the National Planning Policy Framework and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy (2008).

37. No built development (excluding the access bridge over the River Ise) shall take place within Flood Risk zones 2 and 3 as defined in the Technical Guidance to the National

Planning Policy Framework (March 2012) and identified in the approved Stage Two Flood Risk Assessment (see Condition 6i).

REASON: To reduce the risk of flooding to the occupants of development, the site and third parties in accordance with Policy 10 of the National Planning Policy Framework Technical Guidance and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy. (2008).

38. No development shall take place other than in accordance with the scheme for the mitigation of air quality impact as detailed in the Environmental Statement Chapter 12 Air Quality (January 2009) and the Addendum Air Quality document dated November 2009.

REASON: To ensure the necessary air quality mitigation measures and management regimes to mitigate the impact of the development upon air quality are implemented in accordance with the Environmental Statement and Air Quality assessment and in accordance with policy 11 of the National Planning Policy Framework and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

39. In the event of the Weekley Warkton Avenue not being open to traffic prior to the commencement of Phase 2 as shown on the approved revised Phasing Plans (see Condition 5) a further assessment of air quality shall be submitted to and approved in writing by the Local Planning Authority. Any further mitigation identified in this assessment shall be implemented in accordance with the assessment prior to any Phase 2 development being commenced.

REASON: To ensure the continued protection of air quality from the development in accordance with the National Planning Policy Framework and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

40. Development on any parcel or part thereof as shown on the approved Strategic Masterplan (see Condition 5) other than that required to be carried out as part of an approved scheme of remediation must not commence until points A to E below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until point D has been complied with in relation to that contamination. In submitting the scheme for approval regard shall be given to Chapter 10 of the Environmental Statement (July 2007) as amended.



## A. Site Characterisation

(i) An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(ii) a survey of the extent, scale and nature of contamination;

(iii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iv) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.

## B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The

Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (also known as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of point A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with point C.

#### E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed in advance, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

41. No development shall take place on a parcel of the development as shown on the approved Strategic Masterplan (see Condition 5) unless and until a Construction Management Plan for that parcel has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify provision to be made for the following:

- i. Overall strategy for managing environmental impacts which arise during construction;
- ii. Measures to control the emission of dust and dirt during construction;
- iii. Control of noise emanating from the site during the construction period;
- iv. Hours of construction work for the development;
- v. Location, scale and appearance of contractors' compounds, materials storage and other storage arrangements, for cranes and plant, equipment and related temporary infrastructure;
- vi. Designation, layout and design of construction access and egress points;
- vii. Internal site circulation routes;
- viii. Directional signage (on and off site);
- ix. Provision for emergency vehicles;
- x. Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials;
- xi. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- xii. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles
- xiii. Routing agreement for construction traffic;
- xiv. Enclosure of phase or development parcel and the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; and
- xv. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works on that parcel.

REASON: In the interests of residential amenity, highway safety, visual amenity and waste minimisation in accordance with Policy CS7 of the Northamptonshire Minerals and Waste Development Framework Core Strategy DPD (2010) and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

42. i. Vehicular access to the development from the A14 shall not be carried out other than in accordance with the approved document Traffic Access and Impact Assessment (A14) project reference 25134/001 Doc. Ref: Rev 1 dated October 2012 approved on 19 December 2012 under App. Ref. No. AOC/0694/0706 (see Condition 6 (j)) and the Option C scheme identified within this approved document as being the preferred option for the A14 access to the development unless written consent is given by the Local Planning Authority for any variation to this approved document and preferred option.

REASON: To ensure that the A14 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site, and in the interests of road safety, efficiency, sustainability, and amenity in accordance with National Planning Policy Framework (NPPF) and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008) and to secure a sustainable development which meets the needs of the users of the development in accordance with the NPPF and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

ii. Prior to works commencing on the permanent Access F (Barton Road south/A14 junction 10) into the site, the following details of the A14 junction 10 mitigation works and the new A14 Junction 10A (including link roads or other associated works) shall be submitted to and approved in writing by the Local Planning Authority along with:

a) Detailed design, lighting, engineering, layout and constructional drawings of the permanent Access F into the site and Option C scheme, all associated works and mitigation measures in general accordance with drawings contained within the Traffic Access and Impact Assessment (A14) Project reference 25134/001 Doc. Ref: Rev 1 dated October 2012 approved on 19 December 2012 under App. Ref. No. AOC/0694/0706 (see Condition 6(j)), current DMRB and departmental policies (or approved relaxation/departures from standards;

b) Details of implementation, including phasing and timing of all works;

c) Independent Stage One and Stage Two Road Safety Audits.

The development shall be carried out in accordance with the approved plans.

REASON: To ensure that the A14 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site, and in the interests of road safety, efficiency, sustainability, and amenity in accordance with National Planning Policy Framework (NPPF) and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008) and to secure a sustainable development which meets the needs of the users of the development in accordance with the NPPF and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

iii. No more than 2700 dwellings shall be commenced on the development until a programme for the provision of the permanent Access F into the site, A14 junction 10 mitigation works and new junction 10A (including link roads and other associated works), which shall include a timetable for letting contracts for the construction of these access and junction mitigation/improvement works and commencement of such works, has been submitted to and approved in writing by the Local Planning Authority. The permanent Access F and the A14 junction 10 mitigation/new A14 junction 10A works shall be carried out in accordance with the approved contract letting and construction programme.

REASON: To ensure that the A14 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site, and in the interests of road safety, efficiency, sustainability, and amenity in accordance with National Planning Policy Framework (NPPF) and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008) and to secure a sustainable development which meets the needs of the users of the development in accordance with Policy 4 of the National Planning Policy Framework and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

iv. No more than 2700 dwellings shall be occupied on the development until the permanent works to Access F into the site, A14 junction 10 and A14 junction 10A have been completed in accordance with the details approved under Condition 42ii and are fully operational to traffic.

REASON: To ensure that the A14 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site, and in the interests of road safety, efficiency, sustainability, and amenity in accordance with Policy 4 of the NPPF and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

43. No more than 375 dwellings shall be occupied on the development until the scheme of improvement to A14 Junction 9 (as shown on Drawing No. 25134/001/051/B and referred to in the PBA Technical Report 19 entitled 'A14 junction 9 VISSIM Assessment of Proposed Road Marking Improvements' dated 6 January 2014) or other scheme that shall be submitted to and approved in writing by the Local Planning Authority has been undertaken and is open to traffic.

REASON: To ensure that the A14 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site, and in the interests of road safety, efficiency, sustainability, and amenity in accordance with National Planning Policy Framework (NPPF) and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008) and to secure a sustainable development which meets the needs of the users of the development in accordance with the NPPF and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

44. i. Prior to the occupation of the first dwelling on Parcel R4, R5, R6,

R7, R8, R9, R10, R11, R12, R13 or R14, or the occupation of non-residential Parcel PS2, as shown on the approved Strategic Master Plan (see Condition 5), Access D (Warkton Lane/Deeble Road) shall be completed in accordance with the following plans and details:

- Access D Internal Road Layout Detailed Design - Full Roundabout Planning Boundary. Drawing Number 28135/100/009 Rev A received 12th February 2014.
- Access D Internal Road Layout Detailed Design - Full Roundabout General Arrangement. Drawing Number 28135/100/007 Rev C received 6th March 2014.
- Access D Internal Road Layout Detailed Design - Full Roundabout Drainage Layout. Drawing Number 28135/500/006 Rev A received 12th February 2014.
- Access D Internal Road Layout Detailed Design - Full Roundabout Swept Path Analysis. Drawing Number 28135/100/008 Rev A received 12th February 2014.
- Illustrative 3-D Visuals received 12th February 2014.
- Site Location Plan Drawing Number 28135/TN2/001 received 12th February 2014.
- Transport Technical Note 2 (Job No: 28135) and Appendices received 13th February 2014.

under application reference AOC/0274/0803 or an alternative scheme that shall first be approved in writing by Local Planning Authority before the access works are commenced.

REASON: In the interests of highway safety, efficiency, sustainability and amenity in accordance with the National Planning Policy Framework and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

44 ii. Prior to the occupation of the first dwelling on Parcel R16, R17, R18, R19, R20, R21 or R22, or the occupation of non-residential Parcels DC1, DC2 or DC3, as shown on the approved Strategic Masterplan (see Condition 5), Access E (Barton Road/Warkton Lane) shall be completed in accordance with the following plans and details:

- Access E Signalised Junction Plan reference 25134/001/028 H received 18th February 2014
- East Kettering Access E Signalised Junction Vehicle Swept Path Manoeuvres Plan reference 25134/001/031 B dated 19th June 2013
- Transport Technical Note 21 received on 19th February 2014
- PBA VISSIM Assessment Outputs dated 21st February 2014
- PBA Notes received 14th February 2014
- Technical Note 8D received 14th February 2014
- Technical Note 15 Revision A received 14th February 2014
- Ecology Statement Access E received on 27th February 2014
- Arboricultural Report dated November 2013
- Construction Management Plan received 18th February 2014
- Planning Statement dated November 2013
- Addendum Planning Statement received 14th February 2014

under application reference AOC/0274/0804 or an alternative scheme that shall first be approved in writing by Local Planning Authority before the access works are commenced.

REASON: In the interests of highway safety, efficiency, sustainability and amenity in accordance with the National Planning Policy Framework and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

44.iii. Prior to the occupation of the first dwelling on Parcel R23, R24, R25 or R26, or non-residential Parcel E3, as shown on the approved Strategic Masterplan (see Condition 5), Access F (Barton Road South/A14 junction 10) shall be completed in accordance with the following plans and details:

- Access F Site Location Plan 25134/020/015 E received 27th January 2014
- Access F Interim Roundabout Arrangement reference 25134/020/014 B received 16th December 2013
- Landscape Proposals received 27th January 2014
- East Kettering SUE Access F Phasing Plan reference 25134/020/011 C
- Technical Note Access F Reserved Matters Application TN03 received 17th December 2013
- Technical Note TN11 dated 21st October 2013
- Ecology Statement Access F received on 28th January 2014
- Arboricultural Report received 27th January 2014
- Construction Management Plan received 18th February 2014
- Planning Statement received 4th December 2013

under application reference AOC/0274/0805 or an alternative scheme that shall first be approved in writing by Local Planning Authority before the access works are commenced.

REASON: In the interests of highway safety, efficiency, sustainability and amenity in accordance with Policy 4 of the National Planning Policy Framework and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

45. Prior to the occupation of the first dwelling on Parcel R7, R8, R9, R10, R11, R12, R13, R14 or R15, as shown on the approved Strategic Masterplan (see Condition 5), Windmill Avenue/Deeble Road (junction c) shall be completed in accordance with full engineering, drainage, signal, construction details and capacity calculations which shall be submitted to and approved in writing by the Local Planning Authority before the junction works are commenced.

REASON: In the interests of highway safety, efficiency, sustainability and amenity in accordance with Policy 4 of the National Planning Policy Framework and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

46. i. On or before 30th June 2016 or the occupation of 500th dwelling, whichever is sooner, full details of the following offsite works shall be submitted to and approved in writing by the local planning authority. No occupation of the 876th or subsequent dwellings on the development shall take place until these works have been completed in accordance with the approved details.



- Improvements to the roundabout at the junction of Stamford Road/Windmill Avenue (junction a)
- Improvements to the roundabout at the junction of St. Mary's Road/Windmill Avenue (junction b)
- Improvements to the roundabout at the junction of London Road, Barton Road and Pytchley Road (junction d)
- Improvements to the junction of Barton Road/Windmill Avenue (junction e)

REASON: In the interests of highway safety, efficiency, sustainability and amenity in accordance with the National Planning Policy Framework and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

46. ii. Prior to the commencement of development on parcels R21, R22, R23 or R26 (as shown on the approved Strategic Masterplan (see Condition 5)) a Transport Assessment for Cranford Road/Barton Road (junction g) including full details of the required engineering works, drainage, signals, construction details, capacity calculations and triggers for when these highways works will be required, shall be submitted to and approved in writing by the Local Planning Authority. The required works outlined in the approved Transport Assessment (TA) shall be fully implemented in accordance with the triggers set out in the approved TA.

REASON: In the interests of highway safety, efficiency, sustainability and amenity in accordance with Policy 4 of the National Planning Policy Framework and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy.

47. Prior to the occupation of the 876th dwelling of the development hereby permitted, the following offsite highway works shall be completed in accordance with full engineering, drainage, signal, constructional details and capacity calculations which shall be submitted to and approved in writing by the Local Planning Authority before the occupation of the 500th dwelling of the development.

- Bus Priority Scheme (f)

REASON: In the interests of highway safety, efficiency, sustainability, and amenity in accordance with Policy 4 the National Planning Policy Framework and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

48. No more than 375 dwellings shall be occupied on the development unless and until an assessment has been undertaken of an interim scheme of improvement to A14 junction

10 (which shall be generally in accordance with Drawing No. 25134/001/038 in Appendix B of the submitted PBA Technical Note 09 entitled 'A14 J10 Interim Enhancements' dated 17 September 2013) or other such other scheme as may be approved along with details of the timing programme (i.e. occupation of dwellings) for its implementation and completion have been submitted to and approved in writing by the Local Planning Authority. The interim scheme of improvement to A14 junction 10 shall be undertaken in accordance with detailed design, engineering, layout and constructional drawings that have first been submitted and approved in writing by the Local Planning Authority and shall be implemented and open to traffic in accordance with the timing programme approved by the Local Planning Authority.

REASON: To ensure that the A14 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site, and in the interests of highway safety, efficiency, sustainability and amenity in accordance with the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

49. No more than 1750 dwellings shall be occupied until all the mixed use area, (which shall include a minimum of 4,500 square metres of A1, A3, A4 and A5 uses and a total maximum of 5,400 square metres of these uses), employment areas, schools and health clinic approved within Phase 1 as shown on the approved Phasing Plan (see Condition 5), including the related Land Use Budget table, are constructed and available for occupation.

REASON: To ensure that the A14 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site, and in the interests of road safety, efficiency, sustainability, and amenity in accordance with Policy 4, 6 and 10 of the National Planning Policy Framework (NPPF) and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008) and to secure a sustainable development which meets the needs of the users of the development in accordance with the NPPF and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

50. No more than 1750 dwellings shall be occupied until the mainline widening of the A14 between junctions 7 and 9 has been constructed by the Highways Agency, acting for the Secretary of State for Transport.

REASON: To ensure that the A14 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site, and in the interests of road safety, efficiency,

sustainability, and amenity in accordance with Policy 4 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

51. All applications for the approval of reserved matters shall include a noise impact assessment for the proposed development, having regard to all noise sources existing or having planning approval at the time of the reserved matters application. The noise impact assessment shall include a review of the data provided within the Environmental Statement and Addendum Noise Report (accompanying the original outline application), be informed by further noise monitoring and modelling where necessary, and where necessary include a noise mitigation scheme. All mitigation schemes shall demonstrate compliance with the standards contained within BS8233:1999 - Sound Insulation and Noise Reduction for Buildings - Code of Practice; and for residential dwellings the good standards as contained within BS8233:1999 - Sound Insulation and Noise Reduction for Buildings - Code of Practice, or any subsequent British Standard which replaces this. The development shall be carried out in accordance with the approved noise mitigation scheme(s).

REASON: To ensure adequate protection against noise in accordance with the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

52. Prior to the completion of the new link road over the River Ise as shown on the approved Strategic Masterplan (see Condition 5) and its junction with Elizabeth Road (Access C)

## Officers Report for KET/2015/0689

This application is reported for Committee decision because the application requires an agreement under s.106.

### 3.0 Information

#### Relevant Planning History

There is extensive planning history for the application site therefore the following is the more recent and relevant planning history. A full planning history can be inspected at Kettering Borough Council Offices.

KET/2008/0274 – Outline for 5,500 dwellings and related development – APPROVED

KET/2013/0695 – Variation and removal of Conditions application in relation to outline application (KET/2008/0274) (Tranche 2) – APPROVED

KET/2013/0232 – Reserved Matters application: All details in respect of KET/2013/0695 for 332 dwellings and related development – COMMITTEE RESOLUTION TO GRANT (awaiting s106 signing)

#### Site Description

Officer's site inspections were carried out on various dates between 2013 and 2015.

This s.73 application site relates only to Parcels R23 and R26 of the East Kettering Sustainable Urban Extension site, as shown on the approved strategic master plan for the development.

The land to which this application relates is situated to the east of Kettering approximately 2.5 miles from the Town Centre. It forms part of the south western

boundary of the East Kettering development and part is adjacent to existing housing. The site slopes downwards from west to east and the two parcels together are rectangular in shape. They comprise 11.43 hectares of arable land (9.42ha of developable land). A public footpath runs along the eastern edge of the site and to the north is Cranford Road. The site borders the rear gardens of existing large properties along Cranford Road and to the east, Barton Road. Beyond Cranford Road (to the north) and to the south of the application site is currently open countryside, however this land forms further residential parcels of the East Kettering Sustainable Urban Extension, specifically future residential parcels R21, R22, R24 and R25.

The site is to be accessed from the Barton Road / A14 Junction 10 junction (known as Access F). Junction 10 is approx. 380m to the south of the site. The proposed scheme for this access point is contained within the approval of condition application AOC/0274/0805. There would also be limited access off Cranford Road in compliance with the Design Code.

### **Proposed Development**

This application has been submitted for the variation of a planning condition imposed on the varied outline planning permission (KET/2013/0695) for East Kettering. Planning conditions help to regulate and control the proposed development or use of the land and require the submission of additional details or information for the carrying out of works to the land and/or any necessary off-site requirements.

This application is made pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended) which allows applications to be made for permission without complying with conditions previously imposed on a planning permission. An application made under S.73 (such as this one) results in a new permission (if approved) and the local planning authority can decide to, grant a new permission unconditionally; grant a permission subject to different/new conditions; or they can refuse the application. The expiry date for any new permission remains as per the original permission, which is that all reserved matters for Phases 1 and 2 shall be made to the Local Planning Authority no later than 31<sup>st</sup> March 2020, as time limits cannot be extended under a S.73 application.

Planning conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. Paragraph 203 of the National

Planning Framework states that planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Paragraph 206 of the NPPF states planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (the six tests).

The applicant is proposing to vary condition 18 of KET/2013/0695 in respect of code levels. Condition 18 of KET/2013/0695 reads:

'Those dwellings completed on the development during the period 1 January 2013 to 31 December 2015 shall achieve Level 4 of the Code for Sustainable Homes (CSH) as a minimum and those dwellings completed from 1 January 2016 onwards shall meet CSH Level 6 (or the equivalent standard which may replace CSH and is to be the assessment in force when the residential units concerned are registered for assessment purposes).

REASON: In the interests of sustainable development and energy efficiency in accordance with Policies 7 and 10 of the NPPF and Policy 14 (a) (i) of the CSS for North Northamptonshire'.

The proposed varied condition would read:

'For Parcels R23 and R26, all dwellings shall meet the equivalent to Code Level 4 of the Code for Sustainable Homes and shall meet the following minimum technical standards beyond the requirements of Building Regulations Part L for Energy and Part G for water efficiency in accordance with the approved strategy 'Energy Statement Version 4 dated October 2015':

- i. A minimum reduction in Dwelling Emissions Rate (DER) of 19% against the Target Emissions Rate as determined by SAP 2012 in compliance with Part L2A 2013 (equivalent to a minimum 25% reduction under 2010 building regulations).
- ii. An Internal Water Consumption of no more than 105Litres/ person/ day as determined by the water efficiency calculator in line with Approved Document Part G methodology.
- iii. Prior to construction, details of the specifications and locations of the solar PV panels to be installed, and the final expected generation contribution, to be submitted and approved in writing by the Local Planning Authority.

REASON: In the interests of sustainable development and energy efficiency in accordance with Policies 7 and 10 of the NPPF and Policy 14 (a) (i) of the CSS for

North Northamptonshire’.

### **Any Constraints Affecting The Site**

Public Footpath

Trees and hedgerows

## **4.0 Consultation and Customer Impact**

### **KBC Environmental Health**

No comment or objection.

### **Highways England**

No objection.

### **North Northants Badger Group**

No comments to make.

### **Historic England**

No comments to make.

### **North Northants JPU**

Recommends a further two conditions regarding dwelling emissions and internal water consumption. Required some minor amendments to the submitted energy statement to provide clarification and further detail. This has been submitted by the applicant and the JPU re-consulted. The Energy Consultant has reviewed the amended version and finds it satisfactory and that it has addressed all the points raised.

**Network Rail**

No observations to make.

**Desborough Town Council**

Comment that they would wish to see high energy efficiency of these homes retained.

**Highway Authority**

No comments.

**East Northamptonshire Council**

No objection.

**Corby Borough Council**

No comments to make.

**Wellingborough Borough Council**

No objection.

**Surface Water Drainage Assessment Team**

No comments to make.

**Neighbours**

No representations received to date.

**5.0 Planning Policy**

Only policies in relation to the specific considerations related to this application to vary condition 18 of KET/2013/0695 have been listed below, that is in relation to



code for sustainable homes. This is because the principle of development was considered and established through the granting of the original outline planning permission KET/2008/0274, a full list of policies and considerations are outlined in the Officers report for this application. However, the conditions for the application have been updated in relation to the most up to date policy considerations.

### **National Planning Policy Framework (NPPF)**

Policy 7: Requiring good design

Policy 10: Meeting the challenge of climate change, flooding and coastal change

### **Development Plan Policies**

#### **North Northamptonshire Core Spatial Strategy (CSS)**

Policy 6: Infrastructure delivery and developer contributions

Policy 13: General sustainable development principles

Policy 14: Energy efficiency and sustainable construction

#### **Draft North Northamptonshire Core Spatial Strategy**

Policy 6 of the CSS would be within emerging Policy 10 of the draft CSS. The principles of the two policies are very similar

Policy 13 of the CSS would be split across emerging Policy 1, 8 and 9 which incorporate place shaping principles and sustainable building

Policy 14 of the CSS would be replaced by emerging Policy 9. Following the announcement through the Written Ministerial Statement to Parliament, the emphasis of sustainable construction would be from planning to building regulations.

#### **Other documents**

East Kettering Design Code approved on 26.03.2013 giving more detailed design guidance for the site as a whole

Planning Update 25 March 2015 (Written Statement to Parliament)

## **6.0 Financial/Resource Implications**

The S.106 that is currently being negotiated between Persimmon and KBC for the reserved matters application that Members resolved to grant earlier this year, (KET/2013/0232 for 332 dwellings and related development) can be modified to include this S.73 application.

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle
2. Sustainability
3. Other Matters
4. Environmental Impact Assessment

### **1. Principle**

In considering a S.73 application, a local planning authority (LPA) may only consider the “question of the conditions”. In terms of decision making, a S.73 application should be treated the same as any other applications with due regard paid to the Development Plan and other material considerations. Given that (if approved) we are re-issuing a new planning permission it is therefore appropriate to consider any new planning issues, which have arisen since the granting of the original outline permission. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, it is necessary to consider this planning application in light of the most up to date Development Plan, taking into consideration emerging policies in accordance with paragraph 216 of the NPPF. Any new issues or policy considerations are outlined in the relevant sections of this report.

The principle of development is established by the grant of outline planning permission KET/2008/0274 and the varied outline permission KET/2013/0695.

Section 3 (proposed development) of this report contains the existing wording of the condition against the proposed wording of the condition.

## 2. Sustainability

The Department for Communities and Local Government (DCLG) carried out a fundamental review of planning technical housing standards and their link to building regulations earlier this year. The outcome was the launch of a new approach and a set of streamlined national technical standards released in March 2015 via a planning Written Ministerial Statement (WMS). The WMS sets out policy on application of technical standards for plan-making and decision-taking, one of these is that the Code for Sustainable Homes (CSH) was withdrawn from the 26 March 2015 aside from legacy cases. A legacy case includes those sites that have extant CSH conditions and there is no request to vary / remove the condition / appeal the condition and are registered under the code or with Building Research Establishment (BRE). If the site is not a legacy case or is a new planning application then after the 01 October 2015, which is the end of the transitional period, Building Regulations Part L 2013 and the new Part Q 2015 comes into force along with the optional planning requirements regarding water efficiency and energy. These optional requirements can be imposed by LPA's as planning conditions. It is important to note that the optional planning requirements are the equivalent to Code Level 4 with regard to water and energy.

This application site gained planning permission prior to 25 March 2015 and although part of the wider site has been implemented (the primary school), these two parcels R23 and R26 have not been registered under the code or with BRE. Furthermore this application requests that the CSH condition is varied and therefore the site is not a legacy site. Taking into account the above changes in policy and guidance, the applicants (Persimmon) are proposing to vary the existing CSH condition so that the site delivers a Code Level 4 equivalent across the site. To achieve this they will meet the requirements of Code Level 4 to get the total 68% score averaged across the application site. This can be secured by the proposed varied condition and the addition of the optional planning requirement conditions regarding water and energy. Therefore the site would be effectively achieving the required levels of CSH Level 4 as demonstrated in the submitted energy statement.

Examples of how the site will achieve such sustainability standards is as follows:

- The site will show compliance with the Part L 2010 Target Emission Rate
- A 25% reduction in carbon emissions over Part L 2010 Target Emission Rate in line with the ENE1 requirements of CSH Level 4
- A target of 105 litres of potable water per person per day (in line with WAT1 of the code)
- Mix of fabric first improvements
- On-site energy generation via PV panels
- Efficient heating

The above upgrades will require little or no maintenance and minimal operational knowledge for the future occupants. This will ensure consistent and continued environmental performance of the dwellings over their lifetime.

The energy statement that was submitted has been amended to reflect comments received from KBC's Energy Consultant. The Energy Consultant was re-consulted and found the revised version satisfactory and that it addressed all the earlier points raised. He concluded that the strategy as discussed in the energy statement is sound.

As part of the outline approval (KET/2013/0695) there is a condition relating to the 'low or zero carbon feasibility study' written by PBA. This document is conditioned on KET/2013/0695 (condition 6g reference AOC/0694/0703). The energy statement submitted by the applicants as part of this submission broadly reflects the principles set out in the approved low or zero carbon feasibility study. This energy statement proposes to address energy demand reductions through design measures (plot layout, reduced levels of shading from overshadowing buildings and green infrastructure is provided). Passive building design measures have been incorporated into the design of the buildings to reduce energy requirements. The PBA document recognises that there are a number of different approaches to achieving the required carbon and energy targets and as a result it is important that the approach to energy supply considers all viable options and responds to policy and market conditions. Persimmon is incorporating some of the potential technology options as set out in the PBA document such as solar PV panels.

Under the Planning Acts, the starting point for determination is the Development Plan and in this case Policy 14 of the CSS: Energy efficiency and sustainable construction. However, this policy is now at variance with up-to-date Government policy in the NPPF (as revised by the March 2015 WMS) which is a material planning consideration of considerable weight. Furthermore, the CSS was adopted in June 2008 and this substantially predates the NPPF (as well as the WMS). At the time of the outline approval, the CSH condition was imposed to ensure that the development meets current standards but also so that it keeps pace with future standards whilst the development is being built out.

It is acknowledged that the applicant seeks to vary condition 18 to impose the equivalent of Code Level 4 including the optional planning requirements with regard to water and energy across the site. In view of the Government changes outlined above, it would be unreasonable for the LPA to insist on imposing a requirement that the residential development achieve any higher code level given that Code Level 4 goes over and above current Government advice. Officers are aware of the

aspirations of existing and emerging development plan policy that seek to ensure new development achieves as high a standard of energy efficiency as possible. Nonetheless, due regard must be given to the shift in emphasis to place sustainable construction requirements under the control of Building Regulations rather than planning. Accordingly, the amendment of code level requirements by condition is the acceptable approach at this time.

### 3. Other Matters

As outlined above, this variation of condition application would result in the issuing of a new permission. In the granting of a new permission the LPA can decide to grant permission subject to different/new conditions. The granting of a new permission should be in accordance with up-to-date planning policies and legislation. Therefore, it is reasonable to review the planning issues which affect the development. The latest outline approval that this application relates to was granted on 13 October 2014. Other than the WMS which has been discussed earlier in this report, there have been no other significant related planning policy or legislation changes that would result in the requirement for further conditions to be added to this S.73 if approved. Any condition wording differences proposed is to take into account those conditions that have already been discharged or part discharged since 13 October 2014. Therefore, a number of conditions have got some minor changes to reflect the change in circumstance (conditions 4, 15, 18, 21, 22, 23 and 44ii).

The S.106 that is currently being negotiated between Persimmon and KBC for the reserved matters application that Members resolved to grant earlier this year, (KET/2013/0232 for 332 dwellings and related development) can be modified to include this S.73 application. The principles of the existing S106s remain unaltered.

### 4. Environmental Impact Assessment

A Screening Opinion has been carried out for this planning 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) accompanying KET/2007/0694 and KET/2008/0274 adequately addresses the environmental effects of the proposals. Therefore, no further ES information is required in this case. The original ES has therefore been taken into account and considered in the assessment of this application, the officer's recommendation and therefore the determination.

**Conclusion**

The proposed variation of condition is considered to be acceptable and in accordance with National Planning Policy and Guidance, and Development Plan Policy. The application is recommended for approval subject to the conditions listed and the completion of a S.106.

**Background Papers**

Title of Document:

Date:

Contact Officer:

Nicola Thompson, on 01536 534316

**Previous Reports/Minutes**

Ref:

Date: