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BOROUGH OF KETTERING

Committee	Full Planning Committee – 15/12/2009	Item No:
Report Originator	Cath Harvey Head of Development Services	Application No: KET/2007/0694 & KET/2008/0274
Wards Affected	ALL	
Location	East Kettering Development, East Kettering	
Proposal	Outline Application with EIA: 5,500 dwelling and related development	
Applicant	Alledge Brook LLP	

1.0 BACKGROUND

On 30th September 2009 the Planning Committee considered planning applications KET/2007/0694 and KET/2008/0274. That committee resolved that:

1. *Further information or clarification is sought from the applicant in relation to noise, air quality and archaeology in order that the impact of the development can be satisfactorily assessed and suitable mitigation measures secured.*
2. *Further information is requested from the applicant in relation to the Weekley Warkton Avenue in order to establish whether the road is needed to enable the development*
3. *Subject to:*
 - *Completion of a satisfactory S106 agreement based on the Heads of Terms set out in that report.*
 - *The conditions set out in the report subject to any additional or amended conditions considered necessary prior to the final decision on the application.*
 - *Resolution of issues 1 & 2 above, after all necessary consultation and further consideration, to the satisfaction of the local planning authority.*

The Council is minded to grant outline planning permission for the development.

2.0 PURPOSE OF REPORT

- 2.1 The purpose of this report is to assess the further information that has been submitted and the results of consultation and publicity received as a result of submission of this information and to determine the applications.
- 2.2 This report also presents a revised set of conditions. The amendments deal with the further information submitted as well as improving consistency between the conditions and with the content of the S106 Heads of Terms. The conditions may need further adjustments.

2.3 The Planning Committee report of 30th September is an essential background document to this report. This report should be read in conjunction with that earlier report and the Committee's decision does, of course, rely on both reports. Reference is made in this report to various parts of the earlier report. The assessment of the applications presented in the 30th September report combined with the assessment set out in this report leads to a recommendation in respect of the applications.

3.0 RECOMMENDATION

The Head of Development Services recommends that:

These applications be approved subject to:

- Completion of a satisfactory S106 agreement based on the Heads of Terms set out in the 30.09.09 Planning Committee report and this report.
- The conditions set out in this report subject to any additions or amendments agreed by the Head of Development Services
- Submission of further information in relation to archaeology prior to the issuing of the decision and the imposition of any suitable conditions.

4.0 INFORMATION

The relevant planning history, site description, masterplan & constraints affecting the site are described at Section 3.0 Information of the Planning Committee report of 30th September 2009. A masterplan of the site is shown at Appendix B.

5.0 CONSULTATION AND CUSTOMER IMPACT

Kettering East Consultee Responses received prior to the 30th September 2009 Planning Committee were presented in that report or the Agenda Update to that meeting. All responses received since that time are summarised in this report.

Kettering East Consultee Responses:

Highways Agency

The HA have reviewed the additional documentation provided and consider that there are no issues for the HA to address, as most of the issues raised relate to the local highway network.

The HA have queried a figure in the Technical Note: Response to Kettering Council Queries on Annual Average Daily Traffic (AADT) Traffic Predictions for East Kettering relating to the eastbound on slip of the A14, which the HA consider is low.

The applicants have been asked to comment on this issue, their response will be reported to Committee.

Highways Authority (Northamptonshire County Council)

The additional information (although not a like-for-like comparison to provide a definitive answer) appears to show that WeWaA would be required to provide an

additional point of access to support the Kettering East Development. It also shows that the WeWaA, would provide relief for the village of Weekley, and bring some benefits for Elizabeth Road, with a secondary benefit for Stamford Road, and Deeble Road. The junction capacity analysis provided suggests the benefits of WeWaA on the Town Centre would be de minimis.

The LHA considers that a detailed assessment of the benefits of WeWaA will have to be undertaken separately in any event to support a separate Planning Application, and any bids for Government funding.

The LHA requests conditions regarding the WeWaA are included on any planning consent. It has been agreed between the LHA and the Applicant that WeWaA would be provided prior to Phase 2 of the development, and as such a Grampian condition, or similar, should be applied to any planning permission restricting any development post Phase 1, until such time that WeWaA is built and open to traffic.

Northamptonshire County Council Public Rights of Way

No response received to consultation at the time of writing this report.

Northamptonshire County Council – Archaeology

The County archaeologist has requested that geophysical surveys and field walking are undertaken to identify unknown archaeological features. This will inform the design of a mitigation strategy that can be conditioned.

Northamptonshire County Council – Education

No further response received to consultation at the time of writing this report.

Northamptonshire County Council – Planning Policy

No further response received to consultation at the time of writing this report.

Anglian Water

No further response received to consultation at the time of writing this report.

Environment Agency

No further response received to consultation at the time of writing this report.

Natural England

No further comments on the additional information, subject to the submission of any additional planning application.

Wildlife Trust

No further response received to consultation at the time of writing this report.

Health & Safety Executive (HSE)

No further response received to consultation at the time of writing this report.

Police Crime Prevention Design Advisor (CPDA)

No further response received to consultation at the time of writing this report.

North Northants Badger Group

No further response received to consultation at the time of writing this report.

English Heritage

English Heritage has reviewed the additional information and has commented that it does not demonstrate the need for the WeWaA to reduce traffic in Warkton. English Heritage ask for reassurance that the introduction of the WeWaA would not attract long distance traffic and also suggest interim measures to reduce 'rat-running' through the villages should be investigated and implemented.

PCT

No further response received to consultation at the time of writing this report.

CABE

No further response received to consultation at the time of writing this report.

Sport England

No further response received to consultation at the time of writing this report.

National Allotment Society & Leisure Gardeners Limited

No further response received to consultation at the time of writing this report.

Network Rail

Confirmation that their original comments still apply.

National Grid: 2 letters were received between 30.09 (last Committee) & 11.11 (Reconsultation date).

Based on the information submitted and the proximity and sensitivity of these networks (operational electricity and gas transmission networks) and to the proposals it is concluded that the risk is negligible.

No further response received to consultation at the time of writing this report.

Stagecoach (East)

No further response received to consultation at the time of writing this report.

Corby Borough Council

No further response received to consultation at the time of writing this report.

East Northamptonshire Council

No further response received to consultation at the time of writing this report.

Burton Latimer Town Council

No further response received to consultation at the time of writing this report.

Barton Seagrave Parish Council

Comments on the supplementary information as follows:

Air Quality Report – appears to indicate that even with the increased traffic the projected air quality will not be significantly influenced.

Noise Report – appears to indicate that noise levels will not significantly increase at

strategic junctions within the existing and proposed development areas.

Response to KBC's Queries on Traffic Projections – the Technical report appears to answer the concerns raised by KBC.

Sensitivity Test no Weekly/Warkton Avenue – it has been demonstrated that the WaWeA should be a committed part of the infrastructure of the development. The Parish Council recommends that this vital link is constructed at phase 1 stage of the development.

Highway impact assessment on the Elizabeth Road access – clearly the WeWaA will significantly reduce the traffic impact on Elizabeth Road, indicating again the WeWaA needs to be constructed as part of the early infrastructure of the development.

Grafton Underwood Parish Council

No further response received to consultation at the time of writing this report.

Cranford Parish Council

No further response received to consultation at the time of writing this report.

Warkton Parish Council

No further response received to consultation at the time of writing this report.

Weekley Parish Council

No further response received to consultation at the time of writing this report.

Geddington Parish Council

Summary of neighbour responses received since 30.09.2009

Two letters has been received as a result of the re-consultation process on the Addendum Air Quality Report, Addendum Noise Report, Sensitivity Test no WeWaA (DS3), Elizabeth Road Report, and Technical Note Response to KBC's Queries on Traffic Projections.

The first letter writer objects to the proposal on the grounds that agricultural land should be preserved; the green fields, hedges and trees that will be built over will help to soak up water and prevent flooding and; there is no need for this number of new dwellings in Kettering, or anywhere else, especially when public infrastructure cannot cope with existing demands.

The second letter writer refers to the location of receptors, sited to measure noise and air quality and states that they believe one should have been positioned at their property; the writer feels their property will be adversely affected in terms of noise, light and air impacts. These issues are considered in the relevant sections of this report. Concerns are also raised regarding sewage and localised flooding problems and the apparent lack of any satisfactory solutions or financial commitments. The writer feels that that are many problems caused by the development that are unresolved.

One letter has been received between the date of the previous Committee and the start of the re-consultation process. The letter writer objected to the closure of

Junction 10 of the A14 as they consider that it would overload Junction 9 further and inconvenience local residents and businesses of Burton Latimer and Barton Seagrave, due to traffic passing through housing estates and longer journey times, which may push businesses in the area elsewhere.

6.0 PLANNING POLICY

The planning policies relevant to consideration of these applications are listed at Section 5.0 Planning Policy of the Planning Committee report of 30th September 2009.

7.0 USE OF RESOURCES

7.1 The resource implications relevant to consideration of these applications are summarised at Section 6.0 Use of Resources of the Planning Committee report of 30th September 2009.

7.2 The use of Planning Performance Agreements for consideration of subsequent stages of the development has been discussed with the applicant. There is agreement that planning performance agreements will be used to manage work programme post the grant of outline planning permission in order to pay for dedicated resource allocation to the project.

8.0 PLANNING CONSIDERATIONS

The key remaining issues for consideration in this application are:-

- A. Air Quality
- B. Contaminated Land
- C. Noise
- D. Archaeology
- E. Access, Movement & Connectivity
- F. S106

A Air Quality

A1 PPS23 contains national policy on pollution control. The policy advises that potential impacts arising from air quality, possibly leading to an impact on health are capable of being a material consideration. The East Midlands Regional Plan policy 36 states that the potential effects of new developments and increased traffic levels on air quality should be considered. CSS Policy 13 states that development should not result in an unacceptable impact upon the amenity of neighbouring properties or the wider area in terms of pollution.

A2 Traffic is considered to be the major contributor to pollution levels and so its impact has been examined from an air quality perspective. 107 locations within and adjacent to the site have been considered in relation to the change in traffic levels as a result of the development. Those locations that will see a change in traffic levels of more than 10% have been assessed for air quality impact in the ES. Of the 107 links, 90 required an air quality impact assessment. The air quality assessment

assessed NO₂ (Nitrogen Dioxide) levels and PM₁₀ (Particulates with a diameter of less than 10 microns) concentrations at the 90 locations. A comparison between predicted base levels at 2020 without the development and predicted levels at 2020 with the development was carried out.

- A3 Increases in NO₂ are predicted to have a substantial adverse effect on 4 of the 107 locations assessed in the Environmental Statement; 07 (WeWaA), 015 (WeWaA Access B), 062 (Barton Road) and 075 (Cranford Road South). The additional work requested for strategic junctions (B-F and g), and Elizabeth Road and provided in the East Kettering Project Addendum Air Quality of November 2009 stated that a moderate adverse impact would occur to the air quality at 2 of the 107 locations; Elizabeth Road, and at the Warkton Lane/Deeble Road junction (junction D).
- A4 These 6 adverse impacts (4 substantial, 2 moderate) must be balanced against the 42 junctions where a beneficial impact on air quality is seen. For the remaining 59 junctions negligible or minor beneficial impacts are reported. It should also be noted that the Council assesses air quality in line with the provisions of the Air Quality Standards, and the Air Quality Standards Regulations 2007. The modelling data for the development (based on the road traffic outputs of the SATURN model) shows that none of the locations, even those where a substantial or moderate adverse impact was reported, will exceed these statutory air quality standards, and a significant margin exists between the predicted levels from the development and the air quality standard.
- A5 The applicant has provided additional information regarding the impact on air quality from the proposed development and of the ways in which these risks could be mitigated. The additional information indicates that the risks from potential adverse impact on air quality from the development can be mitigated. Conditions (Conditions 67 & 68) will be imposed upon the proposal to ensure that the development is undertaken in accordance with the Environmental Statement, and Air Quality assessment, to mitigate the impact of the development upon air quality. Such a condition can be complied with, and will be sufficient to ensure the safe development of the site and mitigation of any risk to air quality.
- A6 It is considered that the application includes sufficient information to demonstrate it will be able to mitigate the effects of any contamination found to impact upon the site. This approach is in accordance with PPS23, East Midlands Regional Plan Policy 36 and CSS Policy 13.

B Contaminated Land

- B1 PPS23 contains national policy on pollution control. The statement advises that the presence of contamination in land can present risks to human health and the environment. Contamination can occur on Greenfield land, and can arise from natural sources (such as Arsenic, and radon) as well as from human activities (mining and landfill). PPS23 is clear that the risks of and from contamination, and how these can be managed or reduced, are a material consideration in the determination of a planning application, but is also clear that it remains the responsibility of the landowner or developer to identify land affected by contamination and to ensure that remediation is undertaken to secure a safe

development.

- B2 Policy 1 of East Midlands Regional Plan states that development should minimise adverse environmental impacts of new development, Policy 2 states that development should reduce pollution and Policy 32 states that local authorities and developers should work together to reduce the risk of pollution to water. CSS Policy 13 states that development should not result in an unacceptable impact on the amenities of neighbouring properties or the wider area by reason of pollution.
- B3 The submitted Environmental Statement (ES) considers the potential land contamination of the site. The ES desk-based study identifies potential contamination from the following sources:
- two former open-cast quarries on the site that have been infilled but it is not known with what material
 - further quarry sites adjacent to the application site, to the south and east – potential risk of significant collapse
 - naturally occurring arsenic in the Northampton Sand Ironstone
 - herbicide and pesticide use on the whole site area from crop spraying when in arable use
 - Petroleum hydrocarbon compounds and associated organic compounds from two fuelling stations and at Blackbridge Farm, all outside but in close proximity to the site
 - Geological sequence of the site is known to naturally generate radon gas (10-30% of homes in the study area may be above the Radon Action Level for Health Protection)
 - Ground gas – restricted to river and stream corridors and ponds
 - Landfill gas – depends upon ground conditions
- B4 The ES has assessed the construction phase and operational phase of the development. A Construction Code of Practice (see condition 71) is proposed to be completed to cover the construction phase. In the operational phase, gas and radon prevention methods are proposed in the design and building of all structures where necessary. It should also be noted that under Building Regulations full Radon precautions will be required for all buildings constructed within the application site, unless the developer can prove Radon gas is not present in the ground upon which the structures will be built. The ES concluded that further appropriate investigation and assessment of the potential hazards and risks was required, a view shared by your officers.
- B5 The applicant has provided clarification of the risks associated with the development of this site, and of the ways in which these risks could be mitigated. The additional information indicates that the risks from potential contamination on the site can be mitigated. A Condition will be imposed upon the proposal (Condition 69) which will require a site specific Contaminated Land assessment and mitigation strategy to be submitted with all reserved matters applications. Your officers are confident that such a condition can be complied with, and will be sufficient to ensure the safe development of the site and mitigation of any risk associated with Contaminated Land.
- B6 It is considered that the application includes sufficient information to demonstrate it

will be able to mitigate against the effects of any contamination found to impact upon the site. The detailed Reserved Matters stages will be key to ensuring the appropriate mitigation measures are put in place, but the use of conditions will ensure that the proposal meets current standards and keeps pace with future standards that are required whilst the development is being built out. This approach is in accordance with PPS23, Policy 1, 2 and 32 of the East Midlands Regional Plan and Policy 13 of the Core Spatial Strategy.

C Noise

- C1 PPG24 contains the national policy on planning and noise. Housing, hospitals and schools are considered noise sensitive developments. Policy 2 of the East Midlands Regional Plan promotes better design, including maintaining amenity. CSS Policy 13 states that development should not result in an unacceptable impact upon the amenity of neighbouring properties or the wider area in terms of noise.
- C2 The uses proposed (residential, mixed use and B1 employment) are low noise generating and so the assessment of noise impact undertaken by the applicant in the ES has been based upon the noise generated by the traffic associated with the development. To assess noise and vibration effects, projections of traffic flows have been calculated.
- C3 The Council uses nationally recognised guidelines for assessing noise impact; the standards describe the level of impact and identify its significance in the context of the Environmental Statement. Further assessment then considers the likely success of mitigation measures in providing full or partial mitigation of the impact.
- C4 At the time of the 30th September Planning Committee the noise assessment was considered to be inadequate – there were severe concerns regarding the noise impact of the development on existing residential premises in the immediate vicinity of the development, and on part of the development adjacent to the A14. In accordance with the committee's resolution, further information was requested from the applicants and an addendum to the noise report was submitted in November 2009.
- C5 The area of concern identified in terms of the impact on the proposed development of the A14 is a residential development parcel, R25, in the south west of the application site, east of junction 10. These concerns have resulted from a change to the master plan early in 2009 that introduced residential development rather than the previously proposed employment use on this parcel. Modelling data of this site shows that parcel R25 would experience high levels of noise. PPG24 advises that planning permission should be refused where sites experience noise at this level.
- C6 However, long term monitoring at the site shows lower noise levels than those that were modelled. These actual noise readings indicate a lower level of noise. PPG24 states that at these noise levels appropriate conditions should be imposed to ensure an adequate level of protection against noise. It is therefore considered that, subject to the imposition of a suitable condition (number 85) that noise impact of the A14 on the proposed development can be mitigated.

- C7 Impact of the development on existing residential properties was a particular concern in Elizabeth Road and at a number of strategic highway junctions (B-F & G) serving the development. An assessment of the technical information that has been submitted in respect of noise impact shows that the proposed development will have an adverse impact on the amenity of occupiers of existing residential properties in Elizabeth Road and at the junction of Warkton Lane and Barton Road. However, evidence has been provided that mitigation of the noise to within statutory standards can be achieved, although noise will remain in excess of the baseline conditions currently prevailing.
- C8 Monitoring and modelling of noise at locations in Elizabeth Road shows that these locations will be subject to major adverse impact from the completed development. Details of potential noise mitigation measures have been provided showing that living rooms and bedrooms could be mitigated to achieve good standards for residential property. These measures (double glazing, front and side façade windows, improved external doors where they communicate directly with living rooms, the fitting of acoustic ventilators, and where necessary additional acoustic wall linings) would need to be secured by a combination of condition and a financial contribution in the S106 agreement.
- C9 External noise impact in Elizabeth Road can be mitigated to the external rear gardens through various measures, including a combination of the existing boundary walls and the provision of boundary walls where they do not currently exist, but noise will still have a major adverse impact on the existing noise environment to the front garden areas of Elizabeth Road. The applicant will be required by condition to design and implement an agreed scheme of mitigation.
- C10 Careful consideration needs to be given to the phasing of the development and to the phasing and capacity of road infrastructure improvements. The opening of the WeWaA will bring some reduction in the amount of traffic using the Elizabeth Road link and any delay in its provision will increase the volume of traffic and noise impact on Elizabeth Road.
- C11 Preliminary work in relation to the relative capacity of Elizabeth Road and the WeWaA indicates that limiting the use of Elizabeth Road (perhaps through a single carriageway bridge link or traffic light controls at peak hours) would provide benefits to residential amenity to Elizabeth Road. A condition is therefore recommended that requires, prior to the commencement of development, testing of options for the capacity and phasing of these road and associated junctions and for approval of the solution that will be built.
- C12 The further noise information submitted since the last committee indicates that the rear garden of no.8 Warkton Lane (at the junction of Warkton Lane/Barton Road) would be subject to a moderate adverse impact on existing residential amenity and a minor adverse impact on other property in the vicinity. No.2 Warkton Lane will be demolished to provide for the new road junction and no.8 is in the control of the applicant and therefore mitigation measures can be implemented to protect amenity.
- C13 Although the noise impact information submitted shows some detrimental impact on

the existing amenity of residents. Conditions can be attached that will achieve adequate protection against noise. The conditions proposed are (conditions 85 to 88)

- C14 Traffic noise related to the development will have an adverse impact on existing residential properties, in particular in Elizabeth Road. However, the severity of the amenity loss can be reduced by mitigation strategies. Condition 84 is recommended to require options for the capacity and timing of the Elizabeth Road link and the WeWaA to be explored and agreed as well as mitigation for houses adversely affected by traffic noise. Weighed against the strong policy support for the proposed development, it is considered that the noise impact likely to result even after these measures is justifiable. Impacts relating to a development of the scale proposed are likely to be negative in some respect. Any negative impacts should be weighed against all other considerations, in particular the Development Plan policy.

D Archaeology

- D1 The Planning Committee of 30th September resolved to ask the applicants for further information in respect of a number of issues, including archaeology. Since that time the applicants have focussed their efforts on the WeWaA and noise and air quality issues. Northamptonshire County Council has agreed to withdraw the archaeological objection to the application subject to the archaeological evaluation of the site taking place between this committee meeting and issuing of any planning permission.
- D2 The further information that has been requested will necessitate geophysical surveys and field walking to identify unknown archaeological features and trial trenching instigated to evaluate their importance. It will then be possible to analyse whether any archaeological remains discovered meet the test of national importance and should be preserved in situ and if needs be the proposed development redesigned to achieve this aim. Additional evaluation is required in order to provide sufficient information to create an adequate mitigation strategy. It is considered that this approach to investigating the archaeology of the site is acceptable.

E Access, Movement & Connectivity

Weekley Warkton Avenue (WeWaA)

- E1 PPG 13 is the overarching national guidance relating to transport. This seeks to integrate planning and transport in order to promote more sustainable transport choices, improve accessibility by public transport, cycling and walking and to reduce the need to travel by car. The East Midlands Regional Plan reflects the overall vision set by the Regional Assembly in which Kettering is identified as a town which should accommodate significant levels of new development (Policy 3). Policy 43 (Regional Transport Objectives) states that development should be sustainable, reducing congestion and achieving a modal shift away from the private car. Policy 45 (A Regional Approach to Traffic Growth Reduction) and Policy 46 (A Regional Approach to Behavioural Change) seek measures and a change in peoples behaviour that will reduce traffic growth and the need to travel by, for example improved public transport, safe routes for pedestrians, secure cycle storage in new

developments and by altering attitudes towards the private car, public transport and walking and cycling.

- E2 These objectives have filtered down through the hierarchy of planning policy and are part of the MKSM Sub-Regional Strategy, which includes policies seeking the improvement of the A14 (MKSM Policy 2: The Spatial Framework – Strategic Transport Infrastructure), better public transport, safe walking routes and a reduction in the use of the car, (MKSM Policy 3: Sustainable Communities) and the adopted Core Spatial Strategy. Policy MKSM SRS Northamptonshire 1 reaffirms Kettering’s role as a Growth town, and Policy MKSM SRS Northamptonshire 4 identifies that there should be a significant modal shift towards public transport, particularly within the Urban Extensions.
- E3 The CSS contains policies which seek improvements to the A14 in the Kettering area Policy 2 (Connecting North Northamptonshire with Surrounding Areas). Policy 3: (Connecting the Urban Core) requires the SUE at Kettering to safeguard the potential for an eastern distributor road linking the A43 Northern bypass to a new junction on the A14. Policy 13 (General Sustainable Development Principles) requires development to be designed to take account of the transport hierarchy of pedestrian – cyclist - public transport - private vehicle and contribute to an overall target of a 20% modal shift and Policy 16 (Sustainable Urban Extensions) requires the above with the addition of specific requirements, such as the need for all dwellings to be within a maximum walking distance of 300m of a frequent, viable and accessible bus service.
- E4 Weekley Warkton Avenue (WeWaA) is a proposed new local distributor road linking the A43 to the new Central Avenue in the development. WeWaA will bypass the villages of Weekley and Warkton and connect with Stamford Road. Warkton Lane will be closed in conjunction with WeWaA to prevent future movement of vehicles between Warkton Lane, Pipe Lane and the development. It should be noted that WeWaA and the closure of Warkton Lane are not part of this planning application.
- E5 At the Planning Committee meeting on the 30th September 2009, Members resolved that the applicant should provide information to demonstrate that WeWaA is needed to enable the development.
- E6 The applicant has provided this information in the form of an additional traffic assessment. The existing traffic model (known as the SATURN model) has been used to estimate traffic flows in the completion year of the development (2021). The new assessment has assumed WeWaA is not provided but other highway infrastructure is (Junction 10a, A14 J7-J9 widening, Elizabeth Road link and other local junction improvements). The new assessment compared this scenario with a previous scenario for 2021 that included WeWaA, and reviewed the distribution of traffic across the street network and the effect on congestion at primary junctions in the eastern part of Kettering.
- E7 It is estimated that the two way peak hour flow on the southern section of WeWaA (south of Stamford Road) would be around 2,300 vehicles in 2021. The two way peak hour flow on the northern section would be around 3,600 vehicles.

- E8 The assessment has shown that not providing WeWaA would result in traffic using the alternative routes of Elizabeth Road, Stamford Road, Windmill Avenue, Deeble Road and Barton Road. It shows that without WeWaA, the traffic flows on Elizabeth Road, Stamford Road and Deeble Road would exceed the available capacity of these roads. There is no potential to widen these roads to accommodate the additional demand. The additional traffic along Elizabeth Road would also increase noise impacts on existing properties.
- E9 The assessment shows that WeWaA would function as a traffic relief for the villages of Warkton and Weekley. Without WeWaA, peak period traffic flows in Warkton would be around half of current levels. This is less traffic than might be expected but the assessment has identified that the Elizabeth Road link would be a more attractive route for traffic moving between the A43, the development and beyond to the A14. Peak period traffic flows in Weekley without WeWaA would be between 40% and 90% higher than current levels. Demand would exceed available capacity during peak periods.
- E10 Six primary junctions in the eastern part of Kettering would experience a significant increase in congestion without WeWaA. These junctions are located on Stamford Road, Windmill Avenue and Barton Road.
- E11 The assessment has shown that WeWaA does not provide any benefit for traffic movement and congestion in the town centre.
- E12 The analysis undertaken by the applicant has shown that WeWaA does have benefits in terms of reducing levels of congestion in the eastern part of Kettering and in providing a significant means of traffic relief for the village of Weekley. It is therefore considered as essential enabling infrastructure for the development.
- E13 WeWaA is not part of the submitted planning application. The applicant will as part of a separate planning application have to undertake an even more detailed assessment of the benefits of WeWaA. They will need to demonstrate that a number of route options for linking the development to the A43 have been considered and that all highway safety, highway capacity, environmental and local accessibility issues have been considered in coming to a preferred option.
- E14 The Highway Authority has recommended a condition be imposed on the applicant requiring that WeWaA be completed before commencement of Phase 2. However, at this stage there is not sufficient information available to determine the exact point during construction of the development when WeWaA is required. It is therefore recommended that a condition requiring the applicant to complete design and assessment work before commencement of any part of the development.
- E15 The design and assessment work will identify when it is reasonable to require provision of the WeWaA, for highway capacity and residential amenity reasons. The applicant will then be required to provide the WeWaA in accordance with the timescale identified in the assessment work as agreed with the Council. Without evidence of the need for the WeWaA at a particular time, any condition requiring its delivery would be vulnerable to challenge.

Elizabeth Road Link

- E16 The Elizabeth Road Link is a proposed road connection across River Ise between the north westerly part of the development and the southern section of the existing Elizabeth Road.
- E17 In conjunction with the assessment of WeWaA, the applicant has also investigated the feasibility of the Elizabeth Road Link being restricted to buses, cyclists and pedestrians only. As an unrestricted route (i.e. route open to all types of traffic) in 2021 (the completion date for Kettering East), two way peak hours flows would be 950 in the AM peak and 775 in the PM peak. Approximately 80% of the traffic using Elizabeth Road would be going to/coming from the town centre and approximately 20% would be going to/coming from the north (Weekley and A43).
- E18 The assessment has shown that with the Elizabeth Road Link restricted to buses, cyclists and pedestrians, the southern section of WeWaA would experience an increase in traffic although the capacity would not be exceeded. The largest impact would be on Deeble Road and Windmill Avenue with capacity being exceeded in some directions during the peak periods.
- E19 The expected increase in traffic on the existing Elizabeth Road is very significant in terms of the numbers of vehicles and the consequent impact on noise. The applicant has therefore undertaken a further assessment investigating the scope for reducing the impact on Elizabeth Road by making full use of the available capacity of WeWaA, Stamford Road, Deeble Road and Elizabeth Road. The assessment has shown that by using these alternative routes flows on Elizabeth Road could be reduced by up to a half (475 vehicles in the AM peak and 371 vehicles in the PM peak).
- E20 It should be noted that the assessment is theoretical in its approach. The effect on junction congestion of traffic using alternative routes has not been taken into account. In practical terms reducing traffic on Elizabeth Road will require a constraining of capacity at the Stamford Road/Elizabeth Road junction and an increase in capacity elsewhere. A condition is attached that requires the applicant to investigate options for managing and reducing traffic on Elizabeth Road. The applicant is required to complete this design and assessment work before commencement of any part of the development and to implement the agreed option.

F S106

- F1 It was reported to the 30th September Planning Committee that a period of negotiation has taken place with the applicant to define what infrastructure it is appropriate to secure through a S106 agreement if the Council resolves to grant planning permission for the proposed development.
- F2 The items that have been identified are set out in a document called Heads of Terms, which will then be developed into a full legal agreement. The contents of the Heads of terms were outlined in the 30th September Committee Report and these will form the basis of the S106 agreement. Since the 30th September Planning Committee, the applicant has agreed to pay the Council's reasonable costs of

drafting the S106 agreement and so solicitors have been instructed to proceed with this process.

- F3 Since 30th September Planning Committee discussions to progress the Green Travel Plan (GTP) have taken place. The County Council and Highways Agency have both requested that the GTP provisions are included in the S106 agreement. This is acceptable to the applicant and so will be included.
- F4 As described in the 30th September Planning Committee report, the S106 makes provision to achieve the policy target of 30% affordable housing. This would comprise a minimum 20% affordable housing delivered on site with provision for a further 10% on or off site through direct provision or payment of commuted sums. This provision being dependant on an increase in land sale values across the site and secured by overage provisions. The agreement also makes provision for flexibility in the use of this additional funding, either for affordable housing or for town centre improvements.
- F5 The further information submitted in respect of noise impacts has, as described at paragraph C14 of this report identified the need for a mitigation scheme, in particular in relation to properties in Elizabeth Road. The works will be, at least in part, on land outside the control of the applicant and so this work will be secured both by condition and an additional financial contribution in the S106 agreement. This addition has been agreed by the applicant.
- F6 Since 30th September Planning Committee, consideration of details such as timing of delivery of facilities has begun. In respect of community facilities the Heads of Terms make provision for a multi-purpose community building.
- F7 In addition, the Master Plan and land use schedule provide for a nursery (500 sq m), a sports hall and gym (1800 sq m) and private health centre (2000 sq m) in Phase One of the development. The applicant also proposes to reserve an additional 550 sq m for a dedicated faith worship space should the demand exist for a separate facility.
- F8 It is proposed to attach conditions to secure the multi-use building (accommodating a children's centre, Safer Communities Team space, community meeting space, youth space, shared faith worship space, Customer Services Centre and library) in Phase One.
- F9 An assessment of likely community needs for Phase One indicates that these uses may not require all 4000 sq m of community use space included in the Master Plan which will leave some space available for other community uses in later phases of the development. Further work is needed to define the floor area requirements to provide the uses listed in F8 above to suitable standards but it will be a minimum of 1590 sq m. This work will inform the final drafting of conditions 15/15A which will replace draft condition 15 set out in the 30th September committee report.
- F10 Any floor space with planning permission for community use not needed to deliver these uses listed above in Phase One will be available for community uses in the later phases.

8.0 CONCLUSION

- 8.1 The assessment of the applications KET/2007/0694 and KET/2008/0274 is presented in the Planning Committee report of 30th September 2009 and in this report. Assessment of the applications as described above has led to the recommendations set out at Section 2 of the report.
- 8.2 The assessment demonstrates that the proposal is generally in line with Development Plan policy. Adverse impacts identified be mitigated to some extent and, when weighted against the development plan policy that supports an urban extension to the east of Kettering, are considered to be acceptable. Therefore the recommendation is:
- 8.3 These applications be approved subject to:
- Completion of a satisfactory S106 agreement based on the Heads of Terms set out in the 30.09.09 Planning Committee report and this report.
 - The conditions set out in this report subject to any additions or amendments agreed by the Head of Development Services
 - Submission of further information in relation to archaeology prior to the issuing of the decision and the imposition of any suitable conditions.

Background Papers

Title of Document:

Application Files KET/2007/0694 &
KET/2008/0274

Previous Reports/Minutes

Ref: Committee report & Agenda Update

Date: 30th September 2009

Conditions

The list of conditions set out in this report may be subject to addition or amendment considered necessary prior to the final decision on the application. Amendments and additions are likely due to the need for the submission of additional information and compliance with statutory consultees' requirements.

Reserved Matters and Time Limits

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each development parcel as shown on the Strategic Master Plan drawing number BBD005\105 Rev A (received 2 February 2009) and detailed in the Land Use Schedule (received 21 August 2009) shall be submitted to and approved in writing by the local planning authority before any development (other than any strategic infrastructure works or strategic landscaping as shall have been approved in writing by the Local Planning Authority), begins on the parcel to which it relates and the development shall not be carried out otherwise than as approved.

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 Application for the approval of all Reserved Matters relating to any one development parcel in Phase 1 of the development (as shown on Phasing Plan – Phase 1 Drawing No. BBD005\113 Rev A, received 02 February 2009) shall be made not later than the expiration of three years beginning with the date of this permission. Any further applications for approval of Reserved Matters for phases 1, 2 or 3 (as shown on Phasing Plans – Phase 1 Drawing No. BBD005\113 Rev A, Phase 2 Drawing No. BBD005\114 Rev A, Phase 3 Drawing No. BBD005\115 Rev A, all received 02 February 2009) shall be made no later than the expiration of ten years beginning with the date of this permission.

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

- 3 The development hereby permitted shall be begun before the expiration of five years from the date of this permission or 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 Phasing Plan – Phase 1 Drawing No. BBD005\113 Rev A received 02 Feb 2009) whichever is the later.

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.

Details to be Submitted with each RM

- 4 Prior to the commencement of any development within the development parcel (as shown on the Strategic Master Plan drawing number BBD005\105 Rev A received 2 February 2009 and detailed in the Land Use Schedule received 21 August 2009) to which they relate, the following additional details shall have been submitted to and approved in writing by the local planning authority:
- i) Infrastructure and construction sequence comprising details of the following for the relevant phase:
 - 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 taking account of the fact that all built development (including attenuation facilities but with the exception of the road bridge over the River Ise) will be outside of the 1000-year (with climate change allowance) floodplain, as defined by the Flood Risk Assessment; approved pursuant to Condition 56.
 - d) Details of Services (including the Adequacy/ availability/ details gas, water and electricity supply, cable, telecoms, substations, poles, cable runs and other utilities);
 - e) Security infrastructure and equipment;
 - f) Vehicle parking;
 - g) Publicly accessible open space; and
 - h) Waste recycling, disposal and management measures including a statement of conformity with the waste audit and waste facilities management strategy pursuant to conditions 41 and 42 respectively.
 - 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;
 - vii) Sustainability Statement (pursuant to condition 37) which shows how environmental sustainability issues have been addressed in the design process and shows how CSH/BREEAM will be achieved based on actual design of units on the Reserved Matters site.
 - viii) Contaminated Land Survey (pursuant to condition 69)

These details shall be submitted concurrently with the applications for approval of reserved matters for each development parcel. The development shall not be carried out other than in accordance with the approved schemes/plans/applications. REASON: To ensure that the scheme of development accords with the approved Master Plan and Environmental Statement which has identified and assessed environmental issues and relevant mitigation measures and to encourage a high standard in design in accordance with PPS1, Policies 1 and 2 of the East Midlands Regional Plan (2009) and Strategic Policy 3 of MKSM Sub-Regional Strategy and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

In accordance with MP/other plans/documents

- 5 The development to which this permission relates shall not be implemented other than in accordance with the Strategic Master Plan drawing number BBD005\105 Rev A (received 2 February 2009), (as shown on Phasing Plans – Phase 1 Drawing No. BBD005\113 Rev A, Phase 2 Drawing No. BBD005\114 Rev A, Phase 3 Drawing No. BBD005\115 Rev A all received 02 February 2009).

REASON: The proposal is subject of an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 upon which the Master Plan is based and the significance of any material alteration and impact that has not been assessed must be considered. The development must be limited accordingly and not exceed the thresholds tested by the Environmental Statement.

- 6 The development to which this permission relates shall not be carried out other than in accordance with the Revised Land Use Schedule (received 21 August 2009), excluding the phasing of Employment Parcel E3 which shall be carried in accordance with Condition 74, the Schedule of Building Dimensions (received 21 August 2009) and the Parameters Plan – C – Land Use Drawing No BBD005\111 Revision A (received 2 February 2009) submitted as part of the application hereby approved. The quantum of floorspace for all non-residential land uses set out for each of the development parcels shown within the Revised Land Use Schedule (received 21 August 2009) shall not be exceeded.

REASON: The proposal is subject of an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 upon which the Master Plan is based and the significance of any material alteration and impact that has not been assessed must be considered. The development must be limited accordingly and not exceed the total floorspaces tested by the Environmental Statement.

Control Number of Dwellings

- 7 The residential development hereby permitted shall comprise not more than 5,500 dwellings (use class C3). The distribution of dwellings within the development hereby permitted shall not be implemented other than in accordance with the Strategic Master Plan drawing number BBD005\105 Rev A (received 2 February 2009) and the Land Use Schedule (received 21 August 2009).

REASON: The proposal is subject of an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 upon which the Master Plan is based and the significance of any material alteration and impact that has not been assessed must be considered. The development must be limited accordingly and not exceed the total 5,500 dwellings tested by the Environmental Statement.

Housing

- 8 The market housing shall be provided in accordance with the following mix: 5% 1

bed (all of which shall be apartments), 30% 2 bed (25-35% of which shall be apartments), 30% 3 bed, 30% 4 bed, 5% 5+ bed. The housing shall be a mix of detached, semi-detached, terraced, town houses, bungalows and apartments.

REASON: To ensure that a sustainable development is created which meets the housing needs and aspirations of Kettering and provides choice within the new community in accordance with PPS 3, Policy 15 (a) and (e) and Policy 16 (a) of the North Northamptonshire Core Spatial Strategy (2008).

- 9 The affordable housing shall be provided in accordance with the following mix: 5% 1 bed units, 47.5% 2 bed units (no more than 25% of which to be apartments) 30% 3 bed units, 15% 4 bed units and 2.5% 5 bed units. The affordable housing shall be a mix of detached, attached, terraced, town houses, bungalows and apartments.

REASON: To ensure that a sustainable development is created which meets the housing needs and aspirations of Kettering and provides choice within the new community in accordance with PPS 3, Policy 15 (a) and (e) and Policy 16 (a) of the North Northamptonshire Core Spatial Strategy (2008).

Employment

- 10 No more than 42,400 square metres of B1 office employment floorspace in total shall be provided across the employment parcels E1, E2 and E3 as shown on the Strategic Master Plan drawing number BBD005\105 Rev A (received 2 February 2009). No more than 11,550 square metres of B1 (a) employment floorspace shall be provided at the District Centre.

REASON: The proposal is subject of an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 upon which the Master Plan is based and the significance of any material alteration and impact that has not been assessed must be considered. The development must be limited accordingly and not exceed the 42,400 square metres of B1 office employment floorspace provided across the employment parcels E1, E2 and E3 and the 11,550 square metres of B1 (a) employment floorspace provided at the District Centre which have been tested by the Environmental Statement.

- 11 Construction of Employment parcels E1 and E2 shown on the Strategic Master Plan (received 2 February 2009) shall be carried out in accordance with the phasing shown in the Employment Areas table in the Land Use Schedule (received 21 August 2009). No development shall take place on subsequent phases unless and until the employment developments required in the previous phase (set out in the Land Use Schedule) have been substantially completed.

REASON: The proposal is subject of an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 upon which the Master Plan is based and the significance of any material alteration and impact that has not been assessed must be considered. The development must be limited accordingly and not differ from the phasing plans tested by the Environmental Statement.

- 12 Prior to the commencement of any development within Employment parcels E1, E2 and E3 (other than any strategic infrastructure works or strategic landscaping as shall have been approved in writing by the Local Planning Authority) a written scheme (which shall include timing of delivery within phases and details of the services/infrastructure to be installed) shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved schemes.

REASON: To ensure the continuing supply of B1 employment land in the Borough in accordance with PPS1, PPG4, Draft PPS4, Policies 1 and 3 of the East Midlands Regional Plan; Strategic Policy 3 of the MKSM Sub-Regional Strategy and Policies 1, 8 and 11 of the North Northamptonshire Core Spatial Strategy (2008).

- 13 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 B1 use shall be retained as such and shall not be used for any other purpose.

REASON: The proposal is subject of an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 upon which the Master Plan and Land Use Schedule are based 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.

District Centre

- 14 A minimum total floorspace of 4,500 square metres of A1, A3, A4 and A5 uses shall be provided at the District Centre within Phase 1 of the development. A total maximum of 5,400 square metres of these uses will be provided in Phase 1. The floorspace of each use class shall not exceed the maximum shown in the Land Use Schedule (received 21 August 2009).

REASON: To provide local facilities for the 1,750 homes in Phase 1, in accordance with Policy 1 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 15 A minimum of [xxx: to be informed by further work – see paragraph F9] square metres and maximum of 4,000 square metres floorspace of D1 community use shall be provided at the District Centre within Phase 1 of the development.

REASON: To provide community facilities for the 1,750 homes in Phase 1, in accordance with Policy 1 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policies 6 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 15A Details of the D1 community use, (pursuant to Condition 15 above) showing how a

range of uses, including the following, a children's centre, accommodation for the Safer Community Team, Community meeting space, youth space, worship space, Customer Service centre and Library will be incorporated into the building, shall be submitted with the first reserved matters application which relates to phase 1 and approved in writing by the local planning authority. The details to be submitted shall also include the size of the building, a justification for the size of the building, design, specification, facilities, amenities, management arrangements, its timing of delivery within Phase 1 and a justification for that timing. The D1 details submitted shall comply with the 'Sport England Village and Community Halls guidance note' (or the equivalent document which replaces it) current at the time the detailed application for the D1 community centre building/facility is submitted. The new facility shall be transferred to the local authority at nil cost on completion of the new facility and in accordance with the approved strategy.

- 16 A children's nursery of 500 square metres floorspace shall be provided at the District Centre in Phase 1 of the development. Details of the children's nursery design, specification, facilities, amenities, management arrangements and its timing of delivery within Phase 1 shall be submitted with the first reserved matters application (excluding landscaping) which relates to phase 1 and approved in writing by the local planning authority. The facility shall be built and managed in accordance with the approved details.

REASON: To provide education facilities for the development in accordance with Policy 1 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policies 6 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 16A 550 square metres of D1 floorspace shall be provided at the District Centre in Phase 1 of the development for development as a dedicated multi-faith centre. Details of the location of this facility and design parameters shall be submitted with the first reserved matters application (excluding landscaping) which relates to phase 1 and approved in writing by the local planning authority. The facility shall be built in accordance with the approved details.

REASON: To provide community facilities for the Phases 1, 2 and 3, in accordance with Policy 1 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policies 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 17 1,800 square metres of D2 Sport and Community Leisure use floorspace shall be provided within the District Centre in Phase 1. Details of the uses that will comprise this floorspace, design and specification, standards, management arrangements and timing(s) of delivery within Phase 1 shall be submitted to and approved by the local planning authority. The D2 details shall comply with Sport England 'Sports Halls: Design guidance note' and Sport England 'Sports Halls: Sizes and Layouts Design guidance note' (or the equivalent document which replaces it) current at the time the detailed application for D2 Sport and Community Leisure use is submitted. The details of this Sport and Community Leisure provision shall be submitted with the first reserved matters application which relates to phase 1 of the development

and approved in writing by the local planning authority. The approved D2 uses shall be transferred to the local authority at nil cost on completion of the new facility and in accordance with the approved strategy.

REASON: To provide sport and recreation facilities for the development in accordance with PPG17, Policy 1 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policies 6 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

Local Centres

- 18 A minimum total floorspace of 100 square metres of A1 convenience retail shall be provided at Local Centre 3 within Phase 2 of the development as shown on the Strategic Master Plan (received 2 February 2009), the Land Use Schedule (received 21 August 2009) and Phasing Plan – Phase 2 (Drawing No BBD005/114 Rev A). Details of the timing of delivery of this retail provision shall be submitted with the first reserved matters application which relates to phase 2 of the development and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved timings and details.

REASON: To provide facilities for the 950 homes in Phase 2 in accordance with Policy 1 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policies 6 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 19 A minimum total floorspace of 100 square metres of A1 convenience retail shall be provided at both Local Centre 1 and 2 in Phase 3 of the development as shown on the Strategic Master Plan (received 2 February 2009) and the Land Use schedule (received 21 August 2009). Details of the timing of delivery of this retail provision shall be submitted with the first reserved matters application which relates to phase 3 and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved timings and details.

REASON: To provide facilities for the 2,800 homes in Phase 3, in accordance with Policy 1 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policies 6 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 20 A minimum floorspace of 450 square metres of D1 community use shall be provided at Local Centre 3 within Phase 2 of the development and at both Local Centres 1 and 2 within Phase 3 of the development as shown on the Strategic Master Plan (received 2 February 2009) and the Land Use schedule (received 21 August 2009). The applicant will provide a total floorspace of 1400 sq m D1 across the 3 local centres. The D1 details shall comply with the current 'Sport England Village and Community Halls guidance note' (or the equivalent document which replaces it) at the time the detailed application is submitted. The approved D1 uses shall be transferred to the local authority at nil cost on completion of the new facility and in

accordance with the approved strategy.

REASON: To provide community facilities for the Phases 2 and 3, in accordance with Policy 1 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policies 6 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 21 A total of 600sq m D2 (assembly and leisure) floor space shall be provided across the 3 local centres. Details of the quantum of D2 floorspace to be provided at each local centre shall be submitted to and approved in writing by the local planning authority prior to commencement of development on both phases 2 (local centre 3) and/or 3 (local centre 1 and 2). Details of the uses that will comprise this floorspace, design and specification, standards, management arrangements and timing(s) of delivery within Phase 2 and 3 shall be submitted to and approved by the local planning authority. The D2 details shall comply with Sport England 'Sports Halls: Design guidance note' and Sport England 'Sports Halls: Sizes and Layouts Design guidance note' (or the equivalent document which replaces either) current at the time the detailed application is submitted. The approved D2 uses shall be transferred to the local authority at nil cost on completion of the new facility and in accordance with the approved strategy.

REASON: To provide sport and recreation facilities for the development in accordance with PPG17, Policy 1 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policies 6 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 22 Each application for detailed planning approval (Full or Reserved Matters) for/including a school shall be accompanied by a strategy, to be approved by the Local Planning Authority, which sets out how that school and its facilities 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 not be carried out other than in accordance with the approved strategy.

REASON: To provide community facilities for the Phases 1, 2 and 3, in accordance with Policy 1 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policies 6 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

Retail

- 23 A maximum total floorspace of 500 square metres of A1, A3, A4 and A5 uses shall be provided in Phase 2 of the development at local centre 3. This shall include at least 100 sq m A1 (see condition 18). The remaining floorspace shall be shared between A3, A4 and A5 uses. Any Reserved Matters or Full application for the Local Centres shall include details of, and a justification for the chosen size and mix of uses.

REASON: To provide a range of local facilities for the 950 homes in Phase 2 in accordance with Policy 1 of the East Midlands Regional Plan (2009), Strategic Policy 3 and SRS Northamptonshire 4 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policies 6, 12 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 24 A maximum total floorspace of 600 square metres of A1, A3, A4 and A5 uses shall be provided in Phase 3 of the development, between Local Centres 1 and 2 this shall include at least 100 sq m A1 at each Local Centre. (see condition 19). The remaining floorspace shall be shared between A3, A4 and A5 uses. Any Reserved Matters or Full application for the Local Centres shall include details of, and a justification of the chosen size and mix of uses and choice of split between Local Centre 1 and Local Centre 2.

REASON: To provide a range of local facilities for the 2,700 homes in Phase 3 in accordance with Policy 1 of the East Midlands Regional Plan (2009), Strategic Policy 3 and SRS Northamptonshire 4 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policies 6, 12 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

Commercial Unit Sizes

- 25 Prior to the submission of any details relating to the Design Code, a Retail Strategy which sets out the scale of the Class A units, including the supermarket, and how the total floorspace of each Class A use (as detailed in the Land Use Schedule received 21 August 2009) will be split into units shall be submitted to and approved by the local planning authority. This shall include the range of unit sizes to be provided, number of units within each range, and the maximum unit size for each use. This strategy shall be evidenced by the completion of Retail Impact Assessment. The development shall not be carried out other than in accordance with the approved strategy.

REASON: To ensure there is no detrimental impact on the vitality and viability of Kettering town centre in accordance with PPS 6 Policy 22 of the East Midlands Regional Plan (2009), and Policy 12 and 16 of the North Northamptonshire Core Spatial Strategy (2008) and to create sustainable District and Local Centres which offer people choice in accordance with Policy 22 of the East Midlands Regional Plan (2009) Policy MKSM SRS Northamptonshire 4 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policies 12 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

Community Facilities

- 26 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order with or without modification, the floorspace to be provided for Class D2 at the District and Local Centres shall be used for sports and community leisure uses only, and for no other purpose within Class D2, and shall be retained as such and shall not be used for any other purpose.

REASON: To provide sport and recreation facilities for the development in accordance with PPG17, Policy 1 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policies 6 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

Open Space

27 Prior to the commencement of development an Open Space Strategy (all types of formal and informal open space) shall be submitted to and approved in writing by the local planning authority. The strategy shall include specifications, timing of completion within the development and within each phase and the on-going management arrangements for each of the following types of open space/Green Infrastructure resources.

- i) All areas of informal and formal open space identified on the Green Infrastructure Parameters Plan (received 2 February 2009);
- ii) Playing fields/sport pitches;
- iii) Other outdoors sports facilities;
- iv) Children's play areas including 55 LAPs, 13 LEAPs and 4 NEAPs;
- v) 5.2 hectares of allotments;
- vi) Sustainable Urban Drainage Systems, watercourses and other water bodies;
- vii) Existing woodland areas and 26 hectares of new woodland planting;
- viii) Areas of parkland including (not exclusively) the Central Park and East Park Edge;
- ix) GI linkages including pedestrian and cycle links and public rights of way and bridleways.

The strategy shall be implemented in accordance with the approved details.

REASON: In the interests of residential amenity, visual amenity and provision of multi-functional Green Infrastructure and connectivity in accordance with the principles of sustainable development in accordance with PPG17, Policies 1, 26, 27, 28, 29, 30 and 33 of the East Midlands Regional Plan (2009) and Strategic Policy 3 of the MKSM Sub-Regional Strategy (2005) and Policies 5, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

28 Prior to the commencement of development the arrangements for the ongoing management of the public realm (excluding areas of open space dealt with by condition 25), street furniture and any unadopted roads shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details

REASON: To ensure a continued high quality public realm in accordance with PPS 1, Policy 1 of the East Midlands Regional Plan (2009) and policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

29 Prior to commencement of any development a strategy for relocating the existing 'Green Patch' facility to a site on the development shall be submitted to and approved by the local planning authority. This strategy shall include details of its design (its size shall be commensurate with the existing site), location (it shall be as close to the existing site as possible), site characteristics (including the quality of the

land and soil (which shall be commensurate with the existing site), facilities and amenities to be provided on site, a timetable for completion and transfer of the new facility to the local authority. The strategy shall include evidence of consultation with users of the existing Green Patch facility on the contents of the strategy. The new 'Green Patch' facility shall be provided in accordance with the approved strategy. The new site shall be transferred to the local authority at nil cost on completion of the new facility and 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 in accordance with Policy 13 (g) of North Northamptonshire Core Spatial Strategy (2008).

Health Facilities

- 30 No more than 1750 dwellings shall be occupied until a healthcare facility (maximum of 2000 square metres floorspace) is built at the District Centre in accordance with details (including build specification) to be submitted to and approved by the local planning authority. The healthcare facility shall be completed in accordance with the approved details.

REASON: To provide health facilities for the development in accordance with Policy 1 of the East Midlands Regional Plan (2009), Strategic Policy 3 and SRS Northamptonshire 4 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 6 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

Design Coding

- 31 No reserved matters application shall be submitted (except reserved matters applications relating to any strategic infrastructure works, other than roads) until and unless a Design Code for the site as shown on the Strategic Master Plan Drawing No: BBD005/105 Rev A (received 2 February 2009) and Revised Land Use Schedule (received 21 August 2009) has been submitted to and approved in writing by the local planning authority. The Design Code shall be in accordance with the 'Design of Character Areas' supplementary document submitted with the application (dated September 2008), the Strategic Master Plan (received 2 February 2009), Parameter Plans (received 2 February 2009) and the Scale Parameters (21 August 2009). Reserved matters shall accord with the Design Codes. Any revisions to the design code shall be submitted to the local planning authority and approved in writing. The content of the submitted Design Codes shall be approved by the local planning authority and shall include the following elements (list not exhaustive):
- i) Urban design principles;
 - ii) Character areas;
 - iii) Treatment of the development edge;
 - iv) Block principles;
 - v) Boundary treatments;
 - vi) Building types and uses;
 - vii) Buildings heights;
 - viii) Movement network including street types, route hierarchy, footpaths, cycleways and bus service links to the District and Local Centres;

- ix) Location and design parameters of D1 and D2 uses with the District Centre and Local Centres
- x) Street cross-sections and plans
- xi) Public realm strategy including lighting and street furniture;
- xii) SUDS, parks, open spaces and landscaping;
- xiii) Buildings materials and details;
- xiv) Shop front treatment
- xv) All external surface materials including footpaths, cycleways and streets;
- xvi) Street cross-sections and plans;
- xvii) Parking strategy including layout and parking allocations for private motor vehicle, car club vehicles and cycles;
- xviii) Secured by design;
- xix) Location of emergency services infrastructure;
- xx) Environmental standards and sustainable design elements;
- xxi) Implementation and reviews;

REASON: To secure a high quality design and in the interests of the visual appearance of the development in accordance with PPS 1 and PPS3, Policies 1 and 2 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 32 Each Reserved Matters application shall accord with the approved design codes and shall be accompanied by a written statement of conformity which demonstrates compliance with the design code(s).

REASON: To ensure a high quality design in accordance with the principles of PPS1 and PPS3 and Policies 1 and 2 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 33 Prior to the commencement of any development within a parcel (as shown on the Strategic Master Plan (received 2 February 2009) or any sub-parcel, samples of the materials to be used in the construction of the external surfaces, including buildings, highway surfaces and other public realm surfaces, within that phase or development parcel shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved materials.

REASON: In the interests of the visual appearance of the development in accordance with PPS 1, Policy 1 and 2 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005), and Policy 13 and Policy 16 of the North Northamptonshire Core Spatial Strategy (2008).

Sustainable Design

- 34 Residential units completed between 2008-2012 shall achieve a minimum Code for Sustainable Homes (CSH) Level 3, residential units completed 2013-2015 shall

achieve a minimum Code Level 4 and from 2016 onwards Code Level 6 shall be achieved (or the equivalent standard which replaces the Code for Sustainable Homes which is to be the assessment in force when the residential units concerned are registered for assessment purposes).

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 PPS 1, PPS Planning and Climate Change Supplement to PPS 1, Policy 2, 32 and 39 of East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

- 35 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 constructed) unless otherwise agreed with the local planning authority through the design coding process.

REASON: To ensure dwellings within the development are capable of being adapted to meet the needs of all people in accordance with Policy 1 of East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 15 of the North Northamptonshire Core Spatial Strategy (2008).

- 36 Non-domestic buildings shall achieve a minimum of Building Research Establishment Environment Assessment Method (BREEAM) level "very good" (or the equivalent standard which replaces the Building Research Establishment Environmental Assessment Method which is to be the assessment in force when the Commercial Unit or Units concerned are registered for assessment purposes).

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 PPS 1, PPS Planning and Climate Change Supplement to PPS 1, Policies 2, 32 and 39 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

- 37 Reserved matters applications for layout and/or appearance of any buildings 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 relevant Building Research Establishment Environment Assessment Method level (BREEAM) Rating and relevant Code for Sustainable Homes Level (CSH) will be achieved based on the actual design of the Commercial Units or Residential Units (as appropriate) in the relevant development parcel.

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 PPS 1, PPS Planning and Climate

Change Supplement to PPS 1, Policy 2, 32 and of the 39 East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

- 38 Prior to the commencement of development within a development parcel (as shown on the Strategic Master Plan (received 2 February 2009) a copy of the Interim Design Stage Assessment Certificate shall be provided to the Local Planning Authority to demonstrate that any residential or non-domestic units to be constructed within that parcel will achieve the required CSH and BREEAM levels (pursuant to conditions 34 and 36).

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 PPS 1, PPS Planning and Climate Change Supplement to PPS 1, Policies 2, 32 and 39 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

- 39 Prior to occupation of any residential or non-domestic unit a copy of the Post Construction Final Certificate shall be provided to the local planning authority to prove that the unit(s) to be occupied have been constructed in accordance with the Sustainability Report and that the development has achieved the required CSH and BREEAM levels (required by conditions 34 and 36).

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 PPS 1, PPS Planning and Climate Change Supplement to PPS 1, Policies 2, 32 and 39 East Midlands Regional Plan (2005) Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

- 40 Prior to the submission of the Design Code(s) (pursuant to condition 31) a Low Zero Carbon (LZC) Feasibility Study shall be carried out by an independent energy specialist to establish the most appropriate LZC energy source for the development in order achieve a target of at least 30% of the demand for energy. The feasibility study shall cover as a minimum; energy generated by LZC source per year, payback, land use, noise, whole life cost impact of potential specification in terms of carbon emissions, any available grants, all technologies appropriate to the site, energy demand of the development, reasons for excluding other technologies. The study shall also include a technical and economic viability assessment supporting the actual target if less than 30%. The study shall be submitted and approved in writing by the local planning authority prior to the submission of the Design Code(s). Any revisions to the study shall be submitted to the local planning authority for approval.

REASON: In the interest of tackling climate change, reducing carbon emissions and creating a sustainable development in accordance with PPS 1, PPS Planning and

Climate Change Supplement to PPS 1, PPS 22, Policy 1, 2 and 39 East Midlands Regional Plan (2009) and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

Waste

- 41 Prior to commencement of development and no later than the submission of the first Reserved Matters relating to layout, appearance or scale a site specific Waste Audit must be submitted to and approved in writing by the local planning authority. The Waste Audit shall address the provisions set out in Section 2, Part A, Paragraph 2.25 criterion (a) to (m) (inclusive) of the Northamptonshire County Council Development and Implementation Principles SPD (adopted March 2007). The development shall be carried out in accordance with the approved waste audit and its recommendations.

REASON: To ensure compliance with the requirement for site specific detailed waste audit in accordance with policy 5 of the Northamptonshire Waste Local Plan (2006), the Development and Implementation Principles SPD (2007), Policies 1, 2 and 38 of the East Midlands Regional Plan (2009) and policies 13 ((l) and (m)) and 16 (l) of the North Northamptonshire Core Spatial Strategy (2008).

- 42 Prior to the commencement of development and no later than the submission of the first Reserved Matters relating to layout, appearance or scale a Waste Management Facilities Strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall address the provisions set out in Section 2, Part A, Paragraph 2.50 criterion (a) to (k) (inclusive) of the Northamptonshire County Council Development and Implementation Principles SPD (adopted March 2007). The development shall be carried out in accordance with the approved waste management facilities strategy and its recommendations.

REASON: To ensure compliance with policy 6 of the Northamptonshire Waste Local Plan, the Development and Implementation Principles SPD (2007), Policies 1, 2 and 38 of the East Midlands Regional Plan (2009) and policies 13 ((l) and (m)) and 16 (l) of the North Northamptonshire Core Spatial Strategy (2008).

- 43 A waste management facility shall be provided at the District Centre (as shown on the Strategic Master Plan (received 2 February 2009) within Phase 1 of the development. This facility shall be provided in accordance with the details provided pursuant to condition 42.

REASON: To provide residents and workers of the SUE with waste management facilities in accordance with Policies 1, 2 and 38 of the East Midlands Regional Plan (2009) and policies 13 ((l) and (m)) and 16 (l) of the North Northamptonshire Core Spatial Strategy (2008) and Policy 6 of the Northamptonshire Waste Local Plan.

Biodiversity

- 44 Development shall take place in accordance with the Bat Mitigation Strategy dated August 2008 contained within the Environmental Statement Supplement 2008 and the Bat Survey Report Rev A dated August 2009.

REASON: To ensure necessary ecological mitigation measures and management regimes are implemented in accordance with the Environmental Statement and in accordance with PPS 9, Policy 1, 26, 28, 29 of the East Midlands Regional Plan (2009) and Policy 5, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 45 Development shall take place in accordance with the Badger Mitigation Strategy dated July 2008 contained within the Environmental Statement Supplement 2008.

REASON: To ensure necessary ecological mitigation measures and management regimes are implemented in accordance with the Environmental Statement and in accordance with PPS 9, Policy 1, 26, 28, 29 of the East Midlands Regional Plan (2009) and Policy 5, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 46 Development shall take place in accordance with the Great Crested Newts Mitigation Strategy dated July 2008 contained within the Environmental Statement Supplement 2008.

REASON: To ensure necessary ecological mitigation measures and management regimes are implemented in accordance with the Environmental Statement and in accordance with PPS 9, Policy 1, 2, 26, 28 and 29 of the East Midlands Regional Plan (2009) and Policy 5, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 47 Prior to the commencement of development a Reptile Method Statement shall be submitted to and approved by the local planning authority. The Method Statement shall be in accordance with recommendations of the Reptile Survey contained within Environmental Statement Supplement 2008. The development shall be carried out 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).

- 48 Prior to the commencement of development an Ecological Management Plan shall be submitted to and approved in writing to the local planning authority, the implementation of which should be overseen by a suitably experienced ecological clerk of works. The Ecological Management Plan shall be in accordance with the Green Infrastructure Habitat Creation Plan (received 10 September 2009). 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 PPS1, PPS9, Policy 1, 2, 28, 29 and 30 of the East Midlands Regional Plan (2009) and Policies 5, 13 and 16 of

the North Northamptonshire Core Spatial Strategy (2008).

- 49 Prior to the commencement of development a Green Infrastructure Strategy in accordance with the proposals of the Green Infrastructure Environmental Statement Supplement (dated August 2008) (excluding the GI phasing plans) shall be submitted to and approved in writing by the local planning authority. The strategy shall demonstrate how a net gain in Green Infrastructure will be achieved and will include full details of the proposals, phasing of Green Infrastructure, timing of Green Infrastructure delivery within phases and management regimes. The development shall be carried out in accordance with the approved GI Strategy.

REASON: To secure a net gain in Green Infrastructure in accordance with Policies 28, 29 and 30 of the East Midlands Regional Plan (2009) and Policy 5, 13 and 16 (j) of the North Northamptonshire Core Spatial Strategy (2008).

- 50 The development shall be carried out in accordance with the Ecological Chapter of the Environmental Statement Supplement (dated August 2008), Ecological Chapter of the Environmental Statement Supplement (dated January 2009) and the Green Infrastructure Habitat Creation Plan (received 10 September 2009).

REASON: The proposal is subject of an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 upon which the Master Plan is based and the significance of any material alteration and impact that has not been assessed must be considered. The development must be limited accordingly and not differ from that tested by the Environmental Statement.

Flood Risk & Drainage

- 51 No works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase (as shown on Phasing Plans – Phase 1 Drawing No. BBD005\113 Rev A, Phase 2 Drawing No. BBD005\114 Rev A, Phase 3 Drawing No. BBD005\115 Rev A, all received 02 February 2009) of the development, hereby permitted until and unless full details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the erection of any buildings within that phase of the development.

REASON: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with PPS 25, Policy 1, 2, 32 and 35 of the East Midlands Regional Plan (2009) and Policy 5 and 13 (q) of the North Northamptonshire Core Spatial Strategy. (2008).

- 52 Prior to the commencement of each phase of development (as shown on Phasing Plans – Phase 1 Drawing No. BBD005\113 Rev A, Phase 2 Drawing No. BBD005\114 Rev A, Phase 3 Drawing No. BBD005\115 Rev A, all received 02 February 2009) details of pollution prevention measures for all surface water drainage facilities 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.

REASON: To prevent pollution of the water environment in accordance with PPS 23, Policy 1, 2, and 32 of the East Midlands Regional Plan (2009) and Policy 5 and 13 (q) of the North Northamptonshire Core Spatial Strategy. (2008).

- 53 Prior to the commencement of any phase of the development (as shown on Phasing Plans – Phase 1 Drawing No. BBD005\113 Rev A, Phase 2 Drawing No. BBD005\114 Rev A, Phase 3 Drawing No. BBD005\115 Rev A, all received 02 February 2009) details of a scheme for pollution control during groundworks and construction, including surface water runoff management, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

REASON: To prevent pollution of the water environment in accordance with PPS 23, Policy 1, 2, and 32 of the East Midlands Regional Plan (2009) and Policy 13 (q) of the North Northamptonshire Core Spatial Strategy. (2008).

- 54 Prior to the commencement of development within any phase of the development (as shown on Phasing Plans – Phase 1 Drawing No. BBD005\113 Rev A, Phase 2 Drawing No. BBD005\114 Rev A, Phase 3 Drawing No. BBD005\115 Rev A, all received 02 February 2009) details of a scheme for water efficiency in non-residential buildings 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.

REASON: To ensure the efficient use of water to protect water resources in accordance with PPS 1, PPS Planning and Climate Change Supplement to PPS 1, Policy 1, 2 and 32 of the East Midlands Regional Plan (2009) and Policy 14 of the North Northamptonshire Core Spatial Strategy. (2008).

- 55 No built development (excluding the access bridge over the River Ise) shall take place within flood risk zones 2 and 3 as detailed in Table D1 of Planning Policy Statement 25 (PPS 25) which shall be defined in the Stage Two Flood Risk Assessment pursuant to condition 56.

REASON: To reduce the risk of flooding to the occupants, site and third parties in accordance with PPS 25, Policy 1, 2 and 35 of the East Midlands Regional Plan (2009) and Policy 5 and 13 (q) of the North Northamptonshire Core Spatial Strategy. (2008).

- 56 Prior to the first submission of Reserved Matters a Stage Two Flood Risk Assessment (FRA), including a surface water drainage strategy for the whole application site and flood risk reduction measures/scheme shall be submitted to and approved in writing by the local planning authority. The Stage Two FRA shall include flood zone mapping of the tributaries which run through the application site and timings or a phasing plan for the implementation of works identified by this FRA. The approved Stage Two FRA and any works identified by this shall be implemented in accordance with the approved timings or phasing plan. The development shall be carried out in accordance with the approved details.

REASON: To reduce the impact of flooding on the proposed development and future occupants in accordance with PPS 25, Policy 1, 2, 33 (refers to managing flood risk), 35 of the East Midlands Regional Plan (2009) and Policy 5 (refers to water management) and 13 (q) of the North Northamptonshire Core Spatial Strategy. (2008).

- 57 Each reserved matters shall accord with the approved drainage scheme required by condition 51 and shall be accompanied by a written statement of conformity which demonstrates compliance with the drainage scheme. The development shall be carried out in accordance with the approved drainage details pursuant to condition 51.

REASON: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with PPS 23, PPS 25, Policy 1, 2, 32 and 35 of the East Midlands Regional Plan (2009) and Policy 5 and 13 (q) of the North Northamptonshire Core Spatial Strategy. (2008).

- 58 Prior to the commencement of Phase 2 of the development, full details of any structures crossing the River Ise shall be submitted to and approved by the local planning authority for approval. Details should include options analysis and preferred options for all such structures in flood zones 2 and 3, including siting, design, materials and construction, details of floodplain compensatory storage that is required and timings for construction and completion. The development shall be carried out in accordance with the approved scheme.

REASON: To reduce the impact of flooding on the proposed development and future occupants in accordance with PPS 25, Policy 1, 2, and 35 of the East Midlands Regional Plan (2009) and Policy 5 and 13 (q) of the North Northamptonshire Core Spatial Strategy. (2008).

Landscaping

- 59 No development or other operations shall take place on a phase of the development (as shown on Phasing Plans – Phase 1 Drawing No. BBD005\113 Rev A, Phase 2 Drawing No. BBD005\114 Rev A, Phase 3 Drawing No. BBD005\115 Rev A, all received 02 February 2009), until a scheme for strategic landscape works for that phase, including landscaping of key access routes (motorised and non-motorised routes), the Central Avenue and treatment of the surroundings of the relevant phase of the development shall be 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 hedges to be retained in accordance with British Standard 5837 (Trees in Relation to Construction 2005: recommendations);

Appendix A

- iv. the layout of all new planting including species, plant sizes, spacing and numbers to be planted; and
- v. existing contours and any proposed alterations to the land such as earth mounding.
- 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 not be carried out other than in accordance with the approved scheme.

REASON: In the interests of the visual appearance of the development and enhancement to biodiversity in accordance with PPS 1, PPS 9, Policy 2, 28 and 29 of the East Midlands Regional Plan (2009) and Policies 5 and 13 (h) of the North Northamptonshire Core Spatial Strategy.

- 60 No development or other operations shall take place (other than strategic infrastructure works or strategic landscaping) on each development parcel (as shown on Strategic Master Plan drawing number BBD005\105 Rev A (received 2 February 2009) and Phasing Plans – Phase 1 Drawing No. BBD005\113 Rev A, Phase 2 Drawing No. BBD005\114 Rev A, Phase 3 Drawing No. BBD005\115 Rev A (all received 02 February 2009), or any sub-parcel, until a scheme of hard and soft landscaping which includes the items listed i – v in condition 59 shall be submitted to and approved in writing by the local planning authority. The approved schemes shall be carried out in the first planting and seeding seasons following the occupation of the buildings on each development parcel or sub parcel or the completion of the development whichever is the sooner. 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 PPS 1, PPS 9, Policy 2, 28 and 29 of the East Midlands Regional Plan (2009) and Policies 5 and 13 (h) of the North Northamptonshire Core Spatial Strategy.

- 61 No development or other operations undertaken on site including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery shall commence on site unless and until a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the local planning authority. The development-and all other operations shall take place 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 conditions 59(iii) and 60 (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 conditions 59 (iii) and 60 (iii).

c) Timing and phasing of Arboricultural works in relation to the approved development.

REASON: To ensure the continued well being of the trees in the interests of the visual appearance of the locality and the preservation of biodiversity in accordance with PPS 1, PPS 9, Policy 2, 28 and 29 of the East Midlands Regional Plan (2009) and Policies 5 and 13 (h) of the North Northamptonshire Core Spatial Strategy (2008).

- 62 No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected by the approved protection scheme outlined in Condition 61.

REASON: To ensure the continued well being of the trees in the interests of the visual appearance of the locality and the preservation of biodiversity in accordance with PPS 1, PPS 9, Policy 2, 28 and 29 of the East Midlands Regional Plan (2009) and Policies 5 and 13 (h) of the North Northamptonshire Core Spatial Strategy (2008).

- 63 The existing hedges which are shown as being retained on the approved plans and in the Habitat Creation Plan dated 10 September 2009 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 with hedging plants of such size and species as approved in writing by the local planning authority.

REASON: To ensure the continued well being of hedges in the interests of the visual appearance of the locality and the preservation of biodiversity in accordance with PPS 1, PPS 9, Policy 2, 28 and 29 of the East Midlands Regional Plan (2009) and Policies 5 and 13 (h) of the North Northamptonshire Core Spatial Strategy (2008).

- 64 Prior to the occupation of each phase as shown on Phase 1 Drawing No. BBD005\113 Rev A, Phase 2 Drawing No. BBD005\114 Rev A, Phase 3 Drawing No. BBD005\115 Rev A (all received 02 February 2009) a landscape management plan for the strategic landscaping works approved under condition 59 shall be submitted to and approved by the local planning authority. Such management plans shall include long term objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned, domestic gardens. The development shall not be carried out other than in accordance with the approved landscape management plan.

REASON: In the interests of the visual appearance of the development and enhancement to biodiversity in accordance with PPS 1, PPS 9, Policy 2, 28 and 29 of the East Midlands Regional Plan (2009) and Policies 5 and 13 (h) of the North Northamptonshire Core Spatial Strategy (2008).

- 65 Prior to the occupation of any development parcel (as shown on the Strategic Master Plan drawing number BBD005\105 Rev A (received 2 February 2009) a landscape management plan for the hard and soft landscaping of development parcels required by condition 60 shall be submitted to and approved by the local planning authority. Such management plans shall include long term objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned domestic gardens. The development shall not be carried out other than in accordance with the approved landscape management plan.

REASON: In the interests of the visual appearance of the development and enhancement to biodiversity in accordance with PPS 1, PPS 9, Policy 2, 28 and 29 of the East Midlands Regional Plan (2009) and Policies 5 and 13 (h) of the North Northamptonshire Core Spatial Strategy (2008).

- 66 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 59,60,64 & 65.

REASON: To ensure a satisfactory level of amenity space and to protect the visual appearance of the development in accordance with PPS 1, Policy 2 of the East Midlands Regional Plan (2009) and Policy 13 (h) of the North Northamptonshire Core Spatial Strategy (2008).

Air Quality

- 67 No development shall be undertaken except in accordance with the scheme for the mitigation of air quality impact as detailed in the Environmental Statement Chapter 12 Air Quality, and the Addendum Air Quality November 2009. Any amendments to the scheme shall be submitted to, and approved in writing by the Local Planning Authority prior to the implementation of the scheme.

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 PPS 23, Policy 1 and 36 of the East Midlands Regional Plan (2009) and Policy 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 68 In the event of the Weekley Warkton Avenue not been completed and open to traffic prior to the commencement of phase 3 of the development 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 prior to any phase 3 development being commenced.

REASON: To ensure the continued protection of air quality from the development in accordance with PPS 23, Policy 1 and 36 of the East Midlands Regional Plan (2009) and Policy 13 and 16 of the North Northamptonshire Core Spatial Strategy

(2008).

Contamination

- 69 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to E 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 condition 4 has been complied with in relation to that contamination. In submitting the scheme for approval regard shall be given to Chapter 10 of the Alledge Brook LLP Kettering East Environmental Statement 5,500 Dwellings and Related Land Uses, July 2007 as amended.

A. Site Characterisation

- A (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:
- A (ii) a survey of the extent, scale and nature of contamination;
- A (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;
- A (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, unless otherwise agreed in writing by the Local Planning Authority. 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 (referred to in PPS23 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 condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 condition 3.

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 PPS 23, Policy 1, 2 and 32 of East Midlands Regional and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

Archaeology

Conditions to be added after consideration of further information to be submitted

Minerals

- 70 Prior to the commencement of any part of the development an assessment of the potential mineral resource of the site shall be completed. The assessment, its findings and recommendations shall be submitted to and approved by the local planning authority. Should the assessment identify any such resource being present, extraction will be required prior to commencement of the development hereby permitted in accordance with a strategy that shall be submitted to and approved by the local planning authority.

REASON: To ensure that any possible mineral reserves within the site are not sterilised in accordance with Policy 10 of the Northamptonshire Minerals Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

Construction Phase

- 71 Prior to the commencement of any part of the development a Construction Management Plan shall be 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.

REASON: In the interests of residential amenity, highway safety and visual amenity in accordance with Policy 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

Access and Movement

- 72A No reserved matters application shall be submitted or determined for development on any development parcel (except reserved matters applications relating to any strategic infrastructure works, other than roads) until and unless there has been submitted to and approved in writing by the Local Planning Authority a comprehensive traffic access and impact assessment to deal with all impacts arising from access to the development from the A14. The assessment shall include a detailed methodology for investigation, modelling, testing, and evaluation of potential alternative schemes (i.e. alternatives to the scheme submitted with the application) and shall take account of highway safety and efficiency, highway capacity (proving junctions operate within 85% of practical capacity) and all identified environmental and residential amenity impacts, together with full details of proposed measures and methods for impact mitigation.
- 72B In the event that the approved assessment at Part A concludes that there is a viable alternative scheme to the one submitted with the application, no development shall commence until there has been submitted to and approved in writing by the Local Planning Authority further detailed design, engineering, layout and constructional drawings and details for implementation of the viable alternative scheme including phasing and timing of all on-site and off-site works linked with occupation of the development. The development shall not be carried out other than in accordance with the approved scheme, and mitigation measures.
- 72C In the event that the approved assessment at Part A concludes that there is no viable alternative scheme to the one submitted with the application, or no other scheme is approved under Part B above, then development shall not be carried out other than in accordance with Part D below.
- 72D No development shall take place until full layout, design and construction details in relation to the following A14 junction improvements have been submitted to and approved in writing by the Local Planning Authority:-
- a) the details of Junction 9 mitigation
 - b) the details of junction 10 mitigation
 - c) the new junction 10a and link road of the A6

Such improvements to junction 10a to be generally in accordance with the Colin Buchanan drawing number 136171-OS-022, or such alternative scheme as has been approved in writing under section A or B of this condition, by the Local Planning Authority.

Such improvements to junctions 9, 10 and 10a shall be informed by a DfT WebTAG compliant model of the local and strategic road network, the scope of which shall have been previously approved in writing by the Local Planning Authority and shall include as a minimum the following:

- i) full design and lighting details
- ii) full compliance with the current DMRB and Departmental Policies (or approved relaxations/departures from standards)
- iii) independent Stage One and Stage Two Road Safety Audit
- iv) New approach to Appraisal (NATA)/Project Appraisal Report (PAR) assessment
- v) Proposals for any phasing and implementation

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 13 of the North Northamptonshire Core Spatial Strategy (2008).

- 73 No more than 1750 dwellings shall be commenced until a contract for the construction of the improvements to junctions 10 and 10a of the A14, pursuant to Condition 72 above, has been let and work on those approved junction improvements has commenced.

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 13 of the North Northamptonshire Core Spatial Strategy (2008).

- 74 No more than 1750 dwellings shall be occupied until the works to junction 10 and 10a of the A14, pursuant to Condition 72 above, are completed, in accordance with the approved details 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 13 of the North Northamptonshire Core Spatial Strategy (2008).

- 75 No more than 300 dwellings shall be occupied until an up to date traffic capacity assessment of junction 10 of the A14 has been submitted to the Local Planning Authority and any requirements identified in the assessment to enhance the capacity of the junction in order to accommodate phase 1 of the development, and proving junctions operate within 85% of practical capacity have been approved and implemented.

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 13 of the North Northamptonshire Core Spatial Strategy (2008).

- 76 No more than 1, 750 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 detailed on David Lock Associates Drawing No.BBD/005/113 Rev A, 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 13 of the North Northamptonshire Core Spatial Strategy (2008).

- 77 No more than 1750 dwellings shall be occupied until mainline widening of the A14 between junction 7 and 9 has been constructed by the Highways Agency, acting for the secretary of State for Transport, and is fully operational.

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 13 of the North Northamptonshire Core Spatial Strategy (2008).

- 78 No part of the development hereby permitted shall be occupied until a detailed scheme of improvements to junction 9 of the A14 in accordance with drawing 136171-OS-24 Revision A, or such alternative scheme of strategic highways improvements in the vicinity of the site, as have previously been approved in writing by the Local Planning Authority have been completed and are fully operational.

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 13 of the North Northamptonshire Core Spatial Strategy (2008).

- 79 Prior to the commencement of the development hereby permitted the following offsite highway works and development access junctions shall be completed in accordance with full engineering, drainage, street lighting, signal, constructional details and capacity calculations (proving junctions operate within 85% of practical capacity) which shall have first been submitted to and approved in writing by Local Planning Authority:-

Appendix A

- Warkton Lane / Deeble Road (Access (D) shown indicatively on Drawing No. 136171-OS-10 Rev R)
- Barton Road / Warkton Lane (Access (E) shown indicatively on Drawing No. 136171-OS-11 Rev R)

Barton Road (South) (Access (F) shown indicatively on Drawing No. 136171-OS-12 Rev R)

REASON: In the interests of road safety, efficiency, sustainability, and amenity in accordance with policies 43, 45 and 46 of the East Midlands Regional Plan, MKSM Policy 3 and policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

80 Prior to the first occupation of the first 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 (proving the junctions operate within 85% of practical capacity) which shall have first been submitted to and approved in writing by the Local Planning Authority :-

- Stamford Road / Windmill Avenue (Access (a) shown indicatively on Drawing No. 136171-OS-13 Rev R)
- Windmill Avenue / St Mary's Road (Access (b) shown indicatively on Drawing No. 136171-OS-14 Rev R)
- Windmill Avenue / Deeble Road (Access (c) shown indicatively on Drawing No.136171-OS-15 Rev R)
- London Road / Barton Road (Access (d) shown indicatively on Drawing No. 136171-OS-16 Rev R)
- Cranford Road / Barton Road (Access (g) shown indicatively on Drawing No. 163171-OS-18 Rev R)

Bus Priority Scheme, ((f) shown indicatively on Drawing No. Drawing No. 136171-OS-006 Rev R and 136171-OS-03 Rev R)

REASON: In the interests of road safety, efficiency, sustainability, and amenity in accordance with policies 43, 45 and 46 of the East Midlands Regional Plan, MKSM Policy 3 and policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

81 Prior to the construction of no more than 1,750 dwellings of the development hereby permitted the following offsite highway works and development access junctions shall be completed in accordance with full engineering, drainage, signal, constructional details and capacity calculations (proving junctions operate within 85% of practical capacity) which shall have first been submitted to and approved in writing by the Local Planning Authority:-

- New Link Road over the Ise and Junction with Elizabeth Road (Access (C) shown indicatively on Drawing No. 136171-OS-09 Rev R)
- Windmill Avenue / Barton Road (Access (e) shown indicatively on Drawing No. 136171-OS-17 Rev R)

REASON: In the interests of road safety, efficiency, sustainability, and amenity in

accordance with policies 43, 45 and 46 of the East Midlands Regional Plan, MKSM Policy 3 and policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 82 No reserved matters application shall be submitted or determined for development on any development parcel (except reserved matters applications relating to any strategic infrastructure works, other than roads) until and unless a detailed Development Phasing Plan for all highway and access works taking account of highway capacity (proving junctions operate within 85% of practical capacity), highway safety, environmental, residential amenity and local accessibility issues, shall be submitted to and approved in writing by the local planning authority. The Development Phasing Plan shall include the phasing of the dwelling construction and predicted occupation, timing of off site highway works, pedestrian / cycle and emergency vehicle linkages. All highway and access works shall be implemented in accordance with the approved Development Phasing Plan.

REASON: In the interests of road safety, efficiency, sustainability, and amenity in accordance with policies 43, 45 and 46 of the East Midlands Regional Plan, MKSM Policy 3 and policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 83 No reserved matters application shall be submitted or determined for development on any development parcel (except reserved matters applications relating to any strategic infrastructure works, other than roads) until and unless a Walking and Cycling Audit shall be submitted to and approved in writing by Local Planning Authority. No development shall be commenced until details of the Walking and Cycling Measures arising from the Audit, which for the avoidance of doubt shall include measures such as dropped kerbs, tactile paving and controlled pedestrian/cycle crossing(s) and signage to be carried out within the public highway that reasonably relate to the proposed development along with a programme of delivery have been submitted to and approved in writing by the local planning authority. Such Walking and Cycling Measures shall be carried out in accordance with the approved programme of delivery.

REASON: In the interests of road safety, efficiency, sustainability, and amenity in accordance with policies 43, 45 and 46 of the East Midlands Regional Plan, MKSM Policy 3 and policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

- 84 No reserved matters application shall be submitted or determined for development on any development parcel (except reserved matters applications relating to any strategic infrastructure works, other than roads) until and unless there has been submitted to and approved in writing by the Local Planning Authority a comprehensive traffic access and impact assessment to deal with all impacts arising from the Weekley Warkton Avenue, the Elizabeth Road link into the development and associated junctions. The assessment shall take account of highway safety and efficiency, highway capacity and timing of delivery of the roads and junctions and all identified environmental and residential amenity impacts, and shall include full details of proposed measures and methods for impact mitigation. The development shall be not be carried out otherwise than as approved.

REASON: In the interests of residential amenity in accordance with the principles of sustainable development in accordance with PPS1, Policies 1, 2, 45 and 46 of the East Midlands Regional Plan (2009) and Strategic Policy 3 of the MKSM Sub-Regional Strategy (2005) and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

Noise

- 85 All applications for the approval of reserved matters shall include a noise impact assessment for the proposed development, having regards to all noise sources existing or having planning approval at the time of the application, to be submitted to and approved by the Local Planning Authority. The impact assessment shall include a review of the data provided within the Environmental Statement, and Addendum Noise Report forming part of the Outline application, further noise monitoring and modelling where necessary, and where necessary 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. Development shall be carried out in accordance with any approved noise mitigation scheme.

REASON: To ensure adequate protection against noise in accordance with PPG24, policy 2 of the East Midlands Regional Plan (2009) and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

- 86 Each application for detailed planning approval (Full or Reserved Matters) for/including the Elizabeth Road shall be accompanied by a further noise impact assessment. The assessment shall have regards to the baseline noise conditions for the year of opening of the access link, and predicted noise levels for fifteen years after the year of opening. The assessment shall be undertaken in accordance with the Calculation of Road Traffic Noise (CRTN) methodology. Where necessary, a scheme of mitigation designed to satisfy the requirements of the Land Compensation Act 1973, 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 shall be submitted to and approved in writing by the local planning authority. The access link shall not be opened for vehicular traffic until the approved scheme of mitigation has been implemented, and a validation report has been submitted to an approved in writing by the local planning authority.

REASON: To ensure adequate protection against noise generated as a result of the development for the residents of Elizabeth Road in accordance with PPG24, policy 2 of the East Midlands Regional Plan (2009) and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

- 87 Each application for detailed planning approval (Full or Reserved Matters) for/including the Warkton Road / Barton Road junction shall be accompanied by a

further noise impact assessment. The assessment shall have regards to the baseline noise conditions for the year of opening of the access link, and predicted noise levels for fifteen years after the year of opening. The assessment shall be undertaken in accordance with the Calculation of Road Traffic Noise (CRTN) methodology. Where necessary, a scheme of mitigation designed to satisfy the requirements of the Land Compensation Act 1973, 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 shall be submitted to and approved in writing by the local planning authority. The access link shall not be opened for road traffic until the approved scheme of mitigation has been implemented, and a validation report has been submitted to an approved in writing by the local planning authority.

REASON: To ensure adequate protection against noise generated as a result of the development for the residents in the Warkton Road / Barton Road junction area in accordance with PPG24, policy 2 of the East Midlands Regional Plan (2009) and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

- 88 Each application for detailed planning approval (Full or Reserved Matters) for/including the Barton Road / New Link (junction F) junction shall be accompanied by a further noise impact assessment. The assessment shall have regards to the baseline noise conditions for the year of opening of the access link, and predicted noise levels for fifteen years after the year of opening. The assessment shall be undertaken in accordance with the Calculation of Road Traffic Noise (CRTN) methodology. Where necessary, a scheme of mitigation designed to satisfy the requirements of the Land Compensation Act 1973, 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 shall be submitted to and approved in writing by the local planning authority. The access link shall not be opened for road traffic until the approved scheme of mitigation has been implemented, and a validation report has been submitted to an approved in writing by the local planning authority.

REASON: To ensure adequate protection against noise generated as a result of the development for the residents in the Barton Road / New Link (junction F) junction area in accordance with PPG24, policy 2 of the East Midlands Regional Plan (2009) and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

Informatives

Environment Agency

With regard to condition 50 and the design of a foul water drainage scheme, the development shall not be served by on-site waste water package treatment plants or temporary tankering.

Notwithstanding the planning permission(s) that may be granted or extant on the site, any proposed works affecting ordinary watercourses, statutory main river,

within the indicative floodplain or within the byelaw distance (9 metres) requires the prior written consent of the Environment Agency under the relevant statutory legislation and current land drainage byelaws. This will require unimpeded bankside access including for the area proposed for a river crossing.

It should not be assumed that such consent will automatically be forthcoming, and the applicant should consult with the Environment Agency at the earliest opportunity in order to determine and secure formal flood defence consent for the proposed works as appropriate.

Anglian Water

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the applicant will need to ask for the assets to be diverted under Section 185 of the Water Industry Act 1991. Or in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

There is sufficient water resource capacity to supply this development. However, in line with national and regional government policy Anglian Water would wish to see measures taken by the developer to ensure that buildings are constructed to high water efficiency standards. This can be achieved through the design of efficient plumbing systems and the installation of water efficient fixtures and appliances in line with the Code for Sustainable Homes. This will minimise the growth in demand for water from the new development and help to ensure the sustainable use of our regions water resources.

There is insufficient capacity within the existing network to supply this development. Significant lengths of local strategic off site reinforcements will be required. It is anticipated that it will take approximately 18 months from the date of requisition to have these in place.

The foul sewerage system cannot accommodate flows from this proposed development. Please be advised that we are not aware when capacity will become available, but this is unlikely to be within the standard timescales of a planning permission. If development proceeds before further capacity is provided, it is possible that this will result in environmental and amenity problems downstream.

The applicant has indicated on their application that their method of surface water drainage is not to a public sewer. Therefore, this is outside our jurisdiction for comment and the Local Planning Authority will need to see the views of the environment Agency to gauge whether the solutions identified are acceptable from their perspective.

The foul drainage from this development will be treated at Broadholme Sewage Treatment Works. Capacity is not available for the development however upgrades are planned to take place once capacity is reached during 2011.

Lighting

The lighting details required with reserved matters shall include a layout plan with beam orientation and lighting Lux levels and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The scheme shall have regard to the spillage of light beyond the site boundary.

Protected Species

It is the responsibility of the applicant to ensure that where any aspect of the proposals directly affects badgers or their setts, work must be undertaken under licence, which must be obtained from Natural England.

Operations that involve the destruction and removal of vegetation or buildings (or part of a building) shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Local Planning Authority, once they are satisfied that breeding birds will not be adversely affected.

Highways

No works may commence upon the existing public highway without the express written consent of the Highway Authority. Such consent would only be forthcoming subject to the completion of an Agreement under Section 278 of the Highways Act 1980. The preparation of the Agreement would require the submission of full engineering, drainage, street lighting, signal, signing, road marking and constructional details etc along with updated capacity assessments. Submitted details would be subjected to a full Technical and Safety Audit which may result in changes to layouts and works extents shown indicatively on the approved plans.

The developer is advised that details required to discharge conditions associated highway and access works should be submitted to and gain the Technical Approval of the Local Highway Authority prior to submitting such approved details to the Local Planning Authority for the discharge of associated conditions.

After the completion of the Section 278 Agreement, the commencement of any highway works will be subject to suitable Notices required by the New Roads and Streetworks Act 1991 as amended by the Traffic Management Act 2004. This, in practice, means that a three month Notice is required to book the road space necessary to undertake works of this nature on any highway. Separate Notices will be required for each element or phase of the Off Site Highway Works. The County Council's Traffic Manager may stipulate start and completion dates, duration of works and impose penalties for failure to adhere to conditions that may be imposed. Any works that may affect the Trunk Road Network either directly or indirectly will also need the agreement of the Highways Agency in respect of road booking space.

No works may commence or affect any existing public Right of Way without the express written permission of the County Council's Rights of Way Officers. Temporary diversion/closure, conversion and extinguishment Orders will be required to facilitate the development. Details should be discussed and agreed with

the County Council's Rights of Way Officers.

The provision of controlled pedestrian crossings and cycle facilities within the existing highway require the processing of appropriate Statutory Notices which are available for public comment which may result in amendments to crossing locations or routes. The developer is encouraged to ensure that all parties directly affected by such works are informed of proposals.

All Applications for Reserved Matters relating to or including highways infrastructure shall be supported by a Quality Audit as promoted by Manual for Streets and the County Council's Place and Movement Guide. The Quality Audit should include full consideration of the function, use and practicality of the proposed streets.

Public Rights of Way

With respect to construction works to be carried out in close proximity to Public Rights of Way, please note the following standard requirements:

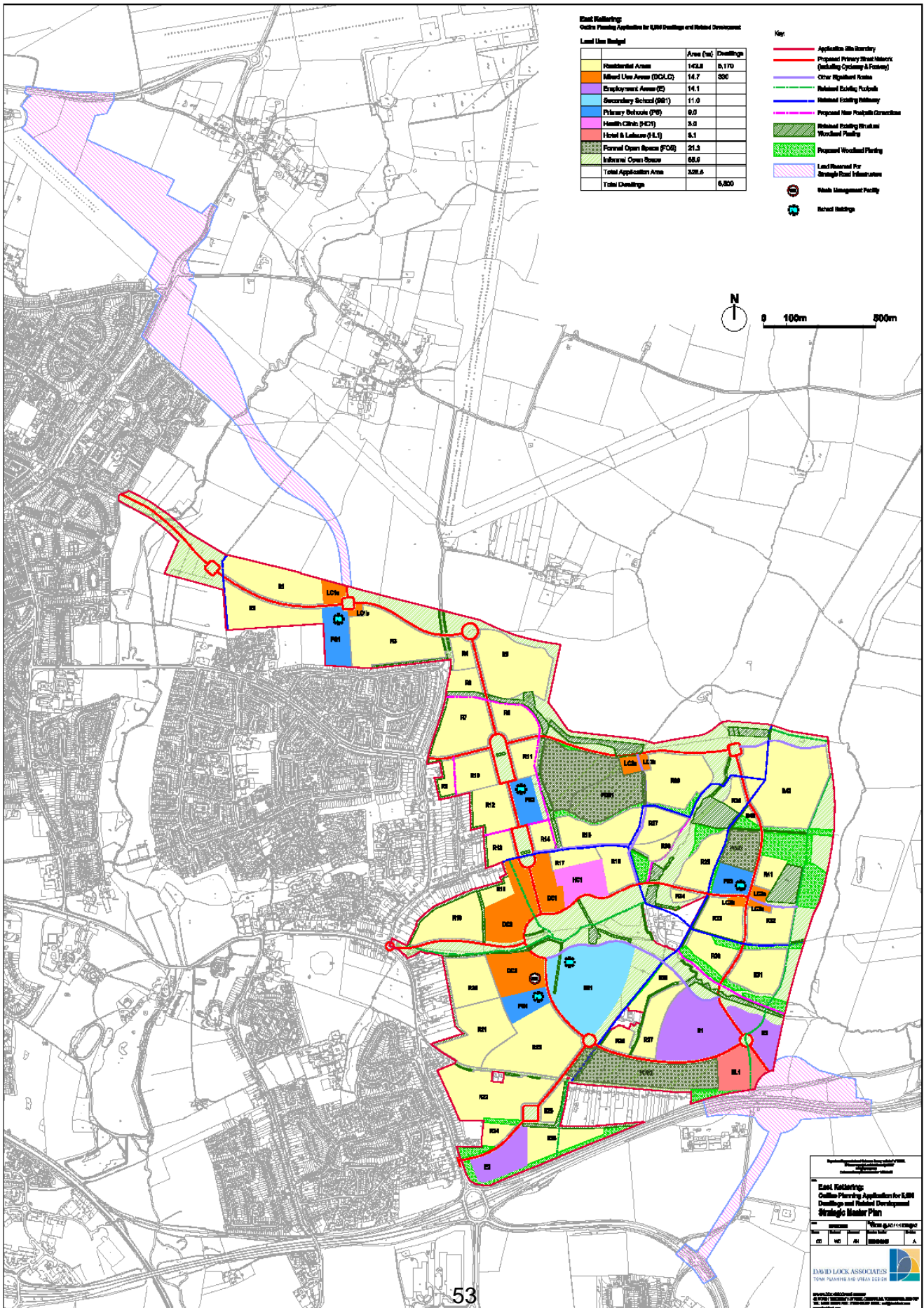
- i. The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at any time.
- ii. There must be no interference or damage to the surface of the Right of Way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by the Rights of Way Office, Northamptonshire County Council under Section 131 of the Highways Act 1980.
- iii. As a result of the major urban expansion of East Kettering, the Rights of Way need to be closed by a Temporary Traffic Regulation Order during the construction of each phase for each individual right of way affected. An application form for such an order is available from Northamptonshire County Council, a fee is payable for his service and a period of six weeks notice is required.
- iv. Any new path furniture (e.g. gaps or gates preferred over stile) needs to be approved in advance with the Access Development Officer, standard examples can be provided.

No works affecting any existing Public Right of Way may commence without the express written permission of the Highway Authority's Rights of Way Team.

The developer is reminded to apply to the Local Planning Authority for any proposed diversion to a Right of Way under Section 257 of the Town and Country Planning Act 1990 required to facilitate the development of East Kettering. The alternative route for such a diversion must be agreed with the Highway Authority's Right of Way Team and be available for public use prior to the closure of any existing route.

Northamptonshire County Council Rights of Way team is available and preferably required for the involvement, guidance and consultation at all stages of the diversion orders as necessary.

Appendix B



East Kallaring: Outline Planning Application for LRM Strategic and Related Development Strategic Master Plan

DAVID LOCK ASSOCIATES
TOWN PLANNERS AND URBAN DESIGN