

BOROUGH OF KETTERING

Committee	Full Planning Committee - 24/10/2013	Item No: 5.1
Report Originator	Louise Holland Development Officer	Application No: KET/2013/0514
Wards Affected	Queen Eleanor and Buccleuch	
Location	East Kettering Development, Cranford Road, Barton Seagrave	
Proposal	s.73 Application: Variation of Conditions 1-3 (Reserved Matters/Time Limits), 4 (details to be submitted with each Reserved Matter), 5-6 (MP/other plans/documents), 7 (Design Code), 8 (Number of dwellings), 12 and 14 (Employment), 15, 17, and 20 (District Centre), 21 and 26-27 (Local Centres), 31-32 (Community Facilities), 33-38 (Sustainable Design), 42 (Waste), 44-52 (Open Space), 53-55 and 57 (Biodiversity), 60-61, 64 and 66-67 (Flood Risk and Drainage), 68-69 (Air Quality), 70 (Contamination), 72 (Construction Phase), 75-76 and 80-81 (Access and Movement), 87-90 (Noise), with Removal of Conditions 9-10 (Housing), 11 and 13 (Employment), 16 and 18-19 (District Centre), 22-25 (Local Centres), 28-30 (Retail), 39 (Sustainable Design), 40-41 (Waste), 43 (Open Space), 58-59 (Biodiversity), 62-63 and 65 (Flood Risk and Drainage), 71 (Minerals), 82-86 (Access and Movement), 91 (Archaeology) of KET/2008/0274	
Applicant	Mr A Wordie Alledge Brook LLP,	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. Details of the access, appearance, landscaping, layout and scale (hereinafter called the reserved matters) for each development parcel (or part thereof) as shown on the Strategic Masterplan and detailed in the approved Land Use Schedule (see condition 5) shall be submitted to and approved in writing by the local planning authority before any development begins on the land to which it relates. The development shall be carried out in accordance with the approved details.

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

2. All applications for the approval of Reserved Matters for Phases 1, 2 and 3 as shown on the approved Phasing Plans (see Condition 5) shall be made to the Local Planning Authority no later than before the expiration 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 (as amended) and to prevent an accumulation of unimplemented planning permissions.

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

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

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

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

- a) Road junctions and junction alterations, road improvements, carriageway widening, new roads, footpaths, bridleways, cycleways, bridges, traffic signalling, highways signage, the treatment of all surfaces and any traffic calming measures;
- b) Lighting, signage and street furniture;
- c) Foul and surface water drainage;
- d) Details of services (including the adequacy/availability/details of gas, water and electricity supplies, cables, telecommunications, sub-stations, poles, cable runs and other utilities);
- e) Security infrastructure and equipment;
- f) Vehicle parking;
- g) Publicly accessible open space; and
- h) Waste recycling, disposal and management measures including a statement of conformity with the approved Waste Audit and Waste Facilities Management Strategy (approved document set out in Condition 6).

ii) Existing and proposed site levels and finished floor levels for all buildings;

iii) Travel plans;

iv) Cycle parking facilities:

v) A schedule of floorspace and uses proposed within the relevant phase or development parcel:

vi) A Statement of Conformity to the Design Code (see Condition 6);

vii) Sustainability Report (pursuant to Condition 21) which shows how environmental sustainability issues have been addressed in the design process and shows how Code for Sustainable Homes (CSH)/BREEAM and Lifetime Homes Standards (pursuant to Conditions 18, 19 and 20) will be achieved based on the actual design of units on the Reserved Matters site;

viii) Construction Management Plan (see Condition 43);

ix) Noise Impact Assessment (pursuant to Condition 53);

x) Schedule of building materials;

xi) A written statement of conformity which demonstrates compliance with the drainage scheme required by Condition 37;

xii) A written statement of conformity which demonstrates compliance with the approved Stage 2 FRA referred to in Condition 6 (i).

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

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

5. The development to which this permission relates shall be carried out only in accordance with the approved Strategic Master Plan (Drawing No. BBD005/105 Revision A), the approved Land Use Schedule (dated August 2009) and the approved phasing plans (Drawing Nos. BBD005/113 Revision A, BBD005/114 Revision A and BBD005/115 Revision A) or in accordance with a revised Strategic Masterplan and Land Use Schedule which shall first be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

- a) The Design Code dated March 2013 approved on 26 March 2013 under Application Ref. No. AOC/0694/0710.
- b) The Retail Strategy (Final Report) dated September 2012 and Appendix 1 Retail Impact Assessment (Final Report) dated September 2012 approved on 20 September 2012 under Application Reference No. AOC/0694/0705.
- c) The Green Infrastructure Strategy (reference 12-0076/3156/D01) dated September 2012 approved on 20 September 2012 under Application Ref. No. AOC/0694/0702
- d) The Open Space Strategy (reference 12-0385/3156/D01) dated September 2012 approved on 20 September 2012 under Application Ref. No. AOC/0694/0704
- e) The Archaeological Written Scheme of Investigation dated May 2012 approved on 19th September 2012 under Application Ref. No. AOC/0694/0701
- f) The Waste Audit and Waste Management Facilities Strategy Ref: 25134/003/Rev 3 dated March 2013 approved on 1st March 2013 under Application Ref. No. AOC/0694/0707
- g) The Low or Zero Carbon Feasibility Study 2012 Project Ref: 25134/ Doc Ref: R8/rev 8 dated October approved on 22nd October 2012 under Application Ref. No. AOC/0694/0703
- h) The Water Efficiency Strategy for Non Residential Buildings Project Ref: 25134 Doc Ref: 25134/003/Rev1 dated December 2012 approved on 26th February 2013 under Application Ref. No. AOC/0694/0709
- i) The Stage 2 Flood Risk Assessment and Appendices A - J (Rev A). Project Ref: 25134/010 Doc Ref: 25134/010/01 A dated February 2013 approved on 28th March 2013 under Application Ref. No. AOC/0694/0715
- j) The Traffic Access and Impact Assessment (A14) Project Ref: 25134/001 Doc Ref: Rev 1 dated October 2012 approved on 19th December 2012 under Application Ref. No. AOC/0694/0706
- k) The Walking and Cycling Audit Version 4 Project Ref: 25134/011, Doc Ref: 001 dated February 2013 approved on 21st February 2013 under Application Ref. No. AOC/0694/0711

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

m) The Traffic Access and Impact Assessment (Phasing) Revision 5 Project Ref: 25134/001 Doc Ref: 001 dated

12th March 2013 approved on 28th March 2013 under Application Ref No. AOC/0694/0714 Any revisions to the approved documents referred to in this condition shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

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

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

8. Construction of Employment Parcels E1 and E2 as shown on the approved Strategic Master Plan (see Condition 5) shall not be carried out other than in accordance with the phasing shown in the Employment Areas Table in the approved Land Use Schedule (see Condition 5). No residential development shall take place on Phase 3 of the development unless and until the employment developments required in Phase 2 of the development, as set out in the approved Land Use Schedule (see Condition 5), have been practically completed, as defined by the Royal Institute of Chartered Surveyors (RICS).

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

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

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

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

REASON: To provide a range of local facilities for the 1700 homes in Phase One in accordance with the principles contained within the National Planning Policy Framework and Policies 6, 12, 13 and 16 of the North Northamptonshire Core Spatial Strategy.

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

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

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

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

13. No development shall commence on Phase 3 of the development as shown on the approved Phasing Plan (see Condition 5) unless and until a programme of delivery for the Local Centres 1 and 2 within Phase 3 of the development has been submitted to and approved in writing by the Local Planning Authority. The programme of delivery shall be informed by the Retail Strategy (see Condition 6 (b)) and shall identify and justify the timing of completion of the floorspace specified for each Use Class contained within the Local Centres as shown in the approved Land Use Schedule (dated August 2009). The development shall be carried out in accordance with the approved programme.

REASON: To provide a range of local facilities for the residents of Phase 3 of the development in accordance with the National Planning Policy Framework and Policies 6, 12, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

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

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

15. No development shall take place on development parcel PS1, PS2, PS3, PS4 or SS1 as shown on the approved Strategic Master Plan (see Condition 5), unless and until a strategy for that parcel has been submitted to and approved in writing by the Local Planning Authority that sets out how the school and its facilities in that parcel will be made available for community use during the day, evening, weekends and school holidays. The strategy shall detail the total floorspace and facilities to be made available for community use. The development shall be carried out in accordance with the approved strategies.
REASON: To provide community facilities for the development in accordance with the National Planning Policy Framework and Policies 6, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

16. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) or any Order revoking and re-enacting that Order with or without modification, the floorspace to be provided for Class D2 purposes at the District and Local Centres shall be used for sports and community leisure uses only, and for no other purpose within Class D2.
REASON: To provide sport and recreation facilities for the development in accordance with the National Planning Policy Framework and Policies 6, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

17. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) or any Order revoking and re-enacting that Order with or without modification, the floorspace to be provided for Class D1 purposes at the District and Local Centres shall be used for community uses only, and for no other purpose within Class D1.
REASON: To provide community facilities for the development in accordance with the National Planning Policy Framework and Policies 6, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

18. Those dwellings completed on the development during the period 1 January 2013 to 31 December 2015 shall achieve Level 4 of the Code for Sustainable Homes (CSH) as a minimum and those dwellings completed from 1 January 2016 onwards shall meet CSH Level 6 (or the equivalent standard which may replace CSH and is to be the assessment in force when the residential units concerned are registered for assessment purposes).
REASON: In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with the National Planning Policy Framework and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

19. The design and layout of all residential units shall accord with the 'Lifetime Homes' standard (or any standard(s) which replaces the 'Lifetime Homes' standards in force when the residential units concerned are commenced). Each Reserved Matters application for residential development shall be accompanied by a written statement of conformity which demonstrates compliance with the relevant 'Lifetime Homes' standards.
REASON: To ensure dwellings within the development are capable of being adapted to meet the needs of all people in accordance with Policy 15 of the North Northamptonshire Core Spatial Strategy (2008).

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

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

21. Reserved matters applications for the layout, scale and/or appearance of the development shall be accompanied by a Sustainability Report that demonstrates how environmental sustainability issues have been addressed during the design process and sets out the way in which the credits under the relevant BREEAM Rating and relevant CSH level (or the equivalent standards which replace BREEAM or CSH and is to be the assessment in force at the time when the non-residential or residential units concerned are registered for assessment purposes) will be achieved based on the actual design of the non-residential or residential units.

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

22. Prior to the commencement of development within a development parcel or part thereof (as shown on the approved Strategic Master Plan (see Condition 5)) a copy of the Interim Design Stage Assessment Certificate shall be provided to the Local Planning Authority to demonstrate that any residential or non-residential units to be constructed within that parcel or part thereof will achieve the required CSH and BREEAM levels (pursuant to Conditions 18 and 20).

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

23. Within six months of the completion of any unit(s) a copy of the Post Construction Final Certificate shall be provided to the Local Planning Authority to prove that the unit(s) has/have been constructed in accordance with the Sustainability Report (see Conditions 6 and 21) and that the development has achieved the relevant BREEAM and CSH level (pursuant to Conditions 18 and 20).

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

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

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

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

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

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

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

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

- i). the species, position, diameter, approximate height and canopy spread of all existing trees, shrubs and hedges and an assessment of their general state of health and stability;
- ii). which trees, shrubs and hedges outlined in (i) are to be retained;
- iii). the protection measures to be used during the construction stages for the trees, shrubs and hedgerows to be retained in accordance with British Standard 5837 (Trees in Relation to Construction 2005: recommendations);
- iv). the layout of all new planting including species, plant sizes, spacing and numbers to be planted; 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 be carried out in accordance with the approved scheme.

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

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

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

29. No works shall take place on a development parcel including any tree felling, tree pruning demolition works, soil moving, temporary access construction/widening, or any operations involving the use of motorised vehicles or construction machinery shall take place within that parcel unless and until a detailed Arboricultural Method Statement for that parcel has been submitted to and approved in writing by the Local Planning Authority. The development and all other operations shall not take place other than in accordance with the approved Method Statement. The Method Statement shall include details of the following:

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

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

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

REASON: To ensure the continued well being of hedgerows in the interests of the visual appearance of the locality and the preservation of biodiversity in accordance with Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy (2008).

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

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

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

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

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

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

34. Development shall only take place in accordance with:

- 1). The Bat Mitigation Strategy dated August 2008 contained within the Environmental Statement Supplement 2008 and the Bat Survey Report Revision A dated August 2009.
- 2). The Badger Mitigation Strategy dated July 2008 contained within the Environmental Statement Supplement 2008.
- 3). The Great Crested Newts Mitigation Strategy dated July 2008 contained within the Environmental Statement Supplement 2008. Unless written consent is given by the Local Planning Authority for any variation to these mitigation strategies.

Development shall be carried out in accordance with the approved details.

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

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

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

36. No works shall take place on site unless and until an Ecological Management Plan has been submitted to and approved in writing by 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 (submitted September 2009) unless written consent is given by the Local Planning Authority for any variation to this Plan. The development shall be carried out in accordance with the approved Ecological Management Plan.

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

37. Prior to commencement of development a scheme for the provision of mains foul water drainage on and off site, including phasing and timing of completion of the works, 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 flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the National Planning Policy Framework and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy. (2008).

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

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

39. No built development (excluding the access bridge over the River Ise) shall take place within flood risk zones 2 and 3 as defined in the Technical Guidance to the National Planning Policy Framework (March 2012) and identified in the approved Stage Two Flood Risk Assessment (see Condition 6 (i)).

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

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

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

41. In the event of the Weekley Warkton Avenue not being open to traffic prior to the commencement of Phase 3 as shown on the approved Phasing Plans (see Condition 5) a further assessment of air quality shall be submitted to and approved in writing by the Local Planning Authority. Any further mitigation identified in this assessment shall be implemented in accordance with the assessment prior to any Phase 3 development being commenced.

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

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

A. Site Characterisation

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

The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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;

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

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

B. Submission of Remediation Scheme

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

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

D. Reporting of Unexpected Contamination

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

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

E. Long Term Monitoring and Maintenance

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

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

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

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

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

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

44. i

A No reserved matters application shall be submitted unless and until 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.

B 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.

C 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.

D 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:- the details of Junction 9 mitigation

a) the details of junction 10 mitigation

b) 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 National Planning Policy Framework (NPPF) and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008) and to secure a sustainable development which meets the needs of the users of the development in accordance with the NPPF and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

44. ii 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 73 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 National Planning Policy Framework (NPPF) and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008) and to secure a sustainable development which meets the needs of the users of the development in accordance with the NPPF and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

44. iii No more than 1750 dwellings shall be occupied until the works to junction 10 and 10a of the A14, pursuant to Condition 73 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 National Planning Policy Framework (NPPF) and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008) and to secure a sustainable development which meets the needs of the users of the development in accordance with the NPPF and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

45. 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 National Planning Policy Framework (NPPF) and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008) and to secure a sustainable development which meets the needs of the users of the development in accordance with the NPPF and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

46. i Prior to the occupation of the first dwelling on Parcel R4, R5, R6, R7, R8, R9, R10, R11, R12, R13 or R14, or the occupation of non-residential Parcel PS2, as shown on the approved Strategic Master Plan (Drawing No. BBD005/105 Revision A), Access D (Warkton Lane/Deeble Road) shall be completed in accordance with full engineering, drainage, street lighting, signal, construction details and capacity calculations which shall be submitted to and approved in writing by Local Planning Authority before the access works are commenced.

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

46. ii Prior to the occupation of the first dwelling on Parcel R16, R17, R18, R19, R20, R21 or R22, or the occupation of non-residential Parcels PS4, DC1, DC2 or DC3, as shown on the approved Strategic Master Plan (Drawing No. BBD005/105 Revision A), Access E (Barton Road / Warkton Lane) shall be completed in accordance with full engineering, drainage, street lighting, signal, construction details and capacity calculations which shall be submitted to and approved in writing by Local Planning Authority before the access works are commenced.

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

46. iii Prior to the occupation of the first dwelling on Parcel R23, R24, R25 or R26, or non-residential Parcel E3, as shown on the approved Strategic Master Plan (see Condition 5), Access F (Baron Road/Cranford Road) shall be completed in accordance with full

engineering, drainage, street lighting, signal, construction details and capacity calculations which shall be submitted to and approved in writing by Local Planning Authority before the access works are commenced.

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

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

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

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

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

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

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

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

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

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

50. 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 National Planning Policy Framework (NPPF) and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008) and to secure a sustainable development which meets the needs of the users of the development in accordance with the NPPF and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

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

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

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

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

53. All applications for the approval of reserved matters shall include a noise impact assessment for the proposed development, having regard to all noise sources existing or having planning approval at the time of the reserved matters application. The noise impact assessment shall include a review of the data provided within the Environmental Statement and Addendum Noise Report (accompanying the original outline application), be informed by further noise monitoring and modelling where necessary, and where necessary include

a noise mitigation scheme. All mitigation schemes shall demonstrate compliance with the standards contained within BS8233:1999 - Sound Insulation and Noise Reduction for Buildings - Code of Practice; and for residential dwellings the good standards as contained within BS8233:1999 - Sound Insulation and Noise Reduction for Buildings - Code of Practice. The development shall be carried out in accordance with the approved noise mitigation scheme(s).

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

54. Prior to the completion of the New Link Road over the River Ise as shown on the approved Strategic Master Plan (see Condition 5) and its junction with Elizabeth Road (Access (C)), a noise impact assessment in respect the use of the access link and its effect upon residential properties and gardens in the Elizabeth Road area shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall have regard to the baseline noise conditions referred to in the original Environmental Statement, 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 and 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 the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

55. Prior to the completion of Barton Road / Warkton Lane (Access (E)) a noise impact assessment in respect the use of the new access and its effect upon residential properties and gardens in the Barton Road/Warkton Lane area shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall have regard to the baseline noise conditions referred to in the original Environmental Statement, 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 and 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 the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

56. Prior to the completion of Barton Road (South) Access (F) a noise impact assessment in respect of the use of the new access and its effect upon residential properties and gardens in the Barton Road/Acorn Close area shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall have regard to the baseline noise conditions referred to in the original Environmental Statement, 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 and 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 the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

Officers Report for KET/2013/0514

3.0 Information

Relevant Planning History

KET/2007/0694 – Outline for 5,500 dwellings and related development - APPROVED

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

KET/2012/0747 – Request for an Environmental Screening Opinion (Parcel R19)

KET/2013/0212 – Extension of time for KET/2007/0694 – PENDING

KET/2013/0213 – Reserved Matters (all details) for Parcels R7, R9 and R10 for 334 dwellings in relation to outline KET/2008/0274 - PENDING

KET/2013/0214 – Extension of time for KET/2008/0274 - PENDING

AOC/0694/0701 – Condition 91 (Archaeology) – APPROVED

AOC/0694/0702 – Condition 58 (Green Infrastructure) – APPROVED

AOC/0694/0703 – Condition 39 (Low Zero Carbon) – APPROVED

AOC/0694/0704 – Condition 43 (Open Space) - APPROVED

AOC/0694/0705 – Condition 28 (Retail Strategy) – APPROVED

AOC/0694/0706 – Condition 73a (Traffic Impact Assessment for Junction 10/10a) - APPROVED

AOC/0694/0707 – Condition 40 (Waste Audit) – APPROVED

AOC/0694/0708 – Condition 41 (Waste Management Facility) - APPROVED

AOC/0694/0709 – Condition 63 (Water Efficiency) - APPROVED

AOC/0694/0710 – Condition 7 (Design Code) - APPROVED

AOC/0694/0711 – Condition 84 (Walking and Cycling Audit) - APPROVED

AOC/0694/0712 – Condition 85 (Weekley/Warkton Avenue Traffic Impact Assessment) - APPROVED

AOC/0694/0713 – Condition 86 (Elizabeth Road Traffic Impact Assessment) - APPROVED

AOC/0694/0714 – Condition 83 (Access Phasing) - APPROVED

AOC/0694/0715 – Condition 65 (Stage Two Flood Risk Assessment) - APPROVED

AOC/0274/0801 – Condition 56 (Reptile Method Statement) - PENDING

Site Description

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

Proposed Development

This application has been submitted for the variation and removal of a large number of planning conditions imposed on the extant outline planning permission (KET/2008/0274) for East Kettering. Planning conditions help to regulate and control the proposed development or use of the land and require the submission of additional details or information for the carrying out of works to the land and/or any necessary off-site requirements.

This application is made pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended) which allows applications to be made for permission without complying with conditions previously imposed on a planning permission. An application made under S.73 (such as this one) results in a new permission (if approved) and the local planning authority can decide to grant a new permission unconditionally, subject to different/new conditions or they can refuse the application. The expiry date for any new permission remains as per the original permission and so time limits cannot be extended under a Section 73 application.

The original outline planning permission (KET/2008/0274) was subject to 91 planning conditions. Since the grant of this outline approval in 2010, a number of conditions attached to this extant permission have already been discharged via a staged process. **The following conditions have been approved and discharged by Members as part of the original permission:**

Condition 7 - The Design Code

Condition 28 - Retail Strategy

Condition 39 - Low Zero Carbon Feasibility Study

Condition 40 - Waste Audit

Condition 41 - Waste Management Facility Strategy

Condition 43 - Open Space Strategy

Condition 58 - Green Infrastructure Strategy

Condition 63 - Water Efficiency (for non-residential buildings)

Condition 65 - Stage 2 Flood Risk Assessment

Condition 73a - Traffic Access and Impact Assessment

Condition 83 - Access Phasing Plan

Condition 84 - Walking and Cycling Audit

Condition 85 - Weekley/Warkton Avenue Traffic Access and Impact Assessment

Condition 86 - Elizabeth Road Traffic Impact Assessment

Condition 91 - Archaeology

As shown above, a good number of conditions have already been dealt with but a significant number remain to be determined. The aim of this application is to reduce this vast number of planning conditions (91) to a more manageable amount (56) but in doing so, ensure that the local planning authority still retain the necessary control over the development and deliver the necessary infrastructure and quality.

As set out within Government guidance Circular 11/95, the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when conditions are seen to be fair, reasonable and practicable. Conditions should only be imposed where they are necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development being permitted.

Reasons for the removal/variation of conditions

- The requirements of some of the existing outline planning conditions overlap/duplicate one another and are therefore unnecessary when considered against Circular 11/95.

- A number of the conditions are too prescriptive and overlook the amount of control that can be secured through other means e.g. Reserved Matters applications.
- A number of the conditions comprise unrealistic trigger points and do not help with the ease of delivering this size of development.
- The S106 agreement that accompanied the original outline permission has been revised and as a result some of the planning conditions are now inconsistent with the terms of the agreement. These conditions therefore need updating.
- Since the grant of the original permission the National Planning Policy Framework has been introduced and the East Midland Regional Plan has been revoked. As a result the policies need updating within the condition reasons.

All of the 91 conditions attached to the extant permission are proposed to be amended in some way and have been submitted as part of this application with the exception of the following conditions:

- Condition 56 - Reptile Method Statement (remains unchanged and will be the subject of an approval of condition application).
- Condition 73a-73d - Access to A14 (will be submitted under a separate variation of condition application)
- Condition 74 - Improvements to Junction 9 of the A14 (will be submitted under a separate variation of condition application)
- Condition 77 - Traffic capacity assessment of Junction 10 of the A14 (will be submitted under a separate variation of condition application)
- Condition 78 - Commencement of works to Junction 10 and 10a of the A14 (will be submitted under a separate variation of condition application)
- Condition 79 - Completion of works to Junction 10 and 10a of the A14 (will be submitted under a separate variation of condition application)

The aim of this application is to help provide responsible growth and ensure that an integrated and coherent urban extension can be delivered. This application seeks to contribute towards further progressing the overall delivery of East Kettering.

Any Constraints Affecting the Site

Flood Zones 2 and 3
 Protected Species
 Trees and Hedgerows
 Archaeology
 Contaminated land
 Bridleways and footpaths
 NWT Potential Wildlife Sites

Consultation and Customer Impact

Parish/Town Council

Barton Seagrave Parish Council response received 27th August 2013. Objection.

- It is critical that the infrastructure, in particular the roads, drainage, and water supply are in situ before construction commences – this does not appear to be the intention.
- The potential adverse effects on the cumulative calculation of Section 106 monies.

- The incremental development of the site may not reflect the needs of the totality of the planned development.
- The application indicates that a cost reduction exercise has been undertaken which will reduce the quality of the community facilities and result in the development not being self contained.
- Fewer facilities on site are likely to result in greater flows of traffic to/from the site, not less as stated in the developer's narrative.
- Access (Junction 10) should be examined concurrently with the planned Roxhill development and reflected in the East of Kettering proposals.

Highway Authority

Agree with the revised wording of conditions 46ii and 46iii (was 75 – accesses D, E and F) and 47 (was part of 76 – access c).

Triggers have been proposed for conditions 48i (junctions a, b, d and e) and 49 (was part of 76 – priority bus scheme).

Minor wording changes are proposed for conditions 46i (was 75 - accesses D, E and F) and 48ii (junction g).

Environmental Health (KBC)

Response received 13th September 2013. No comment or objection.

Northamptonshire County Council (Minerals and Waste)

Response received 2nd August 2013.

NCC are happy for original Condition 71 (Assessment of mineral resource on site) to be removed. The condition was requested back in 2008 prior to the Minerals and Waste Development Framework being adopted. The MWDF was fully adopted in 2011 and does not include the area of the above application. We are happy that there should not be any minerals present at the site and prior extraction will not be required.

Anglian Water

Response received 12th August 2013. No comments.

National Grid

Response received 21st August 2013.

National Grid has identified that it has apparatus within the vicinity of your enquiry. The contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by the proposed works.

Sport England

Response received 21st August 2013. Does not raise any issues.

Northamptonshire County Council (Archaeology)

Response received 28th August 2013.

The Cultural and Heritage Statement Update consists of a brief description of the evaluation works which have currently been undertaken within Phase A. However, Phase B is yet to be evaluated and therefore the potential for nationally significant archaeological remains should not be discounted. Condition 91 (Archaeology) has been approved and the Written Scheme of Investigation is the document for use in all reserved matters applications. Supplementary Written Schemes of Investigation

should address issues relating to mitigation, post excavation and publication. We have no issues with the revised wording to the proposed condition on the proviso that the above requirements are taken into account within the supplementary WSI's.

Environment Agency

Response received 30th August 2013.

- The changes proposed to original condition 64 (Flood Zones) are acceptable.
- The approved Stage 2 Flood Risk Assessment is updated as part of new condition 4 and is acceptable.
- We have no objection to the changes proposed to original condition 60 (foul drainage).
- We have no objection to the minor changes to original Condition 70 (contamination).

Corby Borough Council

Response received 27th August 2013. No objection.

East Northamptonshire Council

Response received 2nd September 2013. No objection.

Borough Council of Wellingborough

Response received 9th September 2013. No objection.

English Heritage

Response received 2nd September 2013. No comments.

North Northamptonshire Wildlife Trust

Response received 6th September 2013. Holding Objection.

The Wildlife Trust has some serious concerns about the biodiversity/ecological/GI intentions of the current submission. We see them as a backwards step, leading to the dilution of any hard won enhancements that were secured during earlier rounds of consultation and discussion. Specific concerns relate to the proposed changes to Condition 57.

Response received 15th October 2013. Holding objection removed. The Wildlife Trust are now satisfied with the revised wording to this condition as proposed.

Community Services Kettering Borough Council

Response received 5th September 2013.

We have concerns about the removal/variation of conditions relating to community facilities and sports and recreation.

Environmental Health Kettering Borough Council

Response received 13th September 2013. No comments or objections.

Natural England

Response received 11th September 2013.

We are satisfied with the proposed changes. The replacement of existing conditions 53-55 with a new condition 34 would not affect the protection for European Protected Species as the existing requirements are retained. However we would

like to emphasise that it may still be necessary for Reserved Matter applications to be submitted with an Ecological Assessment. This is because mitigation strategies are based on dated information therefore should the status of protected species change at the site then the mitigation proposals may need to be amended. The key requirements of conditions 44, 46 and 57 have been retained with the proposed set of new conditions. The amendments should therefore not hinder the successful delivery of a green infrastructure network which provides opportunities for ecological and biodiversity enhancements.

Northamptonshire County Council - Nene Valley Natural Improvement Area
Response received 12th September 2013. Objection.

Based on the proposed modification of existing condition 57. The applicant risks diluting the current habitat creation plan and its hard won ecological gains. The applicant also suggests working with the Wildlife Trust to create any new plan. I am concerned that any targeted strategy for habitat creation has not yet been given much consideration. I find this unacceptable given the scale and importance of Kettering East.

Updated response received 11th October 2013 removing the NIA objection to the proposal on the basis of the revised wording in the submitted planning statement table.

Poplars Farm Action Group

Response received 5th September 2013. Objection. Points are summarised below:

- We object to the removal of Condition 26 – relating to healthcare provision.
- Changing the trigger points for existing Conditions 75 and 76 is not acceptable – delay should not be allowed to happen. The development of these junctions must be carried out in a co-ordinated and managed way under a single construction management plan.
- Removal of existing condition 82 is of great concern and the traffic impact assessment which was carried out was done during a period of very bad weather and as such did not reflect the true position in terms of traffic capacity/usage.
- Existing condition 72 must remain.
- Regarding changes to condition 81 – there appears to be no material difference between the ‘before and after’.
- Requested removal of conditions 9 and 10 must not result in an increase in the total number of dwellings over that set in the outline planning permission.
- Are the traffic impact assessments those indicated by KBC at a recent meeting that was carried out in Jan 2013? (during snowfall).
- What are the measures which have significantly reduced impacts considering that there is already considerable traffic congestion on Warkton Lane, Deeble Rd and Barton Rd before a house has even been built on East Kettering?
- What measures are being proposed to those longstanding but ignored problems which already affect thousands of people?
- Where is the green book valuation?
- What is the basis of these values and job calculations and over what time period, with what dependencies?

- We remind KBC that it has a responsibility to its residents and Council tax payers not to compromise the amenity, character, environment or services and to not adversely affect quality of life.

Neighbours

567 letters were sent to local residents and 11 objections have been received. The objections are summarised below:

- If land is to be developed bit by bit with no coherent design then the whole process should start again from the beginning and those affected should see detailed plans.
- Loss of Greenfield/agricultural land
- This landscape is to become a look-a-likely of estates with garages too small to park cars, no provision for dustbins and untidy and scruffy roads.
- Reassurance is required that KBC are doing all they can to prevent a sprawling mess.
- New link roads and roundabouts will cause parking and safety problems.
- This application will cause more traffic to use Elizabeth Road and therefore increase noise levels. Will residents be compensated for this?
- This application poses a real threat to existing residents with respect to road safety, provision of infrastructure and care for the environment.
- The main A6 road is very busy and new traffic generated by this development will have a profound and detrimental effect on existing residents.
- Water pressure is poor in Barton Seagrave – this scheme will only make matters worse.
- Where Deeble Road joins Warkton Lane a roundabout would be much more suitable than traffic lights. Traffic movement is only a problem at peak times. A roundabout solves the problem of unintelligent traffic lights that cause delays by holding up traffic at empty junctions.
- The access from the development onto Barton Road does not now show a roundabout (as per original outline) but a simple junction.
- Although there appears to be woodland areas between the employment area adjacent to Barton Road, the construction of the employment is within Phase 1 whilst the woodland area is not provided until Phase 3.
- Woodland areas should be planted as early as possible (during Phase 1) in order to give trees a head start and not delayed until Phase 3.
- The proposal is a further dilution of the monitoring, management and benefits for Kettering residents.
- The developers are requiring a 'carte blanche' to manage the project in their own self interest.
- Concerns over changes to existing condition 26 – proposed condition 14 in respect of health care. The existing wording should remain as without this there will be no incentive for anyone to reach an agreement and the construction of a health centre could remain 'in limbo'.

5.0 Planning Policy

National Planning Policy Framework

Policy 1 – Building a strong competitive economy

Policy 2 – Ensuring the vitality of town centres

Policy 4 – Promoting sustainable transport

Policy 6 – Delivering a wide choice of high quality homes

- Policy 7 – Requiring good design
- Policy 8 – Promoting healthy communities
- Policy 10 – Meeting the challenge of climate change, flooding and coastal change
- Policy 11 – Conserving and enhancing the natural environment
- Policy 12 – Conserving and enhancing the natural environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

- Policy 1 – Strengthening the network of settlements
- Policy 3 – Connecting the urban core
- Policy 5 – Green Infrastructure
- Policy 6 – Infrastructure delivery and developer contributions
- Policy 7 – Delivering housing
- Policy 8 – Delivering economic prosperity
- Policy 9 – Distribution and location of development
- Policy 10 – Distribution of housing
- Policy 11 – Distribution of jobs
- Policy 12 – Distribution of retail development
- Policy 13 – General sustainable development principles
- Policy 14 – Energy efficiency and sustainable construction
- Policy 15 – Sustainable housing provision
- Policy 16 – Sustainable urban extensions

Saved Local Plan Policies

- Policy K3 – Kettering: the valley

Emerging Policies (Local Development Framework)

Emerging Core Strategy

6.0 Financial/Resource Implications

A simple deed of variation will be required to link this application to the revised Section 106 for KET/2008/0274 which was approved by Members in March 2013.

7.0 Planning Considerations

1. Approved documents
2. Conditions solely requiring changes to the planning policy updates
3. Conditions requiring changes to the wording
4. Conditions to be removed
5. Other matters

In considering a Section 73 application, a local planning authority may only consider the “question of the conditions”. In terms of decision making, a s.73 application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The principle of development is established by the grant of outline planning permission (KET/2008/0274) and this permission will subsist even if this application is approved.

Since the grant of the extant outline permission however, there have been a number of changes to the Development Plan, principally the revocation of the East Midlands Regional Plan in April 2013 and the introduction of the National Planning Policy Framework (NPPF) in March 2012. This is therefore a material consideration for this Section 73 (variation of condition) application and is one of the reasons for the submission of this application.

An appendix is attached comprising a table which sets out the existing wording of conditions against the proposed conditions for ease of reference. This allows for the comparison of both sets of conditions, identifies the new numbering system and highlights the relevant differences/changes.

Below, sets out the conditions which are proposed to be varied/removed. The conditions have been split into groups each with a title/header in order to indicate why certain conditions have been varied in terms of their wording or removed from the list. For the example, the group below contains all those conditions which have already been approved by Members. This group of conditions is proposed to be combined into one new condition (proposed Condition 6) which sets out all the approved document details.

1. Approved documents (Existing condition numbers 7, 28, 39, 40, 41, 43, 58, 63, 65, 73a, 83, 84, 85, 86 and 91).

Condition 7 (Design Code Details)

The requirements of the original condition to submit a design code have been met through the submission and approval of the Design Code approved by Members in March 2013. As such of the requirements of this condition have already been met. Revised/proposed Condition 6 requires all new development to be carried out in accordance with the approved details. As a result Condition 7 is no longer necessary.

Condition 28 (Retail Strategy)

A Retail Strategy for the development was approved by Members in September 2012 and this condition has been discharged. As such the requirement of this condition has already been met. The approved Retail Strategy is now referred to in the revised/proposed Condition 6. As a result existing Condition 28 is no longer necessary.

Condition 39 (Low Zero Carbon Feasibility Study)

A Low Zero Carbon Feasibility Study was approved by Members in October 2012 and this condition has been discharged. As such the requirement for this condition has already been met. The approved Low Zero Carbon Feasibility Study is now

referred to in the revised/proposed Condition 6. As a result existing Condition 39 is no longer necessary.

Condition 40 (Waste Audit) and 41 (Waste Management Facilities Strategy)

Both these conditions were approved by Members in February 2013. As such the requirements of these conditions have already been met. The details relating to the Waste Audit and the Waste Management Facilities Strategy are now referred to in the revised/proposed Condition 6. As a result existing Conditions 40 and 41 are no longer necessary.

Condition 43 (Open Space Strategy)

This condition was approved by Members in September 2012. As such the requirement of this condition has already been met. The approved details relating to the Open Space Strategy is now referred to in the revised/proposed Condition 6. As a result existing Condition 43 is no longer necessary.

Condition 58 (Green Infrastructure Strategy)

This condition was approved by Members in September 2012. As such the requirement of this condition has already been met. The approved details relating to the Green Infrastructure Strategy is now referred to in the revised/proposed Condition 6. As a result existing Condition 58 is no longer necessary.

Condition 63 (Water efficiency in non-residential buildings)

A Water Efficiency Strategy for non-residential buildings was approved by Members in February 2013 and this condition has been discharged. As such the requirement for this condition has already been met. The approved Water Efficiency Strategy for non-residential buildings is now referred to in the revised/proposed Condition 6. As a result existing Condition 63 is no longer necessary.

Condition 65 (Stage 2 flood risk assessment)

A Stage 2 Flood Risk Assessment was approved by Members in March 2013 and this condition has been discharged. As such the requirement for this condition has already been met. The approved Stage 2 Flood Risk Assessment is now referred to in the revised/proposed Condition 6. As a result existing Condition 65 is no longer necessary.

Conditions 73A (A14 Access Option), 83 (Access Phasing), 84 (Walking and Cycling Audit), 85 Weekley Warkton Avenue Traffic Impact Assessment) and 86 (Elizabeth Road Traffic Impact Assessment)

Details were approved by Members in December 2012 (Condition 73A), February 2013 (Condition 84) and March 2013 (Conditions 83, 85 and 86). The requirements of these conditions have been met and it is recommended that the approved documents are included within the new Condition 6 to ensure development is carried out in accordance with these approved details. The existing wording of these conditions is therefore unnecessary.

Condition 91 (Archaeology)

This condition required a programme of archaeological works to be submitted and was approved by Members in September 2012. As such the requirements of this condition at the outline stage have been met. The approved Archaeological Written

Scheme of Investigation is now referred to in the revised/proposed Condition 6. As a result existing Condition 91 is no longer necessary. Northamptonshire County Council – Archaeology are satisfied with this proposed revision on the proviso that any further details required in terms of mitigation measures, post excavation and publication details for significant archaeological remains are secured through Supplementary Written Schemes of Investigation by means of conditions attached to reserved matters consent for forthcoming development parcels. This will ensure that adequate control of specific archaeological matters is secured in the appropriate way.

2. Conditions solely requiring changes due to planning policy updates / changes to Regulations

Condition 8 (Number of Dwellings)

A number of concerns have been raised about the future potential increase in housing numbers. There is no proposed changes to the wording of this condition, which imposes a limit of 5500 dwellings on site. It is not necessary to repeat this in other conditions as suggested in some of the neighbour responses received. The condition reason will be updated to reflect changes in national and regional planning policy (as explained above).

Condition 31 (Sports and Community Leisure Uses (PD Restriction))

This condition requires D2 community provision to be retained. This condition has been amended to reference 'Town and Country Planning (General Permitted Development) Order 1995 (as amended)' to reflect changes to regulations.

Condition 32 (Community Uses (PD Restriction))

This condition requires D1 community provision to be retained. This condition has been amended to reference 'Town and Country Planning (General Permitted Development) Order 1995 (as amended)' to reflect changes to regulations.

Condition 34 (Lifetime Homes standard)

This condition requires the design and layout of all residential units to accord with 'Lifetime Homes' standards. There is no proposed change to this requirement or wording of the condition. The condition reason will be updated to reflect changes in national and regional planning policy.

Condition 35 (BREEAM for non-residential buildings)

This condition requires that all non-residential buildings meet BREEAM level 'very good'. There is no proposed change to this requirement or wording of the condition. The condition reason will be updated to reflect changes in national and regional planning policy.

Condition 36 (Sustainability Report)

This condition requires that all reserved matters applications are accompanied by a Sustainability Report. There is no proposed change to this requirement or wording of the condition. The condition reason will be updated to reflect changes in national and regional planning policy.

Condition 37 (Interim Design Stage Assessment Certificate)

This condition requires that the submission of an interim design stage assessment certificate. There is no proposed change to this requirement or wording of the condition. The condition reason will be updated to reflect changes in national and regional planning policy.

Condition 38 (Post Construction Final Certificate)

This condition requires that the submission of a post construction final certificate. There is no proposed change to this requirement or wording of the condition. The condition reason will be updated to reflect changes in national and regional planning policy.

Condition 64 (Flood Zones)

This condition requires that no built development shall take place within flood zones 2 and 3 as detailed in Table D1 of PPS25. PPS25 is no longer a relevant policy consideration, therefore reference to this has been replaced with reference to technical guidance attached to the adopted National Planning Policy Framework and the approved Stage Two Flood Risk Assessment. The conditions reason has also been updated to reflect the changes in national and regional planning policy as already outlined.

Condition 68 (Air Quality)

This condition requires the implementation of mitigation measures with respect to air quality. There are no changes proposed to this condition other than to update the policy requirements within the reason section of the condition in order to reflect changes in national and regional planning policy.

Condition 70 (Contamination)

This condition requires the submission of a contaminated land investigation for every parcel of development. There are no changes proposed to this condition other than to update the policy requirements within the reason section of the condition in order to reflect changes in national and regional planning policy.

Condition 87 (Noise)

This condition requires the submission of a noise impact assessment for all reserved matters applications. There are no changes proposed to this condition other than to update the policy requirements within the reason section of the condition in order to reflect changes in national and regional planning policy.

Condition 88 (Noise)

This condition requires the submission of a noise impact assessment in relation to the proposed new link road over the River Ise and Elizabeth Road junction. There are no changes proposed to this condition other than to update the policy requirements within the reason section of the condition in order to reflect changes in national and regional planning policy.

Condition 89 (Noise)

This condition requires the submission of a noise impact assessment for the Warkton Lane/Barton Rd access (Access E). There are no changes proposed to this condition other than to update the policy requirements within the reason section of the condition in order to reflect changes in national and regional planning policy.

Condition 90 (Noise)

This condition requires the submission of a noise impact assessment for the Barton Rd south access (Access F). There are no changes proposed to this condition other than to update the policy requirements within the reason section of the condition in order to reflect changes in national and regional planning policy.

Further Works Conditions

The following conditions are to be dealt with by separate applications. However, this Variation of Condition application is effectively issuing a new permission for Kettering East and therefore the following conditions have also been added to the Decision Notice. The 'reason' section of the conditions has been updated to reflect the up to date policy position and changes to National Policy and the Development Plan:

- Condition 56 - Reptile Method Statement (remains unchanged and will be the subject of an approval of condition application).
- Condition 73a-73d - Access to A14 (will be submitted under a separate variation of condition application)
- Condition 74 - Improvements to Junction 9 of the A14 (will be submitted under a separate variation of condition application)
- Condition 77 - Traffic capacity assessment of Junction 10 of the A14 (will be submitted under a separate variation of condition application)
- Condition 78 - Commencement of works to Junction 10 and 10a of the A14 (will be submitted under a separate variation of condition application)
- Condition 79 - Completion of works to Junction 10 and 10a of the A14 (will be submitted under a separate variation of condition application)

3. Conditions requiring changes to the wording/content

Many of the changes in this section to modify conditions are being proposed to add some flexibility to the development process but still provide the necessary infrastructure at the correct time to allow development to commence in a phased manor.

Condition 1 (Reserved Matters Details)

Only minor changes have been made to condition 1, deleting referencing to the dates of the Strategic Master Plan and Land Use schedule, which are sited in proposed Condition 5.

Condition 2 (Time Limit – Reserved Matters)

Condition 2 has been slightly amended through the deletion of the first part of the condition which requires submission of a reserved matters application within 3 years of the date of the original permission, as has already happened, this amendment is considered acceptable.

Condition 3 (Time Limit – Commence Development)

This condition has been amended to reflect that a reserved matters application has been received; it still requires development to commence before the expiration of two years from the final approved reserved matters. Therefore, the main thrust of the condition remains unchanged and the condition has been updated accordingly.

Condition 4 (Requirement For Additional Details)

The first part of the condition has been revised to be more succinct referring to the requirements of policy 1 (the Strategic Master Plan and Land Use schedule) rather than repeating them in this condition. Reference to the development 'not commencing' has been deleted. Additional requirements have been added to the reserved matters including the requirement for a Construction Management Plan; an approved drainage scheme and Stage 2 FRA. The need for a Contaminated Land Survey has been deleted as this is covered by proposed Condition 42 in more detail, which requires it to be dealt with on a parcel by parcel basis, which is preferential and allows varying parcels of development to come forward.

The reason for the condition has also been updated so the most up to date policies are listed.

Conditions 5 (Strategic Masterplan) and 6 (Land Use Schedule)

Conditions 5 and 6 require development to be carried out in accordance with the submitted Strategic Masterplan and a Land Use Schedule, these conditions have been merged to avoid duplication. Reference to the Schedule of Building Dimensions has been removed for the new condition as this is already outlined in the Schedule and Strategic Master Plan and can be considered through the determination of the individual reserved matters applications.

Condition 12 (Employment Parcels E1 and E2)

This condition requires that these parcels are delivered in accordance with the approved Land Use Schedule and ensures that no development takes place on phase 3 until the employment developments in phase 2 have been completed. The applicant proposes to make minor changes to the wording; '**substantially completed**' will change to '**practically completed**' and the word residential has been added to make clear that no residential development can take place on phase 3 until the employment developments in phase 2 have been completed. These are considered to be acceptable changes. The proposed varied condition will still ensure that employment parcels are delivered when required and that residential development is accompanied by employment sites coming forward.

Condition 14 (Office Floorspace)

This condition previously referred to condition 11 within its wording which is now proposed for removal. This reference has therefore been removed from condition 14. No other change is proposed. This is considered to be an acceptable change.

Condition 15 (District Centre Programme of Delivery)

This condition requires the submission of programme of delivery for the district centre which will identify and justify the timing of completion of the different types of use. It is proposed to alter the timing of submission of this strategy. Currently it must be submitted before any development starts on Phase 1. The proposal is to alter this

so it would be required prior to the completion of 1000 dwellings or before reserved matters are submitted for the district centre. This is considered to be an acceptable change. Not permitting any development on Phase 1 until this information is submitted is considered unreasonable given it solely relates to the district centre. The new timescale proposed is considered to be acceptable as it will still secure the programme is submitted before detailed designs are finalised.

Condition 17 (Community Floorspace at the District Centre)

This is currently a general condition which sets the minimum and maximum amount of community use floorspace in this location. The proposed variation is to make this more specific and also ensure it is consistent with the revised Section 106. A community building of 750 square metres (as agreed within the revised S106) must be provided at the centre within Phase 1. This is considered to be an acceptable change as it aligns the outline permission with the revised S106 agreement and its obligations.

Condition 20 (Sport and Leisure Uses (D2) at the District Centre)

This condition requires 1800 square metres of sport and leisure floorspace in this location and that the design complies with Sport England guidance. The proposal is to alter this condition so that before any reserved matters are submitted for the centre details of the nature, scale and extent of the D2 floorspace must be submitted. This change is considered acceptable and an enhancement to the existing wording. The development has to be carried out in accordance with the approved Land Use Schedule and the new condition wording ensures that the details for these uses are agreed in advance of any reserved matters submission so the local planning authority will have early input into the individual uses provided and specifications.

Condition 21 (Programme of Delivery for Local Centres)

This condition requires a programme of delivery for local centres 1 and 2 before works start on Phase 3. The condition has been updated to reflect the approval of the Retail Strategy and discharge of the original condition number 28. This is considered to be a minor change and needed to ensure the permission is up-to-date.

Condition 26 (Health Care Facility)

This condition requires a health care facility to be built at the District Centre before more than 1500 dwellings are occupied and in accordance with details to be submitted. The responsibility for building this health care facility lies with NHS England with the developer making a serviced site available and making a financial contribution as agreed in the revised Section 106 agreement. This was the agreed position at the outline planning stage however the original condition did not adequately reflect this and make it clear. It is therefore considered appropriate that this condition should be varied in the manner proposed.

Condition 27 (Delivery of the Schools)

This requires a community use strategy for the schools to be submitted before works commence on those particular development parcels – PS1, PS2, PS3, PS4, SS1. A minor variation to the wording is proposed to make it clear that a strategy needs to be submitted for each school and that development cannot commence on each

school site until that strategy is approved. It makes it clear that the first primary school in Phase 1 can be built without needing to agree the strategy for example for a primary school in Phase 3. This is considered to be an acceptable change and will help to make the condition requirement clear.

Condition 33 (Code For Sustainable Homes)

Reference to 'dwellings completed during the period up to 31 December 2012' has been deleted from this condition as this date has passed. All the other wording remains as per the existing condition.

Condition 44 – (Management of the Public Realm)

This condition requires arrangements to be put in place for the ongoing management of the public realm. The proposed changes to the wording of this condition involve an alteration to the trigger point as to when this information is required. Currently, the condition states that: '**No development shall commence on any development parcel unless and until**'. It is proposed that this trigger point is changed to '**Prior to the occupation of any dwelling within any development parcel**'. The reason behind the change is to help bring sites forward for development and accelerate the delivery of housing in line with the National Planning Policy Framework. The changes proposed to the wording of this condition still provide sufficient control from a local planning authority perspective but do not pose a threat or create unnecessary delays to the commencement of development for East Kettering. (For full details of the existing condition wording and the proposed condition wording please refer to the table of conditions within the appendix).

Condition 45 (Green Patch)

As part of the overall East Kettering development, the creation of proposed Access C and the Elizabeth Road link will involve the relocation of Green Patch (a community allotment project). Currently, existing Condition 45 of the outline permission requires the submission and approval of a strategy for the relocation of this site (currently before Phase 3 of the development starts). This condition is proposed to be varied to ensure the timing of this requirement matches the timing of Access C. From transport modelling already carried out as part of approved Condition 86 works, the Elizabeth Road link will need to be in before Phase 2 of the development is commenced. As such the proposed changes to the wording of the new condition is as follows: '**Prior to the submission of a Reserved Matters application for Access C serving the development a strategy for relocating the existing 'Green Patch' facility to the development or other location as agreed shall be submitted to and approved in writing by the local planning authority**'. The Green Patch strategy will still include elements such as location and design details, site characteristics and also information relating to facilities and amenities to be provided on site.

Condition 46 (Strategic Landscape Works)

This condition requires the submission of a scheme for strategic landscaping works for each phase of development. The proposed change to the wording of this condition includes the insertion of reference to the '**Primary Street network**' as set out in the approved Design Code. This has been included as it was felt that this condition needed greater clarity in order to better reflect the approved Design Code

details (referred to in proposed Condition 6). (For full details of the existing condition wording and the proposed condition wording please refer to the table of conditions within the appendix).

Condition 47 (Hard and Soft Landscaping)

This condition requires the submission of a scheme for hard and soft landscaping details for each parcel of development within East Kettering. Changes are required to this condition in order to make reference to proposed condition numbers replacing existing ones. For example the details state that the scheme shall include items listed i –v in Condition 46. Condition 46 is now proposed to be Condition 27 and so has to be referenced properly elsewhere to ensure precision.

Condition 48 (Arboricultural Method Statement)

This condition requires the submission of information in relation to tree felling, tree works, pruning, soil removal and temporary access requirements. These details are currently all required before works take place on site. The proposed changes to the condition alter this requirement to **‘No works shall take place on a development parcel’**. Due to the number of different landowners/developers with land interest at Kettering East, this alteration to the wording allows various parcels of development (in different locations) to come forward at different times so that a developer wanting to start works is not held up by the inactivity of another developer. It seems reasonable that each developer should be able to provide their own information with respect to arboricultural works for their particular development parcel. As with the previous condition, Condition 48 also makes reference to other condition numbers within its wording and so this also has to be altered to reflect the proposed changes and ensure precision.

Condition 49 (Hedgerow Retention)

This condition refers to the identification of existing hedgerows to be retained within the East Kettering site and refers to the following documents/details which identify specific areas of hedgerow retention:

- Design Code
- Habitat Creation Plan; and
- Landscaping schemes pursuant to existing Conditions 46 and 47 (revised/proposed conditions 27/28).

The proposed condition wording has been updated so that now only the proposed landscaping condition numbers are referred to (revised/proposed conditions 27 and 28). This is because the information for these conditions remain outstanding and need to be formally submitted whereas the Design Code document has already been approved (as set out in proposed Condition 6).

Condition 50 (Landscape Management)

This condition requires the submission of a Landscape Management Plan for strategic landscape works prior to the occupation of each development phase (as shown on phasing plans). Changes are required to this condition in order to make reference to proposed condition numbers replacing existing ones. For example, the details of this condition refer to existing Condition 46. Condition 46 is now proposed to be Condition 27 and so this has to be referenced as such in order to ensure precision and clarity.

Condition 51 (Landscape Management)

This condition requires the submission of a Landscape Management Plan for the hard and soft landscaping areas of development parcels within the East Kettering development. Changes are required to this condition in order to make reference to proposed condition numbers replacing existing ones. For example, the details of this condition refer to existing Condition 47. Condition 47 is now proposed to be Condition 28 and so this has to be referenced as such in order to ensure precision and clarity.

Condition 52 (Permitted Development removal – fencing, walls and enclosures)

This condition removes permitted development rights in relation to minor operations for fences, walls and enclosures as set out within Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. Changes are required to this condition in order to make reference to proposed condition numbers replacing existing ones. For example, the details of this condition refer to existing Conditions 46, 47, 50 and 51. These conditions are proposed to be renumbered to 27, 28, 31 and 32 respectively. As such this condition needs to reflect the proposed updates. No other changes are proposed to this condition so control will still be retained with respect to the requirement of planning permission for fences, walls and enclosures within the East Kettering development.

Condition 57 (Ecological Management Plan)

The Wildlife Trust and NIA had previously raised concerns about the proposed changes to revised/proposed condition 36. The applicants Planning Statement, submitted in support of the changes to conditions, outlined that the previously conditioned Green Infrastructure Habitat Creation Plan (September 2009) was too prescriptive and that there is no scope in this condition to amend this plan to be more strategic. The Wildlife Trust were concerned that this approach would dilute the Green Infrastructure Strategy and not ensure that necessary green infrastructure and ecological works were undertaken. The applicant has since clarified the reasons for amending this condition as follows:

The Green Infrastructure Habitat Creation Plan (submitted September 2009) does not currently comply with the approved Design Code and no longer reflects the current development design. There is scope to move the ecological mitigation and management information contained on this Plan into the Great Crested Newt, Badger and Bat Mitigation Strategies, Reptile Method Statement and Combined Landscape and Ecological Management Plan (covered by other planning conditions). The revised Habitat Creation Plan will continue to show the geographic distribution and approximate extent of new habitats to be created across the site.

In order to allow for further, more up to date survey works to be undertaken and future Reserved Matters applications to reflect this, similar to revised/proposed condition 34, the wording has been amended to include '**unless written consent is given by the Local Planning Authority for any variation to this plan**'. This will allow for a more adaptable and flexible Green Infrastructure Habitat Creation Plan to be submitted which would comply with the adopted Design Code. It also allows for further mitigation strategies to be submitted, which will contain further detail than the previous strategy but would allow them to be tailored to the specific parcels of development and most up to date survey works, whilst having the fall back position

of conditioning the previously approved Green Infrastructure Habitat Creation Plan (submitted September 2009). This is a pre-commencement condition so once the Ecological Management Plan and any amended Green Infrastructure Habitat Creation Plan is submitted, then this will be considered in consultation with the relevant statutory consultees including Wildlife Trust, Natural England and the Nene Valley Nature Improvement Area.

The Wildlife Trust and the Nene Valley Nature Improvement Area have therefore removed their objections on the basis that they are satisfied with the approved plan, provided that they are consulted on any future ecological or green infrastructure/habitat plans.

Condition 60 (Foul Water Drainage)

The trigger for this condition has been amended from '**prior to the commencement of development**' to '**no works that comprise the erection of a building**' this would allow necessary ground and highways works to take place and the potential for parcels to come forward at varying times. The implementation of the condition is also to be changed from '**implementation in full prior to the erection of any of the buildings within that phase of the development**' to '**in accordance with the approved scheme**' this will ensure that foul water infrastructure is delivered as soon as possible.

Condition 61 (Surface Water Drainage) and 62 (Pollution Control and Surface Water Runoff)

Conditions 61 and 62 have been merged. The trigger for these conditions has been amended from '**no development shall commence on a phase**' to '**no development shall commence on a development parcel**'. This is to ensure that measures are site specific and addressed as each parcel comes forward.

Both the Environment Agency and Anglian Water have raised no objections to the approach, as outlined in revised/proposed Condition 38, as outlined above and recognise the need for some flexibility. Officers have met regularly with these interested parties to ensure they have no concerns and that this approach is one that all parties can support. This does not mean that the necessary infrastructure is being delayed or reduced and the changes proposed will ensure that the foul drainage can be put in place as soon as possible and subsequently development can commence.

Condition 69 (Air Quality)

This condition requires a further assessment of air quality should the Weekley/Warkton Avenue not be open to traffic prior to the commencement of Phase 3 of the development. The revised condition proposes minor changes to the existing wording of this condition by adding the words '**in accordance with the assessment**'. This has been included as it was felt that this condition needed greater clarity and precision in order to fully meet condition requirements set out within Government guidance Circular 11/95. (For full details of the existing condition wording and the proposed condition wording please refer to the table of conditions in the appendix which accompanies this report).

Condition 72 (Construction Management)

This existing condition requires the submission of a Construction Management Plan. The change proposed to the wording of this condition involves the submission of a Construction Management Plan **'on a parcel of development'** as opposed to **'on any part of the development'**. This change is proposed in order to help bring forward parcels of land which comprise different landowners/developers. Given the separation distances between the three development parcels currently submitted to the Council for determination (KET/2013/0213, KET/2013/0232, KET/2013/0314) it seems logical to allow each developer/landowner to provide their own Construction Management Plan for the individual application sites. Currently each application site (as submitted) relies on a different access point/junction for construction traffic and as such it seems reasonable that each developer should provide their own information with respect to a routing agreement for construction traffic, health and safety issues for that particular parcel of development, internal site circulation routes, noise, waste and any other construction issues (as listed within the condition). This change also reflects normal practice whereby developer's contractors provide their own Construction Management Plan to be used during the construction phase of their own development site. (For full details of the existing condition wording and the proposed condition wording please refer to the table of conditions within the appendix). The submission of a Construction Management Plan with any subsequent reserved matters is required by revised/proposed Condition 4.

Highways Conditions:

Condition 73 (A14 Access Option)

This condition has not been proposed to be altered as part of this application and as such is not for consideration at this time. However, changes are required to this wording given that Part A has been approved and discharged. It will be the subject of a separate variation of condition application which is to be submitted in due course.

Condition 75 (Access D – Warkton Lane/Deeble Road, E – Barton Road/Warkton Lane and F – Barton Road South)

The existing condition requires all these access points to be delivered prior to the commencement of development and completed in accordance with drawings that need to be submitted and approved.

The proposal is to split this condition into three so the delivery of each individual access point relates to the parcels they will serve. This is considered to be more reasonable approach than the existing requirement. Currently development could be held up by delivery of an access point which does not provide any access to it, which is unreasonable. It is proposed that D, E and F are delivered prior to the 1st occupation of the relevant parcels. The Construction Management Plan condition (Condition 72) will secure the details of construction access and associated works are provided and are robust. Detailed drawings of the access points will need to be submitted and approved before the works are started.

It is considered that the proposed wording of the three new conditions will secure the appropriate delivery of these accesses.

Condition 76 (Off-Site Highway Works – Junctions (a), (b), (c) (d), (g and (f))

Condition 76 secures improvements at the following junctions prior to the first occupation:

- (a) Stamford Road / Windmill Avenue
- (b) Windmill Avenue / St Mary's Road
- (c) Windmill Avenue / Deeble Road
- (d) London Road / Barton Road
- (f) Bus Priority Scheme
- (g) Cranford Road / Barton Road

Changes to timings of the works, and when details are required, are proposed and as a result this has been split into revised/proposed Conditions 47, 48i, 48ii and 49 and includes the addition of junction (e) Barton Road/Windmill Avenue;

- junctions (a), (b), (d) and (e);
- junction (c);
- junction (f) and
- junction (g)

Having considered the proposals and taken into account the views of the Local Highways Authority, it has been concluded that a Transport Assessment should be completed for junction (g) in order to evaluate the exact requirements needed for works to that junction and when they are needed. Therefore, it needs to be split from the original wording of the outline condition as it contains different requirements to the other junctions. Highway experts have also identified that some minor works are still needed at junction (e) (Barton Road/Windmill Avenue) and so this has been added to the new set of conditions which includes works to junctions a), b), c) and e). Please refer to the table of conditions for updated details set out within the appendix.

Junction (c) – revised/proposed Condition 47

The improvements at this junction are considered to be needed prior to the first occupation of particular development parcels (R7-R15), as occupation of these will have a direct impact on this junction. The timing of works in this case will mitigate the impacts of the development and is considered acceptable.

Detailed plans of this junction enhancement will need to be submitted and approved by the Local Planning Authority.

Junctions (a), (b) and (d) and (e) – revised/proposed Condition 48i

There remains a requirement for improvements to these off-site junctions as the overall development will have an impact on these. Details of the exact works required will need to be submitted to and approved by the local planning authority prior to 30th June 2013 or upon occupation of the 500th dwelling, whichever is sooner, in line with 3 years of delivery based upon the proposed figures for the most up to date 5 year housing land supply and the advice of the Highways Authority.

The works are to be fully completed prior to the occupation of 876th dwelling, as advised by the Highways Authority.

All detailed plans of each junction enhancement will need to be submitted and approved by the Local Planning Authority.

Junction (g) – revised/proposed Condition 48ii

Initially, the applicant proposed that works to the Cranford Road/Barton Road junction (g) be carried out prior to the 876th occupation. The Local Planning Authority however considers these works are needed earlier. The Local Planning Authority recommends, having consulted with the Highways Authority, that a Transport Assessment be submitted to and approved by the local planning authority prior to the first occupation of parcels R21-23 or R26 given the direct impact these development parcels would have on the current capacity along Cranford Road and this junction, which was not previously envisaged in the transport work completed so far. Any works required by the approved Transport Assessment (TA) are to be implemented in accordance with the triggers contained within the approved TA.

Junction (f) – revised/proposed Condition 49

It is proposed to alter the timings of these works to '**prior to the occupation of the 876th dwelling**'. The details of the bus priority scheme are required by the 500th occupation which is considered to be acceptable and in accordance with the advice from the Highways Authority, which aligns the bus priority measures with the residential occupancy and traffic generation as outlined in 48i, which will serve to reduce car dependency as junction capacity is approaching.

Condition 80 (Development of Mixed Use Area)

An update is needed to the condition reason to reflect changes in planning policy since the outline permission was issued. In addition to this the condition refers back the approved phasing plan set out in the revised/proposed Condition number 5, rather than repeat the drawing number. The condition requirements remain unchanged.

Condition 81 (A14 Widening)

This condition currently states that no more than 1750 dwellings can be occupied until the mainline widening at A14 Junction 7 to 9 is constructed and fully operational. The proposal is remove the '**fully operational**' wording. This change is not considered to materially change the requirement imposed and there will be no loss of control through this variation.

Condition 82 (Off-Site Highway Works – Junction (e))

Initially this condition was proposed for removal, however as set out above, minor works will be needed to synchronise the traffic signals to those at which are being improved or inserted at other off-site junctions. A variation to the existing condition is therefore recommended by the Local Planning Authority rather than removal and the details of this have been incorporated into revised/proposed Condition 48i.

4. Conditions to be Removed

Condition 9 (Market Housing Mix)

This condition prescribes a required mix for the market housing, expressed in percentages. On reflection it is considered that this is too prescriptive and does not allow any future changes in the market to be accommodated. Setting requirements in this way will harm the delivery of the development and its sustainability. The mix of housing can be controlled through the submission of Reserved Matters, when layout and design details are before us for consideration. The approved design code also requires particular types of dwelling in certain character areas, which provides another means of controlling the form of development proposed.

Condition 10 (Affordable Housing Mix)

This condition sets out a required mix for the affordable housing element of the scheme, again expressed in percentages. This is considered to be out-of-date and inflexible. We need to be responsive to changing local needs and be able to adapt as necessary as we move forward and as details are submitted for individual development parcels. Agreement on the affordable housing mix is also secured through the Section 106 agreement. As with the market housing the approved design code also applies to affordable units. This requires particular types of dwelling in certain character areas and therefore provides another means of controlling the form of development proposed.

Condition 11 (B1 Floorspace)

This condition limits the amount of B1 (office) floorspace to be provided within employment parcels E1, E2 and E3 and at the District Centre. The approved Land Use Schedule, which the development has to accord with, controls this and therefore this condition is considered to be unnecessary. The submission of Reserved Matters will also provide another form of control. Removal of this condition is considered to be appropriate and acceptable.

Condition 13 (Employment Parcel Delivery)

This condition currently requires the submission and approval of a delivery strategy for the employment parcels. It is considered however that the required information should be submitted as part of the Reserved Matters for each employment development. The revised/proposed Condition number 4 requires extensive details to be submitted as part of reserved matters including details of key infrastructure to be provided and the construction sequence. Having details come forward at that stage is considered to be more appropriate than the current requirement. Currently details would need to be submitted before any designs for the employment parcels have been developed which would be impractical and anything submitted is likely to be unspecific which defeats the reasoning behind the condition.

Condition 16 (District Centre Floorspace)

This condition sets out the minimum and maximum floorspace for uses at the District Centre. This is controlled through the approved Land Use Schedule. The approved Retail Strategy sets out how the floorspace will be delivered. Therefore it is considered acceptable to remove this condition as it duplicates and is unnecessary.

Condition 18 (Community Use at District Centre)

This condition sets out the level of multi-use community space required as part of the overall D2 Community Floorspace permitted at the District Centre. The revised Section 106 covers this requirement and therefore a condition is considered to be unnecessary. Removal of the condition is considered acceptable for this reason.

Condition 19 (Nursery Floorspace)

This requires a nursery of 500 square metres to be provided at the District Centre. This use and floorspace requirement is however controlled through the approved Land Use Schedule. Removal of condition 19 is considered to be acceptable as it is repetition and is unnecessary.

Conditions 22 and 23 (Minimum Retail Floorspace at the Local Centres)

These conditions require a minimum of 100 square metres of A1 retail to be provided at each local centre. This is controlled through the approved Land Use Schedule. The Retail Strategy sets out how the floorspace will be delivered. Therefore it is considered acceptable to remove these conditions as they duplicate and are unnecessary.

Condition 24 (Community Use at the Local Centres)

This condition sets minimum and maximum floorspace requirements for community (D1) floorspace at the local centres. This is controlled through the approved Land Use Schedule. The condition also requires that the design details for the community uses shall meet Sport England guidance. The submission of reserved matters will include the detailed designs and specifications. Compliance with any relevant design guidance can be assessed as part of the Reserved Matters process. The current condition is considered to be unnecessary and can be removed.

Condition 25 (Assembly and Leisure at the Local Centres)

This condition sets a maximum floorspace for assembly and leisure to be provided at the local centres. This is controlled through the approved Land Use Schedule. It also requires details of how this will be split across the three local centres. This is considered to be unnecessary detail and not needed; each individual reserved matters will detail the amount of assembly and leisure floorspace to be created and how that fits with the overall development and masterplan. The submission of Reserved Matters will include the detailed designs and specifications. Compliance with any relevant design guidance can be assessed as part of the Reserved Matters process. The current condition is considered to be unnecessary and can be removed.

Conditions 29 and 30 (A1, A3, A4 and A5 uses at the Local Centres)

These conditions set the maximum floorspace for these uses at the local centres and also require a minimum level of retail in these locations. This is controlled through the approved Land Use Schedule. The conditions also state that Reserved Matters need to be accompanied by a justification of the size and split of uses. This detail can be required as part of the Reserved Matters without this wording being included. The removal of these two conditions is considered to be acceptable as their requirements are controlled by other means namely the approved Land Use Schedule and reserved matters.

Condition 53 (Bats)

This existing condition is an instructional condition requesting that development be carried out in accordance with the Bat Mitigation Strategy (dated August 2008) and other documentation. It is proposed that the wording of this condition be condensed and merged (with 54 and 55) into a proposed new condition (34) which covers bats, badgers and great crested newts. The requirements of this new condition (with respect to bats) still provides the necessary control but will both simplify and help to reduce the overall number of conditions on the permission.

Condition 54 (Badgers)

This existing condition is an instructional condition requesting that development be carried out in accordance with the Badger Mitigation Strategy (dated July 2008) and other documentation. It is proposed that the wording of this condition be condensed and merged (with 53 and 55) into a proposed new condition (34) which covers bats, badgers and great crested newts. The requirements of this new condition (with respect to badgers) still provides the necessary control but will both simplify and help to reduce the overall number of conditions on the permission.

Condition 55 (Great Crested Newts)

This existing condition is an instructional condition requesting that development be carried out in accordance with the Great Crested Newts Mitigation Strategy (dated July 2008) and other documentation. It is proposed that the wording of this condition be condensed and merged (with 53 and 54) into a proposed new condition (34) which covers bats, badgers and great crested newts. The requirements of this new condition (with respect to great crested newts) still provides the necessary control but will both simplify and help to reduce the overall number of conditions on the permission.

Condition 59 (Ecology)

This existing condition is an instructional condition requesting that development be carried out in accordance with various documents submitted at the outline stage of the development. Taking into account the other conditions listed in relation to Ecology e.g. revised/proposed Condition 34 (bats, badgers and great crested newts), the current submission of existing condition 56 (Reptile Method Statement) which is awaiting determination and the approved Green Infrastructure Strategy (now listed under revised/proposed Condition 6) this condition is now considered to be unnecessary as its details are covered by other means. As such it is considered that this condition does not meet the condition requirements as set out within Government guidance Circular 11/95.

The revised/proposed condition 34 (was conditions 53-55), additional wording has been added to allow for further more up to date mitigation strategies to be submitted and approved as recommended in the Ecological Management Plan.

Condition 66 (Compliance with drainage scheme)

This condition has been merged with Condition 4, which requires Reserved Matters applications to be accompanied by a list of details including the drainage scheme previously required by this condition. Therefore, this condition is no longer required.

Condition 67 (Compliance with Stage 2 Flood Risk Assessment)

This condition has been merged with Condition 4, which requires Reserved Matters applications to be accompanied by a list of details including the approved stage 2 FRA previously required by this condition. Therefore, this condition is no longer required.

Condition 71 (Potential mineral resource extraction)

This condition was requested by Northamptonshire County Council at the time the outline application was being assessed (2008-2010). The landowners/developers had previously put forward the East Kettering area as a potential location for mineral extraction. As such, the site was included in the Minerals and Waste Development Framework Consultation document for comments. Northamptonshire County Council therefore requested an assessment to confirm whether any mineral resource was present on site or not (as a precaution). Since the grant of the extant outline planning permission (in 2010) the Minerals and Waste Development Framework was adopted in 2011 and specific sites within Northamptonshire were allocated. East Kettering was not taken forward as a site. Northamptonshire County Council (Planning Policy) is satisfied that there should be no minerals present at the site, it is not allocated within the MWDF and prior extraction is not required. As such, Condition 71 is now unnecessary and fails to meet the tests set out within Government guidance Circular 11/95 with respect to conditions. Therefore, it is proposed to be removed as part of this application.

5. Other Matters

Principle

Objections have been received to the principle of development on this site which has already been established by the earlier Outline Planning Permissions KET/2007/0694 and KET/2008/0274. This application like any other Outline Planning Application will be supported by the submission of further applications including Reserved Matters applications and approval of condition applications which will be presented to Members of the Planning Committee, as necessary. These applications will include further detailed information including that which is required by proposed Condition 4. This additional information will provide the necessary justification for some of the site specific concerns which have been raised. Non-compliance with conditions could result in enforcement action as is the process for any planning application.

Viability

In March 2013, a report was presented to Members of the Planning Committee proposing some changes to the section 106. Changes were made in response to agreement by Members that the current economic climate had detrimentally affected the overall viability of the project. To help assist with the delivery and viability of the development, a number of changes to both the wording and triggers of conditions (as outlined above) are required in order to allow development to proceed on site within a reasonable timeframe and in line with the revised legal agreement. This helps to ensure that housing development is accompanied by the necessary infrastructure. To that end, careful scrutiny of the proposed changes has been undertaken and the conclusions derived as set out above.

Housing Numbers

There is no increase in the number of dwellings permitted, this remains at 5,500.

Healthcare

As set out in section 3 of this report, regarding condition 26 this condition needs to be varied to make it clear that the developer is responsible for providing land and a financial contribution and that the NHS must deliver the health care centre needed. This was the requirement when the original outline was approved but was not necessarily made clear through the condition wording.

Transport

Traffic Surveys were not carried out during bad weather, contrary to the comments of third parties. The latest highway counts, in relation to the Traffic Impact Assessment for Condition 83, were completed in July 2012 before the school holiday period.

To mitigate the effects of the development various off-site junction improvements are to be made along with wider improvements for example within the town centre area. There are proposals for Weekley-Warkton Avenue, Junction 10 mitigation and a new Junction 10a. Traffic calming measures along key routes including Deeble Road, Warkton Lane and Barton Road will also be introduced.

The reasons for proposed variations to conditions 75, 76 and 81, and the Local Authority view that this is acceptable, are discussed in the relevant section of this report. It is considered that Condition 82 should be varied for the reasons set out in the relevant section of this report.

Design Code

Several concerns have been raised about the overall resultant character of the East Kettering development particularly if parcels of land come forward in a piecemeal way. It is questioned how individual developments will successfully link together. The approved Design Code, now conditioned by proposed Condition 6 will help to ensure that:

- different development parcels are well connected both in movement and design terms;
- character areas will cross development parcels successfully using similar design principles and a continuous palette of materials;
- sustainable design principles will be applied across the development and key principles of street frontage and addressing the street scene will be applied.

The Design Code also deals with other matters including boundary treatments, planting, bin storage and garden size amongst many others which will also help to provide a coherent, integrated character for the overall East Kettering development.

Construction Access Management Plan

It is noted that a number of third party objections raise the concern that construction access is a condition which is proposed to be removed entirely as part of this application. As can be seen from the accompanying table of conditions this condition will remain and construction access management plans will be required for every parcel of development for East Kettering. As an example, a Construction Management Plan has been submitted as part of the Reserved Matters application

KET/2013/0213 for parcels R7, R9 and R10. As is clear from the proposed wording of new condition 43: *'no development shall take place on a parcel of development unless and until a Construction Management Plan for that parcel has been submitted to and approved in writing by the local planning authority'*. Therefore, the condition provides the necessary control to ensure that construction access is effectively provided for and consultation will take place with statutory consultees to make sure the content of the management plan is acceptable.

Conclusion

The changes to the conditions may be viewed as extensive in overall terms, but many are small and insignificant. This does not mean that the Local Planning Authority has diluted its control of the development. The necessary infrastructure will be provided in a timely manor as the development commences. Some comments have been received raise the concern that some infrastructure is not being provided. This is not the case.

Back in March 2013 the committee considered the revised Section 106 legal agreement and agreed the changes to an altered approach to the financial contributions and how the infrastructure can be delivered. As previously stated, some of the changes to conditions proposed are to reflect the previously agreed changes to the Section 106.

Therefore, in overall terms the changes are small and considered reasonable and sensible in order to enhance the delivery process and enable the Council to use its resources in the most efficient way to retain control of the development process.

Background Papers

Title of Document:

Date:

Contact Officer:

Louise Jelley, Rebecca Collins and Louise Holland
on 01536 534316

Previous Reports/Minutes

Ref:

Date: