

BOROUGH OF KETTERING

Committee	Full Planning Committee – 08/07/2014	Item No: 4.1
Report Originator	Louise Holland Senior Development Officer	Application No: KET/2013/0695
Wards Affected	All	
Location	East Kettering Development, Cranford Road, Barton Seagrave	
Proposal	S.73 Application: Variation of Conditions 5 (MP/other plans/documents), 8 (Employment), 13 (Local Centres), 39 (Air Quality), 42i, 42ii, 42iii, 43, 48 (Access & Movement) of KET/2013/0514 with new condition 42iv in relation to Access & Movement.	
Applicant	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 HEAD OF DEVELOPMENT SERVICES RECOMMENDS that this application be APPROVED, subject to a S.106 OBLIGATION being entered into, and to the following conditions:-

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

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

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

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

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

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

4. Reserved Matters applications for approval of details required under Condition 1 of this permission shall be accompanied by the following additional details:
- i) Infrastructure and construction sequence comprising details of the following for the relevant parcel or part thereof:
 - a) Road junctions and junction alterations, road improvements, carriageway widening, new roads, footpaths, bridleways, cycleways, bridges, traffic signalling, highways signage, the treatment of all surfaces and any traffic calming measures;
 - b) Lighting, signage and street furniture;
 - c) Foul and surface water drainage;
 - d) Details of services (including the adequacy/availability/details of gas, water and electricity supplies, cables, telecommunications, sub-stations, poles, cable runs and other utilities);
 - e) Security infrastructure and equipment;
 - f) Vehicle parking;
 - g) Publicly accessible open space;
 - h) Waste recycling, disposal and management measures including a statement of conformity with the approved Waste Audit and Waste Facilities Management Strategy (approved document set out in Condition 6);
 - ii) Existing and proposed site levels and finished floor levels for all buildings;
 - iii) Travel plans;
 - iv) Cycle parking facilities;
 - v) A schedule of floorspace and uses proposed within the relevant phase or development parcel;
 - vi) A Statement of Conformity to the Design Code (see Condition 6);
 - vii) Sustainability Report (pursuant to Condition 21) which shows how environmental sustainability issues have been addressed in the design process and shows how Code for Sustainable Homes (CSH)/BREEAM and Lifetime Homes Standards (pursuant to Conditions 18, 19 and 20) will be achieved based on the actual design of units on the Reserved Matters site;
 - viii) Construction Management Plan (see Condition 41);
 - ix) Noise Impact Assessment (pursuant to Condition 51);
 - x) Schedule of building materials;
 - xi) A written statement of conformity which demonstrates compliance with the approved foul water drainage strategy (approved document set out at Condition 6); and
 - xii) A written statement of conformity which demonstrates compliance with the approved Stage 2 FRA (referred to in Condition 6).

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

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

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

be carried out in accordance with the approved details.

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

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

a) The Design Code dated March 2013 approved on 26 March 2013 under application reference AOC/0694/0710.

b) The Retail Strategy (Final Report) dated September 2012 and Appendix 1 Retail Impact Assessment (Final Report) dated September 2012 approved on 20 September 2012 under application reference AOC/0694/0705.

c) The Green Infrastructure Strategy (reference 12-0076/3156/D01) dated September 2012 approved on 20 September 2012 under application reference AOC/0694/0702

d) The Open Space Strategy (reference 12-0385/3156/D01) dated September 2012 approved on 20 September 2012 under application reference AOC/0694/0704.

e) The Archaeological Written Scheme of Investigation dated May 2012 approved on 19th September 2012 under application reference AOC/0694/0701.

f) The Waste Audit and Waste Management Facilities Strategy Ref: 25134/003/Rev 3 dated March 2013 approved on 1st March 2013 under application reference AOC/0694/0707.

g) The Low or Zero Carbon Feasibility Study 2012 Project Ref: 25134/ Doc Ref: R8/rev 8 dated October approved on 22nd October 2012 under application reference AOC/0694/0703.

h) The Water Efficiency Strategy for Non Residential Buildings Project Ref: 25134 Doc Ref: 25134/003/Rev1 dated December 2012 approved on 26th February 2013 under application reference AOC/0694/0709.

i) The Stage 2 Flood Risk Assessment (FRA) document reference 25134/010/01E Revision E dated May 2014 received on 21st May 2014 under application reference AOC/0514/1302.

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

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

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

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

(n) The Foul Water Drainage Strategy, document reference 25134/008/01I dated December 2013, prepared by Peter Brett Associates on behalf of Alledge Brook Ltd approved on 7th February 2014 under application reference AOC/0274/0802.

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

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

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

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

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

8. Construction of Employment Parcels E1 and E2 as shown on the approved revised Strategic Master Plan (see Condition 5) shall not be carried out other than in accordance with the phasing shown in the Employment Areas Table in the approved revised Land Use Schedule (see Condition 5). No residential development shall take place on Phase 2 of the development unless and until the employment developments required in Phase 1 of the development, as set out in the approved Land Use Schedule (see Condition 5), have been practically completed, as defined by the Royal Institute of Chartered Surveyors (RICS).

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

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

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

10. Prior to the completion of 1000 dwellings on the site or the submission of any Reserved Matters Application(s) for the District Centre, whichever is the earliest, a programme for the delivery of the District Centre within Phase 1 of the development shall

be submitted to and approved in writing by the Local Planning Authority. The programme of delivery shall be informed by the approved Retail Strategy (see Condition 6b) and shall identify and justify the timing of completion of the floorspace specified for each use class contained within the District Centre as shown in the approved Land Use Schedule (see Condition 5). The development shall be carried out in accordance with the approved programme of delivery.

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

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

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

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

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

13. No development shall commence on Phase 2 of the development as shown on the approved Phasing Plan (BBD034/137 – Phase 2) unless and until a programme of delivery for the Local Centres of the development has been submitted to and approved in writing by the Local Planning Authority. The programme of delivery shall be informed by the approved Retail Strategy (see condition no. 6(b)) and shall identify and justify the timing of completion of the floorspace specified for each Use Class contained within the Local Centres as shown in the approved revised Land Use Schedule. The development shall be carried out in accordance with the approved programme.

REASON: To provide a range of local facilities for the residents of Phase 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 Masterplan (see Condition 5).

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

15. No development shall take place on development parcel PS1, PS2, PS3, PS4 or SS1 as shown on the approved Strategic Masterplan (see Condition 5), unless and until a

strategy for that parcel has been submitted to and approved in writing by the Local Planning Authority that sets out how the school and its facilities in that parcel will be made available for community use during the day, evening, weekends and school holidays. The strategy shall detail the total floorspace and facilities to be made available for community use. The development shall be carried out in accordance with the approved strategies.
REASON: To provide community facilities for the development in accordance with Policies 6 and 8 of the National Planning Policy Framework and Policies 6, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

16. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) or any Order revoking and re-enacting that Order with or without modification, the floorspace to be provided for Class D2 purposes at the District and Local Centres shall be used for sports and community leisure uses only, and for no other purpose within Class D2.
REASON: To provide sport and recreation facilities for the development in accordance with Policies 6 and 8 of the National Planning Policy Framework and Policies 6, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

17. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) or any Order revoking and re-enacting that Order with or without modification, the floorspace to be provided for Class D1 purposes at the District and Local Centres shall be used for community uses only, and for no other purpose within Class D1.
REASON: To provide community facilities for the development in accordance with Policies 6 and 8 of the National Planning Policy Framework and Policies 6, 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

18. 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 Policies 6, 7 and 10 of 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) and Policies 7 and 10 of the National Planning Policy Framework.

20. Non-residential buildings shall achieve a minimum of Building Research Establishment Environment Assessment Method (BREEAM) level "very good" (or the

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

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

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

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

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

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

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

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

24. A waste management facility shall be provided at the District Centre within Phase 1 of the development. This facility shall be provided in accordance with the approved Waste

Audit and Waste Management Facilities Strategy (see Condition 6f).

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

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

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

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

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

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

Such a scheme shall specify:

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

v. existing contours and any proposed alterations to the land such as earth mounding; and
vi. timetable for implementation of works.

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

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

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

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

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

a) Implementation, supervision and monitoring of the approved tree protection measures outlined in Condition 27(iii)

b) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved tree protection measures outlined in Condition 27 (iii)

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

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

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

Planning Authority.

REASON: To ensure the continued 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) and Policy 11 of the National Planning Policy Framework.

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

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

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

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

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

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

34. Development shall only take place in accordance with:

- Great Crested Newt Mitigation Strategy reference 13-1442 3156 D01 V4 received 3rd March 2014 under application reference AOC/0514/1301.
- Bat Mitigation Strategy reference 13-1557 3156 D01 R V1 received 19th November 2013 under application reference AOC/0514/1301.
- Badger Mitigation Strategy 13-1471 3156 D01 R V3 received 3rd March 2014 under application reference AOC/0514/1301.
- Reptile Method Statement reference 13-1216 3156 D01 R V3 dated October 2013 prepared by Lockhart Garratt on behalf of Alledge Brook Ltd under application reference AOC/0274/0801.

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

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

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

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

36. No development shall commence on a development parcel of the development as shown on the approved Phasing Plans (see Condition 5) unless and until details of pollution prevention measures for all surface water drainage facilities and details of a scheme for pollution control during 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 Policy 10 of the National Planning Policy Framework and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy (2008).

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

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

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

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

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

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

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

A. Site Characterisation

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

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

(iii) an assessment of the potential risks to:

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

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

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

B. Submission of Remediation Scheme

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

C. Implementation of Approved Remediation Scheme

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

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

D. Reporting of Unexpected Contamination

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

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

E. Long Term Monitoring and Maintenance

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

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

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

- i. Overall strategy for managing environmental impacts which arise during construction;
- ii. Measures to control the emission of dust and dirt during construction;
- iii. Control of noise emanating from the site during the construction period;
- iv. Hours of construction work for the development;
- v. Location, scale and appearance of contractors' compounds, materials storage and other storage arrangements, for cranes and plant, equipment and related temporary infrastructure;
- vi. Designation, layout and design of construction access and egress points;
- vii. Internal site circulation routes;
- viii. Directional signage (on and off site);

- ix. Provision for emergency vehicles;
- x. Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials;
- xi. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- xii. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles
- xiii. Routing agreement for construction traffic;
- xiv. Enclosure of phase or development parcel and the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; and
- xv. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

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

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

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

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

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

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

iii) Independent Stage One and Stage Two Road Safety Audits

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

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

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

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

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

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

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

REASON: To ensure that the A14 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the

Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site, and in the interests of road safety, efficiency, sustainability, and amenity in accordance with National Planning Policy Framework (NPPF) and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008) and to secure a sustainable development which meets the needs of the users of the development in accordance with the NPPF and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

44.i. Prior to the occupation of the first dwelling on Parcel R4, R5, R6, R7, R8, R9, R10, R11, R12, R13 or R14, or the occupation of non-residential Parcel PS2, as shown on the approved Strategic Master Plan (Drawing No. BBD005/105 Revision A), Access D (Warkton Lane/Deeble Road) shall be completed in accordance with the following plans and details:

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

under application reference AOC/0274/0803 or an alternative scheme that shall first be approved in writing by Local Planning Authority before the access works are commenced. REASON: In the interests of highway safety, efficiency, sustainability and amenity in accordance with the National Planning Policy Framework and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

44.ii. Prior to the occupation of the first dwelling on Parcel R16, R17, R18, R19, R20, R21 or R22, or the occupation of non-residential Parcels PS4, DC1, DC2 or DC3, as shown on the approved Strategic Masterplan (Drawing No. BBD005/105 Revision A), Access E (Barton Road/Warkton Lane) shall be completed in accordance with the following plans and details:

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

under application reference AOC/0274/0804 or an alternative scheme that shall first be approved in writing by Local Planning Authority before the access works are commenced. REASON: In the interests of highway safety, efficiency, sustainability and amenity in accordance with the National Planning Policy Framework and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

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

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

under application reference AOC/0274/0805 or an alternative scheme that shall first be approved in writing by Local Planning Authority before the access works are commenced. REASON: In the interests of highway safety, efficiency, sustainability and amenity in accordance with Policy 4 of the National Planning Policy Framework and Policies 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008).

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

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

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

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

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

46.ii. Prior to the commencement of development 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 (TA) shall be fully implemented in accordance with the triggers set out in the approved TA.

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

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

- Bus Priority Scheme (f)

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

48. No more than 375 dwellings shall be occupied on the development unless and until an assessment has been undertaken of an interim scheme of improvement to A14 Junction 10 (which shall be generally in accordance with Drawing No. 25134/001/038 in Appendix B of the submitted PBA Technical Note 09 entitled 'A14 J10 Interim Enhancements' dated 17 September 2013) or other such other scheme as may be approved along with details of the timing programme (i.e. occupation of dwellings) for its implementation and completion have been submitted to and approved in writing by the Local Planning Authority. The interim scheme of improvement to A14 Junction 10 shall be undertaken in accordance with detailed design, engineering, layout and constructional drawings that have first been submitted and approved in writing by the Local Planning Authority and shall be implemented and open to traffic in accordance with the timing programme approved by the Local Planning Authority.

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

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

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

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

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

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

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

52. Prior to the completion of the new link road over the River Ise as shown on the approved Strategic Masterplan (see Condition 5) and its junction with Elizabeth Road (Access C), a Noise Impact Assessment in respect of 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, or any subsequent British Standard which replaces this, 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 Policy 4 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

53. Prior to the completion of Barton Road/Warkton Lane (Access E) 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/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, or any subsequent British Standard which replaces this, 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 Lane/Barton Road junction area in accordance with Policy 4 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

54. 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, or any subsequent British Standard which replaces this, 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 (Access F) junction area in accordance with Policy 4 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

Officers Report for KET/2013/0695

3.0 Information

Relevant Planning History

- KET/2007/0694 – Outline for 5500 dwellings and related development – APPROVED
- KET/2008/0274 – Outline for 5500 dwellings and related development – APPROVED
- KET/2012/0747 – Request for an Environmental Screening Opinion for 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 – Committee Resolution to Approve.
- KET/2013/0214 – Extension of time for KET/2008/0274 – PENDING
- KET/2013/0232 – Reserved Matters (all details) for Parcels R23 & R26 for 308 dwellings in relation to outline KET/2008/0274 – PENDING
- KET/2013/0314 – Full application for Parcel R19 for 153 dwellings, including demolition of vacant dwelling and substation, and replacement substation – PENDING
- KET/2013/0514 – Variation and Removal of Conditions application in relation to outline application KET/2008/0274 (Tranche 1) – APPROVED
- KET/2013/0780 – Reserved Matters for 580m of road from Access E to Parcels R19, R20 and DC2 – APPROVED
- KET/2013/0781 – Reserved Matters for surface water attenuation pond, drainage channels and details of Great Crested Newt translocation area – APPROVED
- KET/2013/0782 – Request for an Environmental Screening Opinion for Parcel R19
- KET/2013/0792 – Reserved Matters for 547m of road from Access F to Parcels R22, R23, R24, R25, R26 and E3 – APPROVED
- KET/2013/0836 – Removal of 180m of hedgerow within Parcel DC2 – APPROVED
- KET/2014/0255 – Reserved Matters for Primary School on Parcel PS4 – PENDING
- KET/2014/0357 – Variation and Removal of Conditions application in relation to outline application KET/2013/0514 – 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 of KET/2008/0274 & Condition 35 of KET/2013/0514 - Reptile Method Statement – APPROVED
AOC/0274/0802 – Condition 60 of KET/2008/0274 & Condition 34 of KET/2013/0514 - Foul Water Drainage Strategy – APPROVED
AOC/0274/0803 – Condition 75 of KET/2008/0274 & Condition 46(i) of KET/2013/0514 - Access D (Warkton Lane/Deeble Road junction) – APPROVED
AOC/0274/0804 – Condition 75 of KET/2008/0274 & Condition 46(ii) of KET/2013/0514 - Access E (Barton Road/Warkton Lane junction) – APPROVED
AOC/0274/0805 – Condition 75 of KET/2008/0274 & Condition 46(iii) of KET/2013/0514 - Access F (Barton Road/A14 junction 10) – APPROVED
AOC/0274/0806 – Condition 46 of KET/2008/0274 & Condition 27 of KET/2013/0514 - Strategic Landscape Works – PENDING
AOC/0514/1301 – Conditions 34 & 36 of KET/2013/0514 – Biodiversity – APPROVED
AOC/0514/1302 – Condition 6(i) of KET/2013/0514 - Stage 2 Flood Risk Assessment – APPROVED
AOC/0781/1301 – Condition 2 of KET/2013/0781 - Ecological Construction Management Plan – APPROVED

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 of planning conditions imposed on the 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; grant a permission subject to different/new conditions; or they can refuse the application. The issue of Gypsy and Traveller provision was raised through the consideration of this application and has been further considered in Section 7 – Planning Considerations, of this report. 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 have been discharged via a staged process. A variation of condition application KET/2013/0514 was approved on 30th May 2014 and reduced the

number of planning conditions from 91 to 54. Through reducing the number of conditions the permission is more manageable and helps significantly the delivery of the development. The Local Planning Authority still retains the necessary control over the development, which will deliver the necessary infrastructure and quality.

Planning conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. Paragraph 203 of the National Planning Framework states that planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Paragraph 206 of the NPPF states planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (the six tests).

The committee report for KET/2013/0514 acknowledged that further application(s) would be needed to vary or remove conditions rating to A14 junction improvements and infrastructure (e.g. Junction 9/10/10A works).

Development Phasing

It is proposed to alter the delivery of the development from a three phase approach to two phases. Parcels R17, R21, R22 and R25, which were previously within Phase 2, have now been incorporated into the new Phase 1. The new Phase 1 will deliver 2719 units, the district centre, 9,320sqm of employment floorspace, two primary schools, one secondary school, a health clinic, 11.4ha of formal open space as well as locally required roads, infrastructure, landscaping and informal open space. The new Phase 2 will deliver 2781 residential units, a further two primary schools, three local centres, 33,080 square metres of employment floorspace, hotel and 9.9 hectares of formal open space.

Masterplan and Land Use Schedule

A minor change to the strategic Masterplan is needed to ensure this reflects the approved Access F arrangement (AOC/0274/0805). Consequently this has had an impact on the shape and size of the adjacent parcels R24, R25 and E3. The Land Use Schedule, which sets out information for each development parcel such as land use, parcel size (hectares) and numbers of dwellings, has therefore been amended for this reason. The Land Use Schedule also identifies which phase each parcel will be delivered in. This has therefore been updated to reflect the proposed two phase approach. A revised Land Use Schedule has been provided with the application. The overall quantum of development remains the same including the total number of dwellings, 5500. The quantum of development within parcels R24, R25 and R42 has been amended:

Parcel R24 – the quantum has changed from 39 to 75 dwellings (net density from 35 dwellings per hectare (dph) to 36 dph). Originally in phase 1, remains in phase 1.

Parcel R25 – the quantum has changed from 112 to 117 dwellings (net density from 34 dph to 33 dph). Originally in phase 2, now in phase 1.

Parcel R42 – the quantum has changed from 420 to 379 dwellings (net density from

35 dph to 32 dph. Originally in phase 3, now phase 2).

The increase in numbers for parcel R24 from 39 to 75 dwellings can be attributed to the re-alignment of access F which has opened up an area of land to the south-west of parcel R24 adjacent to Barton Road. This additional developable area has therefore resulted in an increase in numbers of dwellings for parcel R24. Parcels R25 and E3 have also changed shape as a result of changes to access F, leading to the increase of 5 dwellings on parcel R25. The quantum of employment floor space at parcel E3 remains at 9,320sqm. The quantum of development for parcel R42 has changed to reflect the changes to parcels R24 and R25, so overall the housing numbers remain as previously approved.

Highway Works

The existing permission currently requires the new Junction 10A and mitigation at Junction 10, and associated works, to be completed before 1750 dwellings are occupied. There is also a requirement to reassess Junction 10 before 300 dwellings are occupied. The applicant is proposing to alter the trigger for Junction 10A and the associated mitigation to Junction 10 from 1750 to 2700 occupations. Permanent Access F would also be required at 2700 occupations (it cannot be completed until J10A is in place and the eastern slips are closed at J10). It is also proposed to alter the assessment of J10 from 300 occupations to 375, to allow the David Wilson Homes/Barratt Homes parcels to come forward without a restriction (to reassess J10) on its build out. The application is supported by highway technical notes and transport modelling which have been reviewed by both the Highways Agency and the Local Highway Authority. The off-site junctions (conditions 45 and 46 of KET/2013/0514) have been reassessed taking into account the later delivery of J10A and J10 mitigation (prior to 2700 occupations), in trigger terms, but not necessarily in time.

The application has also considered mitigation schemes at Junction 10, the potential design of J10A and their respective capacities, operation an affect on local highway network.

Junction 10 – Access F (Barton Road South/A14 Junction 10) operates satisfactorily and within capacity. The VISSIM assessment (highway model used for the assessments) for Junction 10 included the approved access arrangements at Junction F as well as 2700 dwellings. Technical Note 13 demonstrates that Junction 10 would operate within capacity with improvement as per the access arrangements for Access F (shown on plan reference 25134/001/038) with up to 2700 occupations and no Junction 10A.

A Junction 10 hybrid scheme has also been developed and assessed which takes into account the Roxhill development and its required works at J10. This scheme includes:

- Signalisation of the A14 eastbound and westbound off-slips;
- The amalgamation of Kettering Road and the A6 into one local road approach;
- Two additional roundabouts on the A6 – one south of A14 J10 and the other to access the proposed Kettering Business Park development;

- Access F on Barton Road to access the Kettering East development, north of A14 J10.

As outlined in Technical note 22, which includes mitigation measures for Roxhill and East Kettering's two phased development. The predicted average queue length on any approach to Junction 10 does not exceed 15m. There is significant capacity within the proposed A14 Junction 10 Hybrid scheme to modify traffic control to respond to changing traffic conditions. Any queues within the network would be transient and clear quickly. The scheme shown on drawing 25134/001/056 would operate within capacity without causing any blockage between this Junction and Access F.

Junction 10A – The outline planning permission included within it a design for Junction 10A. Since this time a detailed review of conditions has led to changes in this design. To ensure this junction still operates correctly further Technical information has been submitted which shows, subject to amends to the design of the Junction that 10A and the surrounding network will operate within capacity. The following minor changes have been made to the original 10A scheme:

- Re-locating the circulatory carriageway to reflect a revised position;
- Amending the eastbound off-slip layout to a single lane exit flaring to two lanes approaching J10a
- Amending the westbound off-slip layout to a single lane exit flaring to two lanes approaching J10a;
- Amending the eastbound on-slip to a single lane exit and single lane merge to the A14;
- Amending the westbound on-slip to a single lane exit and single lane merge to the A14;
- Amending the A6 to a single lane link, with a two-lane flared approach to J10a;
- Amending the Kettering East Development link to a single lane in each direction, with a two-lane flared approach to J10a;
- Amending priority rules at all arms of J10a to reflect the above changes.

The current design for J10A, described above, could be the subject of change as the detailed design process is undertaken. Detailed engineering drawings and other information listed in the proposed condition 42 will be required before any works commence on this new junction.

The application also proposes to vary the trigger for mitigation at Junction 9. The original outline condition number 74 (which is condition 45 of KET/2013/0514) requires these mitigation works prior to the 1st occupation. Technical Note 19 has been submitted with the application to provide an assessment of the proposed improvements which are designed to mitigate traffic associated with the East Kettering development and improve the operation of the junction through better use of existing road space. A full road marking scheme for this junction has been assessed with the following changes proposed:

1. Distinguishing two separate lanes around the southern circulatory carriageway between the A509 (S) and the A14 westbound on-slip exits.

2. Marking the two southbound lanes across the eastern bridge of the circulatory, and, to reduce conflicts, allocating the inside lane of the east bridge circulatory for movements exiting along the A509 (S) only;
3. Introducing “conflict areas” at the A509 (N) entry to reflect better the improved lane allocation discipline and route anticipation that the road marking scheme will provide.

The predicted average queue length on the A509 (S) approach reduces significantly from 236m / 107m to 16m / 16m (AM / PM). The predicted average queue length on the A509 (N) reduces significantly at PM from 23m / 365m to 32m / 292m (AM / PM). Whilst there is a slight increase at AM average queue length a reduction is reported in the maximum queue length. There is also reduction in the number of vehicles failing to enter the network from 28 to 3, a net improvement for this junction. Full road markings as shown on plan reference 25134/001/051 would mitigate the impacts from the East Kettering Development and provide betterment on the two A509 arms of the roundabout.

Environmental Impact Assessment

A Screening Opinion has been carried out for this planning application. The Local Planning Authority has adopted the screening opinion that the proposed development as described by the applicant is EIA development but that the original Environmental Statement (ES) (original dated July 2007) as amended August 2008 and January 2009 accompanying KET/2007/0694 and KET/2008/0274 adequately addresses the environmental effects of the proposals. Therefore, no further ES information is required in this case. The original ES has therefore been taken into account and considered in the assessment of these applications, the officer's recommendation and therefore the determination.

Any Constraints Affecting the Site

Flood Zones 2 and 3
Protected Species
Trees and Hedgerows
Archaeology
Contaminated land
Public Rights of Way, Bridleways and Footpaths
NWT Potential Wildlife Sites

Consultation and Customer Impact

Burton Latimer Town Council

No objection.

Barton Seagrave Parish Council

No objection to the application provided that the traffic flows from the Redrow development have been taken into account in the traffic modelling for this East Kettering application.

Cranford Parish Council

Objection.

- Traffic calming measures are proposed for Cranford towards the end of construction. These measures should be in place before construction commences.
- New plans for J10A do not indicate connections between Cranford Road and the road from East Kettering to Junction 10A.
- Persimmon Homes (who have not signed up to East Kettering) appear to be creating a site entrance on Cranford Road as opposed to that agreed from Junction 10. As traffic will have difficulty accessing the Cranford Road Turn from J10, it will use J11 and travel through Cranford.
- Road traffic assessments for the area appear to indicate that present traffic flows are close to capacity.
- The Parish is concerned the 'Timeline' is changing.
- There should be more forward planning especially landscaping mitigation for Cranford Village and other parts of the Parish.

Desborough Town Council

Application Noted.

Highway Authority (NCC)

No objection. Technical Notes submitted with the application have been reviewed. The work submitted supports the proposal to change the trigger for Junction 10A and associated Junction 10 mitigation from the currently approved 1750 trigger to 2700 occupations.

Highways Agency

No objection. The proposed amendments to conditions 42, 43 and 48 (those relevant to the strategic highway network) are acceptable to the Highways Agency.

Environment Agency

No comment.

Northamptonshire Police

No objection.

English Heritage

No comment.

Natural England

No comment.

North Northants Badger Group

No comment.

Sport England

No comment.

Corby Borough Council

No objection subject to the LPA being satisfied that the Environmental Statement has been updated and that it can be dealt with as an EIA subsequent application.

Borough Council of Wellingborough

No comments.

Community Services (Kettering Borough Council)

No comment.

Neighbours

590 letters were sent to local residents and 1 letter of objection has been received. The objection is summarised below:

- Every piece of green land is being built upon.
- Development will take areas of countryside, where people interact/walk their dogs, away from the poorest parts of Kettering.
- The development will create a poorer environment.

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

Planning Policy for Traveller Sites (March 2012)

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: Ise Valley

Emerging Policies (Local Development Framework)

Emerging Core Strategy
Site Specific Proposals LDD

Others Important Considerations

National Planning Policy Guidance
Housing Act 2004
North Northamptonshire Gypsy and Traveller Accommodation Assessment (GTAA)

6.0 Financial/Resource Implications

A 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. Section 5 of the Planning Considerations 'Section 106/Legal Matters' sets out in more detail the content of that deed.

7.0 Planning Considerations

1. Strategic Masterplan and Land Use Schedule
2. Two Phase Delivery Approach
3. A14 Junction Highways Works and Triggers
4. Other Matters including Gypsy and Traveller Provision and Green Energy
5. Section 106/Legal 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 Section 73 application should be treated the same as any other applications with due regard paid to the Development Plan and other material considerations. Given that (if approved) we are re-issuing a new planning permission it is therefore appropriate to consider any new planning issues, which have arisen since the granting of the original outline permission. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, it is necessary to consider this planning application in light of the most up to date Development Plan, taking into consideration emerging policies in accordance with paragraph 216 of the NPPF. Any new issues or policy considerations are outlined in the relevant sections of this report.

The principle of development is established by the grant of outline planning permission KET/2008/0274 and the varied outline permission KET/2013/0514.

Appendix 1 to this report comprises 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. 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.

1. Strategic Masterplan, Phasing Plans and Land Use Schedule (Condition 5)

Condition 5 requires that development be carried out in accordance with approved Masterplan, Phasing Plans and Land Use Schedule. It is proposed to vary the wording of this condition to include revised references for these plans and schedule.

Strategic Masterplan – A minor change is proposed to the Masterplan to ensure that it reflects the approved Access F arrangement (AOC/0274/0805). Consequently this has an impact on the shape and size of adjacent parcels R24, R25 and E3 as described in the proposed development section of this report.

Land Use Schedule – Minor changes are being made to the Land Use Schedule for parcels R24, R25, R42 and E3 to reflect the approved Access F access (AOC/0274/0805) and the alignment of the primary street from Access F into the site (reserved matters KET/2013/0792). Works at Access F has resulted in relatively minor changes to the size and shape of parcels R24, R25 and E3 which results in changes to the quantum of development for parcels R24, R25 and R42. The overall quantum of residential development remains unaltered (this is why the number of houses on parcel R42 has been reduced). The previous Land Use Schedule includes a column which outlines which parcels will be delivered in each of the three phases of development. The submitted revised Land Use Schedule outlines which parcels will be delivered in each of the two proposed phases of development.

Phasing Plans – the phasing plans have been changed to reflect the two phase approach, this is further assessed in more detail in the next section.

The proposed changes to the above plans and schedule are considered to be relatively minor and are considered to be acceptable and in accordance with Development Plan policy.

2. Two Phase Delivery Approach (Conditions 5, 8, 13 and 41)

As part of the outline planning permission granted in 2010, application reference KET/2008/0274, the proposal was for a 3 phase development (Phase 1 – 1750 dwellings, Phase 2 – 950 dwellings and Phase 3 – 2800 dwellings). Employment development was agreed to be phased with the provision of housing to ensure a balance of homes and jobs. The outline permission included a Transport Assessment which assessed the impacts of the development on the highway network and indicated where off-site highway improvements would be necessary. A number of planning conditions on the earlier outline approvals (KET/2008/0274 and KET/2013/0514) identify the approved phasing plans and triggers and require the development to be carried out in accordance with them. The original three phase approach was broadly based on accessing the development from only one or two junctions at the same time or in a staged approach. This new proposal and through the approval of access arrangements at junctions D, E and F, it has become apparent that development can progress from these three access points, linking the roads as development progresses and providing access to multiple and additional parcels of development.

The application proposes to change the approved three phase development approach to two phases. The current consented three phase development includes a total of 2700 dwellings in the first two phases. This permission effectively merges phases 1 and 2 into the new proposed phase 1 (new Phase 1 will have 2719 dwellings, Phase 2 – 2781 dwellings) and will result in two phases of similar scale. The approved uses and total quantum of development within the urban extension remain unaffected.

There are significant economic benefits and a positive impact on delivery associated with moving to a two phase approach; it will assist in bringing forward infrastructure and additional development parcels earlier in the development programme. A two phase approach provides the increased potential for economic delivery of the three approved access to the development (Access E, F and D). As the roads extend into the application site, multiple land parcels can be accessed, serviced, marketed and developed for residential and commercial use. Housing output could also significantly increase with the possibility of more builders on site, resulting in an added benefit for the five year housing land supply.

The delivery process is being enhanced by forward funding; £14.5 million in infrastructure loans from NEP, SEMLEP and HCA has been secured for accesses D, E and F, the Primary School and Attenuation Pond. Therefore, sufficient profit from the application site must be generated to pay this money back, with interest. The existing development parcels including the approved Hallam Land development and the pending Taylor Wimpey and Permission parcels are owned by independent house builders. The revised Phase 1 includes parcels R20 and R21, parcels specifically in the ownership of Alledge Brook Ltd. Development of these parcels, earlier in the development process, will help to repay loans and also bring advanced payment of some of the contributions within the s.106. Furthermore, bringing forward the delivery of additional parcels will assist the delivery of housing and infrastructure, with the site being developed from multiple access points. Access to the District Centre will be delivered sooner from two sides of the development, with links developed between accesses E and F and housing frontage provided earlier than would have been possible. This will make the commercial hub at the District Centre more attractive to the market and encourage inward investment earlier in the development. Additional funding from the Large Sites Infrastructure Programme (LSIP), if secured by the applicant, would help deliver linkage between access points. The ability to deliver quicker through a two phase approach is likely to be a key factor in successfully obtaining funding.

There is a direct correlation between increase in output of house builders and the benefit that this can have in boosting and maintaining a five year housing land supply.

Condition 5 (Development in accordance with Masterplan, Phasing Plans and Land Use Schedule)

This condition requires development to be carried out in accordance with the Masterplan, Land Use Schedule and approved Phasing Plans. These plans need to be amended to allow for the phasing to change from a three to two phased development. A revised Masterplan, Land Use Schedule and Phasing Plans have been submitted with the application and are consistent with the approach to change

the phasing from three to two phases as well as including the necessary amendments required by the approved Access F arrangement. There is no change to the overall quantum of development across the site. The amendments to the condition are considered acceptable.

Condition 8 (Employment Phasing)

Condition 8 of KET/2013/0514 prevents development from commencing on Phase 3 until the employment developments in Phase 2 have been practically completed. The approved 14 hectares of employment land for the site is split over three parcels E1, E2 and E3. Previously E3 was to be delivered in old Phase 1, E1 in Phase 2 and E1 in Phase 3. This proposal is for parcel E3 to be delivered in the new Phase 1 with parcels E1 and E2 delivered to the new Phase 2. This condition is to be amended to remove reference to old Phase 3 and reflect the proposed phasing of employment parcels, as described above.

The amended condition would require employment parcel E3 to be practically completed before any residential development on new Phase 2 is commenced. Employment development will still be phased with the provision of housing to ensure a balance of homes and jobs. Given this, the minor nature of these changes and that the delivery of employment land in new Phase 1 is protected by limiting delivery of residential in new Phase 2 it is considered that the amendments to this condition are acceptable.

Condition 13 (Local Centre Programme of Delivery)

Condition 13 of KET/2013/0514 requires a programme of delivery for Local Centres 1 and 2 to be submitted and approved prior to works commencing on old Phase 3 of the development. It is proposed that all Local Centres are to be delivered in new Phase 2 of the development (the District Centre will be delivered in Phase 1). The condition has been amended to replace reference to old Phase 3 with new Phase 2, resulting in a programme of delivery being required for all Local Centres prior to the commencement of development on new Phase 2. Given the minor nature of these changes it is considered that the amendments to this condition are acceptable.

Condition 39 (Air Quality)

Condition 41 of KET/2013/0514 requires that in the event of the Weekley Warkton Avenue not being open to traffic prior to the commencement of old Phase 3, a further assessment of air quality shall be submitted and approved in writing and mitigation undertaken prior to the commencement of Phase 3. Reference to Phase 3 has been amended to new Phase 2; a further air quality assessment and any required mitigation would be required prior to the commencement of new Phase 2, in the event the Weekley Warkton Avenue is not open. Given the minor nature of the change and that a further air quality assessment is still required at a similar timescale as currently approved (as new phase 1 is approximately old phase 1 and 2 merged) it is considered that the amendments to this condition are acceptable.

Other Minor Alterations to Conditions

Through the review of conditions a number of very minor changes are required in addition to those highlighted above to ensure the new permission reflects the new two phase approach. These are set out in a separate table in Appendix 1.

Condition 2 refers to three phases and would now need to refer to 2 phases only.

Condition 10 – the reference to the 1750 homes in Phase 1 needs to be amended so it will read ‘to provide a range of facilities for homes in Phase 1’.

Condition 44 (iii) – Access F is referred to as Barton Road/Cranford Road. This confuses this access point with off-site junction (g) which is also referred to correctly as Barton Road/Cranford Road. Access F should be referred to as Barton Road South/A14 Junction 10.

Conditions 51-54 relate to various noise assessments required. It is proposed that there should be a reference included to ensure that any updated British Standards are adhered to.

3. A14 Junction Highway Works and Triggers (Condition 42 (i) (ii) (iii) and (iv) and Condition 43

The applicant proposes to alter the timing for the delivery of the new Junction 10A and when detailed drawings are submitted to the Local Planning Authority. Currently it is required before 1750 occupations, with drawings required prior to any occupation on site. The proposed trigger is for J10A to be completed and open before 2700 occupations, with drawings and other required details submitted before works start.

Junction 9 mitigation is now proposed to take place before the 375th occupation as opposed to the 1st occupation, which is considered to be unnecessary and unreasonable further to recent transport assessment work.

As part of the technical highway modelling that has been undertaken a check of the off-site highway works and their current triggers which are covered by existing conditions on KET/2013/0514 (numbers 45, 46 and 47) has been undertaken. This is to ensure that the change to triggers for works at J9, J10 and 10A do not result in off-site highways works being required earlier than currently conditioned. The assessment demonstrates that no off-site works are required any earlier than is currently required by conditions.

Condition 42 (Trigger for Junction 10A and Associated Junction 10 Mitigation) Condition 42(i) Parts A and B

Condition 42i part A requires a comprehensive traffic access and impact assessment to deal with all impacts arising from access to the development from the A14 to be submitted and approved prior to any reserved matters application being submitted. Part B of condition 42i concludes that if there is a viable alternative scheme to the one submitted with the application, no development shall commence until detailed drawings have been submitted to and approved in writing by the Local Planning Authority. Part A has already been discharged through approval of condition application AOC/0694/0706. This work concluded that there was an alternative option (known as Option C - closure of eastern slips only at J10) to that which was submitted with the original 2008 outline planning application. Condition 6 of KET/2013/0514 already requires that the development be carried out in accordance with that approved document and option.

New condition 42 (i) sets out in full that the vehicular access to the development from the A14 shall be carried out with that approved document and access option. The amendment to this condition is considered acceptable and the Highway Agency and Local Highways Authority raise no objection to this.

Condition 42(i) Parts C and D

Part C of condition 42i states that should there be no viable alternative scheme to the one submitted with the application compliance with Part D is required. Part D requires full layout, design and construction details for Junction 9, 10, 10A and the link road to the A6. Part C is no longer required as previous work has demonstrated that there is a viable alternative and this has been approved via an approval of condition application.

Part D will now be superseded by the new conditions (42 (ii) (iii) and (iv), 43 and 48). The necessary mitigation works for Junction 9 would be required by proposed condition 43. Detailed drawings, detail of implementation (including phasing and timing of all works), safety audits for Junction 10 mitigation and the new J10A will now be required by proposed condition 42(ii). It is considered that the proposed changes to this condition are acceptable. No objection has been raised by either the Highways Agency or the Local Highways Authority.

Condition 42 (ii)

Condition 42ii of KET/2013/0514 requires that a contract for the construction of the improvements to Junctions 10 and 10a of the A14 is entered into before the commencement of 1750 dwellings (original Phase 1). This is now covered by condition 42 (iii) which requires programme for delivery including a timetable for letting contracts. The trigger for is proposed to alter to 'prior to the commencement of 2700 dwellings' to tie into the proposed change of trigger for delivery for J10A and associated J10 mitigation. It is considered that the change to this condition is acceptable. The Highways Agency and the Local Authority have no objection to this change.

Condition 42 (iii)

Condition 42 iii of KET/2013/0514 requires J10A and mitigation works at J10 to be completed before 1750 dwellings are occupied. The applicant is proposing to alter this trigger to 2700 occupations. Highway modelling works has been undertaken with the Highway Agency and Local Highways Authority working with the applicant in this regard. Technical Notes have been submitted which support the proposed change. J10A is not technically required until later in the development programme. The 2700 occupation trigger is supported by this technical evidence. This change to the trigger is now included within new condition 42 (iv)

A two phase approach to delivery and amendments to the trigger for the completion of new junction 10A and the associated final improvements to Junction 10 will help to enhance the ability of the development to access infrastructure earlier. This does not however affect the funding gap for junction 10A or diminish the ability to get funding for this junction. By moving the trigger it does help to bring forward infrastructure more quickly and assists with delivering development close to 10A, which would be beneficial in supporting funding applications.

Condition 43 (A14 Junction 9 Works)

This condition is to be amended to read '*no more than 375 dwellings shall be occupied*' prior to a detailed scheme being submitted for works to Junction 9. Previously the condition required mitigation to be in place before any houses were occupied. This change in trigger is supported by technical highway evidence. It also allows the first parcels (likely to be David Wilson Homes/Barratt Homes) to be delivered without the restriction on occupations and will facilitate quicker delivery. The Highway Agency and Local Highways Authority support this change and do not raise any objection. Both parties have been fully involved in the transport modelling throughout the application process (and for a period preceding this) and are supportive of all the proposed changes to highway conditions.

Condition 48 (Traffic Capacity Assessment – A14 J10)

Condition 48 of KET/2013/0514 required an up-to-date capacity assessment of Junction 10 to be completed before 300 houses were occupied. It is now proposed to alter this condition. Interim mitigation is still required before the new J10A and the final works to J10 are completed. The new condition wording requires that before 375 houses are occupied a further technical assessment of the interim mitigation scheme (drawing no. 25134/001/038 – please see Appendix 2), or such other scheme as may be approved, is undertaken. It also requires details of when the mitigation will need to be completed in the development programme, which will be expressed in terms of occupation numbers, to be submitted and approved by the Local Planning Authority.

Alledge Brook are required to complete mitigation at Junction 10 and the timing of this will be assessed when the 375 occupation trigger is reached, if not before. Roxhill who are proposing a Business Park scheme at Junction 10 (planning reference KET/2013/0661) will also be required to carry out works at Junction 10 to mitigate the effects of their development, should that application be approved. In addition to this Redrow Homes are also required to complete some mitigation work in relation to their scheme at Polwell Lane (outline KET/2008/0785 – currently being built out). Although each developer is responsible for their own works, in reality the first developer will complete all the works and deliver a fully fit for purpose Junction 10 which will mitigate the combined effects of all developments. If Roxhill is approved, given the timescales they have indicated that they wish to proceed with the development it is likely that they will be the first to come forward and complete the works with Alledge Brook and Redrow proportionately contributing towards this. Discussions with Redrow are currently on-going in this regard. Should Roxhill not be approved the junction will be delivered by the remaining parties taking the same approach. The outcome will be a fully fit for purpose junction 10.

4. Other Matters

Gypsy and Traveller Plots

As outlined above, this Variation of Condition application would result in the issuing of a new permission. In the granting of a new permission the Local Planning Authority can decide to grant permission subject to different/new conditions. The granting of a new permission should be in accordance with up-to-date planning policies and legislation. Therefore, it is reasonable to review the planning issues which affect Kettering and the development.

Local authorities have a statutory duty under section 225 of the Housing Act 2004 to carry out an assessment of the accommodation needs of Gypsy and Travellers and subsequently to prepare a strategy for meeting these accommodation needs. National Planning Policy is provided by the Planning Policy for Traveller Sites (March 2012), which reflects the Housing Act, and the presumption in favour of sustainable development contained within the National Planning Policy Framework.

Planning Policy for Traveller Sites further requires that Local Planning Authorities identify a supply of specific deliverable sites to provide five years worth of sites against local targets. It also requires that authorities should identify a supply of specific developable sites, or broad locations for years 6-10, and where possible for years 11-15.

The current permission for East Kettering does not include a requirement, either by condition or Section 106 (S106), for the development to provide any Gypsy or Traveller provision. The Kettering Borough Site Specific Proposals LDD is currently being progressed. This document will provide Borough wide policies for the plan period to 2031. The previously consulted on Options version of the document identifies the need to have a Gypsy and Traveller Policy. The current need for sites is set out in the North Northamptonshire Gypsy and Traveller Accommodation Assessment (GTAA), the most recent update of which was undertaken in November 2011. Given the period for the Site Specific Proposals Local Development Document (SSPLDD), it was agreed by Committee that the SSPLDD should demonstrate how it will also meet the need for the period beyond the GTAA, i.e. beyond 2022. The overall need for pitches to 2031 is 37 pitches. This is an approach which has been endorsed by Members of the Planning Policy Committee.

Given that we are issuing a new permission and the National Policy for Gypsy and Travellers which was released following the issuing of the original permission in 2010 and that Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the up-to-date Development Plan, it has been appropriate to approach the permission on the basis of the need to provide Gypsy and Traveller Pitches within Phase 2 of the development. It has been agreed with the applicant who is responding to KBC potential pressure and need for sites in the area going forward. It has been agreed with officers that potentially 6 pitches, can be secured through the S106, if a sequential test and needs test are undertaken first, prior to new Phase 2 being commenced (post 2021). Further consultations will be undertaken on this prior to Phase 2. If the 6 pitches are required then they will be provided within the new Phase 2. The exact location will be agreed with the Local Planning Authority following this.

Green Energy

The emerging Site Specific Proposals LDD identifies land at Burton Wold Wind Farm as having the potential to provide the focus for the Borough's renewable energy production. The existing wind farm comprises 10 turbines, with a further 9 turbines under construction to the north of the existing and a 4 turbines with planning permission to the south. This site is well located and offers an opportunity for an intensification of renewable technologies and the provision of strategic facilities that could provide energy to support the existing and growing needs of the community, especially to provide renewable energy to the East Kettering development given its

relationship with the Burton Wold site. To this end the Section 106 is to be amended to include a clause with regards to renewable energy to be generated from the Energy Park at Burton Wold (if both applications are approved) for all new development within East Kettering to make reasonable or best endeavours to use the green energy generated from the Burton Wold site.

Other Matters Raised by Third Parties

There is provision within the S106 for traffic calming measures to be provided along Cranford Road. A scheme is still to be agreed with the Highways Authority and it will then be consulted upon locally. The provision of S106 funding is likely to become available earlier in the process, with a two phased approach, as early development will generate S106 contributions sooner.

Cranford Road will be connecting into the development half way between the employment parcel roundabout and junction 10A. There will be no direct access from Cranford Road onto 10A and this will help with rat running through Cranford Road. A detailed scheme for this road will be submitted as part of the required 10A design works and this will be consulted upon.

All access points to the development are shown on the Strategic Masterplan and within the approved Design code. Persimmon parcels will be from both Access F and off Cranford Road. The latter access points will be assessed as part of the reserved matters application for the Persimmon parcels which is currently pending.

The application details and technical information submitted demonstrates that any highway capacity issues caused by the development are being mitigated through the solutions proposed or that they can adequately cope with the levels of development proposed. The Highways Authority are satisfied with the proposed solutions and technical evidence submitted to date.

As outlined above the phasing of the development is changing but the way the development can be delivered has evolved with development occurring off multiple points of access, allowing more infrastructure and development to be constructed earlier, which will result in wider economic benefits.

The Design Code contains within it a strategic landscaping overview and Condition 27 of KET/2013/0514 requires a scheme for strategic landscaping for each phase of development to be submitted to and approved prior to the commencement of development on that phase. This will remain unaltered by this permission, if approved, resulting in the earlier submission of landscaping plans which would have previously not been required until Phase 2, which is now combined with Phase 1

Principle

One third party objection has been received to the principle of development on this site. This has already been established by the earlier Outline Planning Permissions KET/2007/0694, KET/2008/0274 and KET/2013/0514.

5. Section 106/Legal Matters

A revised Section 106 (S106) agreement was approved by Members in March 2013. A deed of variation is required to link this new planning permission (as variation of condition application results in a new permission) to the currently approved legal agreement. The principles of the S106 (March 2013) remain unaltered. However there are additional matters that will need to be included. The deed will need to deal with the phasing of payments as the current agreement refers to 3 phases. It will also need to include clauses relating to Gypsy and Travellers and Green Energy as discussed above in the relevant sections. The deed may also need to deal with an issue relating to Primary School provision. Currently Alledge Brook is required to provide the second primary school at 1800 occupations as Hallam Land were originally delivering the first school (at 300 occupations). A deed will be needed to secure the delivery of the first primary school by Alledge Brook at the 300 occupation trigger. More detail will be provided regarding this within the Primary School reserved matters committee report. It may be that change can be incorporated into a single deed rather than a separate deed to the one needed to link this new permission to the original S106.

Conclusion

The changes to the conditions are considered to be acceptable in accordance with Development Plan policy and National Planning Policy and Guidance. The changes will not result in any dilution of control of the Local Planning Authority over how the development proceeds. The necessary infrastructure will be provided when required and in many cases earlier in the development programme where funding has been or will be secured.

The proposed changes are considered reasonable and supported by technical evidence. The Highways Agency and Local Highways Authority are both supportive of the changes to highway related conditions. The changes to the phasing approach and highway triggers will enhance the delivery process and enable the Council to use its resources in the most efficient way to retain control of the development process. There will be significant economic benefits and a positive impact on delivery associated with moving to a two phase approach. It will assist in bringing forward infrastructure and additional development parcels earlier in the development programme. The change to triggers and the resultant impacts on the works to Junctions 10 and 10A are considered to bring forward the delivery of other key infrastructure such as roads, the district centre and access to more housing parcels earlier than would have been the case. These benefits are considered to aid delivery of the development and improve the chance of greater inward investment into the East Kettering and Kettering area generally.

Back in March 2013 the committee considered and approved a revised Section 106 legal agreement for East Kettering. An altered approach to the financial contributions and how the infrastructure would be delivered was approved. A deed is needed to link this new permission to the approved S106 and also to cover other matters as identified above. The principles of the approved S106 remain unchanged and all infrastructure previously approved will still be delivered as part of the East Kettering development.

In the light of the overall benefits to delivery Officers are recommending approval of this application which covers the following new conditions (2, 5, 8, 10, 13, 39, 42i, 42ii, 42iii, 42 iv, 43, 44iii, 48, 51, 52, 53 and 54 of KET/2013/0514) subject to:

A Section 106 Agreement Deed of Variation to tie this new planning permission to the 2013 approved legal agreement and additional clauses relating to green energy, the potential provision of 6 pitches for gypsy and travellers and Primary School timings.

Background Papers

Title of Document:

Date:

Contact Officer:

Louise Holland, Senior Development Officer. 01536 534316.

Previous Reports/Minutes

Ref:

Date:

