

**BOROUGH OF KETTERING**

**PLANNING COMMITTEE**

**Meeting held – 21<sup>st</sup> February 2017**

**Present:** Councillor Shirley Lynch (Chair)  
Councillors, David Soans, Ashley Davies, Cliff Moreton, Mark Rowley, and Ian Jelley

**16.PC.47**      **APOLOGIES**

Apologies for absence were received from Councillors Lesley Thurland, Gregory Titcombe and Keli Watts

**16.PC.48**      **DECLARATIONS OF INTEREST**

Councillor David Soans declared an interest in item 5.1 due to his position on Desborough Town Council.

Councillor Ian Jelley declared an interest in item 5.1 due to his position on Rothwell Town Council.

**\*16.PC.49**      **ITEMS OF URGENT BUSINESS**

None

**\*16.PC.50**      **APPLICATIONS FOR PLANNING PERMISSION**

The Committee considered the following applications for planning permission which were set out in the Head of Development Control's Report and which were supplemented verbally and in writing at the meeting. Three speakers attended the meeting and spoke on applications in accordance with the Right to Speak Policy.

The report included details of applications and, where applicable, results of statutory consultations and representations which had been received from interested bodies and individuals, and the Committee reached the following decisions:-

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.1 Outline Application (EIA): 700 dwellings, 2.88 hectares of employment land (Classes B1 and B2), a local centre (Classes A1 - A5, B1a, C3 and D1), open space and green infrastructure and an extension to the Montsaye Academy's playing fields. Pedestrian and cycle routes, associated roads and other infrastructure, including sustainable drainage measures. Vehicular access junctions into the site from the A6 and B576; all other matters are to be reserved</p> <p>Application No: KET/2007/0461</p> <p><u>Speakers:</u></p> <p>Councillor Michael Tebbutt attended the meeting as a third party speaker for the development and brought the committees attention to a number of issues regarding the statistical information within the officers report.</p> <p>County Councillor Jim Hakewill attended the meeting and raised concerns regarding the format to right to speak. Councillor Hakewill gave his views regarding the strategic link road that was being proposed with the development. Councillor Hakewill raised concerns regarding the viability of the development and issues regarding heaving construction traffic through Rothwell Town Centre.</p> <p>Andy Lord, Agent for the Applicant attended the meeting and gave a brief overview of the development, stating that 700 dwellings are being proposed with the development with 20% being affordable housing. Andy Lord also stated that there would be a sufficient onsite / off site highway scheme for the proposed development. It was also stated that the link road would be completed by the 350 dwelling having been completed. On the projected delivery timetable this would be by or</p>	<p>The Committee received a report which sought planning permission for an outline development comprising of 700 dwellings, 2.88 hectares (gross) of employment land (Classes B1 and B2), a local centre (Classes A1 – A5, B1a, C3 and D1), open space and green infrastructure and an extension to the Montsaye Academy’s playing fields. The proposed development also included pedestrian and cycle routes facilitating access into the surrounding area, together with associated roads and other infrastructure, including sustainable drainage measures.</p> <p>Detailed proposals of the vehicular access junctions into the site from the A6 and B576 had been submitted as part of the application; all other matters are to be reserved for later approval.</p> <p>An update was provided which stated that Rothwell Town Council had expressed an objection to the application as it stands due to the inadequate road infrastructure to take traffic from 700 houses and the adverse impact this would have on Rothwell Town Council. The update also stated that as part of the proposed development the applicant was providing a car park for Corinthians Football Club. It was also recommended in the update that the Condition 1, 3, 19 and 26 be amended as well as a further 4 additional conditions being recommended.</p> <p>The committee heard that the development was first identified at the time of the 2001 structure plan and the site was now identified as an allocation in the Joint core strategy (2016)</p> <p>Members were reassured that the Highways authority had well established the purpose of the strategic link road stating that the road was incorporated in the site and was never designed as a bypass road. Members heard that an independent viability</p>

within the year 2021/22

study had taken place surrounding the link road.

The Independent viability assessor attended the meeting and stated to members that it would be unreasonable to complete the strategic link road before (a proportion of) houses are built on the development as per the national planning policy framework.

Members raised concerns regarding the routes of construction traffic through the town centre of Rothwell and Desborough stating that a full consultation on routes will need to take place before any construction takes place.

Members heard that the routes and management of construction traffic was a condition of the application and that consultations will take place to ensure that there was no impact on amenities.

Members sought clarification regarding the land allocated for the football club.

The committee heard that land for 68 car parking spaces had been allocated to the football club under the Section 106 agreement.

Members raised concerns over the possibility that due to changes in the density of the development that it would of been possible to increase the number of dwellings on the proposed development.

Planning Officers assured members that consent in principle was being given to the developers if approved for 700 dwellings with any changes to be agreed by the LPA.

It was agreed that the outline application be **APPROVED** subject to completion of S106 OBLIGATIONS the heads of terms of which had been discussed in the Committee Report. The negotiations on this to be undertaken by Officers The following conditions were to be applied:

- 1, Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced in respect of that part of the site to which the approval of reserved matters relates and the development shall not be carried out other than as approved. The details of the proposed roundabout onto the A6 are also to be approved in writing by the Local Planning Authority prior to commencement of development of that roundabout.
2. The first application for approval of reserved matters on any part of the site shall be submitted to the Local Planning Authority before the expiration of 3 years from the date of this permission and application for all reserved matters in respect of the site shall be submitted within 7 years of the date of this permission.
3. Any part of the development for which reserved matters have been approved shall be begun either before the expiration of 3 years from the date of this permission or before the expiration of 2 years from the date of approval of the first of the reserved matters to be approved, whichever is the later.
4. Prior to the first submission of any reserved matters application, a phasing programme shall be submitted to and approved in writing by the Local Planning Authority. The phasing programme shall include:
  - Phasing of the dwelling construction and predicted occupation;
  - Timing of off-site highway works and all access points and connections (pedestrian and vehicular)
  - Landscaping, Public Open Space (including NEAP's, LEAP's ) and Green corridors;
  - Sustainable Urban Drainage Systems (SUDS);
  - Local Centre (including recycling facilities)  
Employment area

The development shall not be carried out other than in accordance with the approved phasing programme, save that the phasing programme may be varied from time to time in accordance with revisions submitted to and approval in writing by the Local Planning Authority

The phasing of the Strategic Link road shall be undertaken in accordance with a schedule to be first submitted to and approved in writing by the Local Planning Authority

5. The development shall not be carried out other than in accordance with the approved plans, namely those to be submitted as part of the design code and reserved matters.
6. Each reserved matters application shall accord with the approved Design Code and shall be accompanied by a written statement of conformity to the Design Code which demonstrates how this is the case.
7. With each Reserved Matters Application there shall be submitted to and approved in writing by the Local Planning Authority an updated Transport Assessment which shall take into account highway safety and efficiency,

highway capacity, targets for modal shift, and all identified environmental and residential impacts, together with full details of proposed measures and methods of impact mitigation. The development shall thereafter be carried out in accordance with the approved details and measures.

8. No development shall take place within a phase (as defined by the phasing programme required by condition 4) until details of the existing and proposed site levels and finished floor levels for all buildings within that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
9. No development shall take place within a phase (as defined by the phasing programme required by condition 4) until samples of the materials to be used (as indicated in the approved Design Code), in the construction of the external surfaces of all the buildings (which include but are not limited to walls, roof, windows and guttering) within the phase to which they relate have been submitted to and approved in writing by the Local Planning Authority. The development shall not take place other than in accordance with the approved details and approved Design Code.
10. No dwelling shall be occupied until its designated car parking spaces and covered cycle store(s) have been provided and constructed ready for use in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The cycle stores shall thereafter be retained for the storage of cycles only.
11. Within 6 months of occupation of the final dwelling within a development phase, evidence of how the residential elements of the development hereby approved shall achieve a maximum water use of no more than 110 litres per person per day in accordance with the optional standard 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition); shall be submitted and approved in writing by the Local Planning Authority.
12. 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.
13. Reserved matters applications for non-residential buildings shall be accompanied by a Sustainability Report that demonstrates how environmental sustainability issues have been addressed during the design process and sets out the way in which the credits under the relevant BREEAM Rating (or the equivalent standards which replace BREEAM and is to be the assessment in force at the time when the non-residential units concerned are registered for

assessment purposes) will be achieved based on the actual design of the non-residential or residential units.

14. No development shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment (prepared by BWB, 24th July 2014, ref. BMH004/FRA/REV E) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The details of the scheme shall include:
  - a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins.
  - b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers hydraulic curves for all hydrobrakes and any other flow control devices
15. No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system, along with the timescales for the management of the system, proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.
16. No development other than that required to be carried out as part of an approved scheme of remediation shall take place unless and 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.
  - A. Site Characterisation
    - A (i) An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
      - A (ii) a survey of the extent, scale and nature of contamination;
      - A (iii) an assessment of the potential risks to:
        - human health,
        - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
        - adjoining land,
        - ground waters and surface waters,
        - ecological systems,
        - archaeological sites and ancient monuments;
      - A (iv) an appraisal of remedial options, and proposal of the preferred option(s).

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

**B. Submission of Remediation Scheme**

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

**C. Implementation of Approved Remediation Scheme**

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**D. Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 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'.

17. Before development commences an acoustic assessment together with a scheme to mitigate the impact of noise shall be submitted to the planning

authority for approval. The scheme shall include proposals for ensuring that the guideline levels set out in British Standard 8233:2014 for residential accommodation are complied with, in addition to the World Health Organisation guideline for amenity spaces. Upon completion of all works a report shall be submitted to the local planning authority to verify the schemes effectiveness. The scheme approved by local planning authority shall be fully implemented in accordance with the approved details before the use, the subject of this consent, commences. The scheme and any required works shall thereafter be maintained in accordance with the approved details and no alterations shall be undertaken without the prior written approval of the local planning authority. An informative shall be placed on the property deeds outlining what the mitigation measures are and advising that no alterations are permitted without approval

18. No external plant shall be installed until a noise mitigation scheme has been submitted to and approved by the Local Planning Authority. The scheme shall ensure that the background noise level at the boundary of the site or the nearest noise sensitive dwelling does not increase. For the avoidance of doubt calculated noise levels at the measurement point should be at least 3 dB below the existing level of background noise
19. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction/demolition period unless otherwise agreed in writing by the Local Planning Authority. The plan shall include the following:
  - The proposed work schedule to include the working methods and plant to be used, which identifies key activities/site areas that may give rise to noise, dust or vibration impact on neighbouring properties
  - Proposed working methods to reduce the impact of noise, dust and vibration on sensitive properties
  - Arrangements for site inspections to ensure that approved working methods and controls are in place and the recording of such inspections
  - Responsibilities and management control for key staff including contact details
  - Emergency plans in the event of changing circumstances
  - Communication with residents and other stakeholders who may be affected by the works

As a minimum it is expected that the CMP will include:

- the parking and turning of vehicles of site operatives and visitors;
- vehicle delivery routes;
- loading and unloading of plant and materials;
- storage of plant and materials;
- the erection and maintenance of fencing and security hoarding including decorative displays and facilities for public viewing, where appropriate;
- details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- wheel washing facilities;
- measures to control the emission of dust and dirt;
- a scheme for waste minimisation and recycling/disposing of waste
- design of construction access
- hours of work including staff access, deliveries and plant maintenance



- measures to control overspill of light from security lighting
  - site inspections to audit compliance with the agreed methods/control measures in place
  - recording of and response to weather conditions that may affect the generation and control of dust
  - the maintenance of badger tunnels and crossings on the part of the A6 which is adjacent to the application site
20. Prior to commencement of development on any phase (as defined by the phasing programme required by condition 4) arrangements for the ongoing management and maintenance (for 10 years from the completion of the approved landscaping scheme) of the public realm, landscape planting and areas of open space within that development parcel, street furniture and any unadopted roads shall have been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.
21. No works shall take place on site 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 on site unless and until a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the local planning authority. The development and all other operations shall not take place other than in accordance with the approved Method Statement. The Method Statement shall include details of the following:
- a) Tree protection measures, their implementation, supervision and monitoring
  - 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 i) above
  - c) Timing and phasing of Arboricultural works in relation to the approved development.
22. Any existing hedgerows which are which are identified for retention shall be retained in perpetuity and shall not be cut down, grubbed out or otherwise removed, or topped or lopped so that the height of the hedge falls below 2 metres at any point, without the written consent of the Local Planning Authority. Any hedges removed without such consent or which die or become severely damaged shall be replaced with hedging plants of such size and species as approved in writing by the local planning authority.
23. No works shall take place on site unless and until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority, the implementation of which should be overseen by a suitably experienced ecological clerk of works. The Ecological Management Plan shall be in accordance with the Environmental Statement (received August 2014) and the updated Species Surveys. The development shall not be carried out other than in accordance with the approved Ecological Management Plan.
24. With each submitted Reserved Matters Application an updated species survey and mitigation proposal for all species surveyed in the Environmental Statement (received August 2014) shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved mitigation.

25. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until August inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority.
26. No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the Local Planning Authority.
27. No development shall take place until a scheme and timetable detailing the provision of fire hydrants and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.
28. The development shall consist of no more than 700 dwellings unless otherwise agreed in writing by the Local Planning Authority.
29. With each reserved matters application an assessment to demonstrate how the design complies with the principles of Secured by Design shall be submitted and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
30. Prior to the submission of the first reserved matters application, the applicant shall submit a scheme demonstrating how the dwellings shall be constructed to achieve compliance with Part M4(2) of the Building Regulations 2010 (as amended) with a proportion of the dwellings constructed to achieve compliance with Part M4(3) of the Building Regulations 2010 (as amended). The development shall thereafter be carried out in accordance with the approved details and be certified by the appointed building control approval body. Prior to the first occupation of the dwellings, a copy of the certification confirming compliance shall be submitted for the written approval of the Local Planning Authority.
31. Works to the B576 junction as shown on drawing 'Proposed B576 Site Access Signal Arrangement', Drawing Number BMH/004/004 Rev P4 are to be in full technical compliance with the specification of the Highway Authority. The date of implementation for this access point shall be first agreed in writing by the Local Planning Authority prior to commencement of development.
32. The B1/B2 employment uses, hereby approved are for B1 and B2 uses Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no change of use permitted by Class I, and O of Part 3 of Schedule 2 of the Order shall take place on the application site unless first approved in writing by the Local Planning Authority
33. The development shall consist of no more than 600 sq. m (net) of retail floorspace (A1, A5, B1a, C3 and D1 - the latter two uses on the first floor only), no individual unit shall exceed 280 sq. m (net). Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or

without modification) no change of use permitted by Class B, D and G of Part 3 of Schedule 2 of the Order shall take place on the application site unless first approved in writing by the Local Planning Authority.

Note: on the Design Code

It has been delegated to Officers to resolve with the applicants some minor elements of the Design Code that are to be attended to e.g. note 5.4 (under Parking strategy) to be deleted and will be dealt with at RMA stage.

*Members voted on the officers' recommendation to approve the application*

*(Voting, For 5; Against 0 ;)*

*\*(The Committee exercised its delegated powers to act in the matters marked \*)*

*(The meeting started at 6.30 pm and ended at 7.17 pm)*

Signed: .....

Chair

CG