

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 20/03/2018</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>East Kettering Team</b>	<b>Application No: KET/2015/0967</b>
<b>Wards Affected</b>	<b>Queen Eleanor and Buccleuch</b>	
<b>Location</b>	<b>Hanwood Park, Barton Road, Warkton Lane &amp; Cranford Road (land off), Barton Seagrave</b>	
<b>Proposal</b>	<b>s.73 Application (EIA): Variation and removal of conditions from permission no. KET/2013/0695 (relating to various aspects including code for sustainable homes, lifetime homes, district centre and highways) of Hanwood Park development incorporating up to 5,500 dwellings, schools, district and local centres, healthcare, employment, formal and informal open space including playing facilities, roads and associated infrastructure</b>	
<b>Applicant</b>	<b>Mr A Wordie On Behalf Of Hanwood Park LLP,</b>	

### 1. PURPOSE OF REPORT

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

### 2. RECOMMENDATION

The DEVELOPMENT CONTROL MANGER RECOMMENDS that this application be APPROVED subject to the following conditions and signed legal agreements to tie the new permission to the current planning obligations. It is also recommended that authority be delegated to Officers to establish the most appropriate way to link approved Reserved Matters to the new permission.

1. All applications for the approval of Reserved Matters for Phases 1 and 2 as shown on the approved Phasing Plans (see Condition 4) 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.

2. 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 4) 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.

3. Reserved Matters applications for approval of details required under Condition 2 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 5);

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 5);

vii) Construction Management Plan (see Condition 40);

viii) Noise Impact Assessment (pursuant to Condition 47);

ix) Schedule of building materials;

x) A written statement of conformity which demonstrates compliance with the approved foul water drainage strategy (approved document set out at Condition 5); and

xi) A written statement of conformity which demonstrates compliance with the approved Stage 2 FRA (referred to in Condition 5).

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 4, 7, 8, 10 and 11 of the National Planning Policy Framework and Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 19, 22, 23, 24, 28, 29 & 30 of the North Northamptonshire Joint Core Spatial Strategy.

4. 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 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 19,

22, 23, 28 and 29 of the North Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

5. 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 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 4, 7, 8, 10 and 11 of the National Planning Policy Framework and Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 19, 22, 23, 24, 28, 29 & 30 of the North Northamptonshire Joint Core Strategy.

6. The residential development hereby permitted shall not comprise more than 5,500 dwellings (use class C3 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)).

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, 11, 15, 16, 17, 28 & 29 of the North Northamptonshire Joint Core Strategy.

7. Construction of Employment Parcels E1 and E2 as shown on the approved strategic Masterplan (see Condition 4) 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 4). 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 4), 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 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 19, 22, 23, 28 and 29 of the North Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

8. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that Order with or without modification, the Class B1 office (as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended)) 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 section 1 of the National Planning Policy Framework and Policies 22 and 23 of the North Northamptonshire Joint Core Strategy.

9. Prior to the completion of 1250 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 5b) 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 4). 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 Policies 1, 2 and 6 of the National Planning Policy Framework and Policies 1, 8, 10, 11, 12, 15, 22 and 23 of the North Northamptonshire Joint Core Strategy.

10. A building with net floorspace of 750 square metres of D1 (as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended)) community use shall be provided at the District Centre (parcels DC1, DC2 or DC3 as shown on the approved Strategic Master Plan (see Condition 4)) 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 1 and 7 of the North Northamptonshire Joint Core Strategy.

11. Prior to the submission of any Reserved Matters application(s) for the District Centre (parcels DC1, DC2 or DC3 as shown on the approved Strategic Master Plan (see Condition 4)), details of the nature, scale and extent of Use Class D2 (as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended)) floorspace, as set out in the approved Land Use Schedule (see Condition 4), shall be submitted to and approved in writing by the Local Planning Authority. The Reserved Matters applications for the District Centre shall be carried out and accord with these 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 Policy 7 of the North Northamptonshire Joint Strategy.

12. No development other than the delivery of formal open space within FOS3 and/or the delivery of the Central Avenue South as identified within the approved design code (see condition 5) shall commence on Phase 2 of the development as shown on the approved Phasing Plan (see condition 4) 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. 5(b)) and shall identify and justify the timing of completion of the floorspace specified for each Use Class contained within the Local Centres as shown in the approved Land Use Schedule (see condition 4). The development shall be carried out in accordance with the approved programme.

REASON: To provide a range of local facilities for the residents of Phase 2 of the development in accordance with the National Planning Policy Framework and Policies 1, 7, 12 and 15 of the North Northamptonshire Joint Core Strategy.

13. 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 4).

REASON: To provide public health facilities for the development in accordance with Policies 6 and 8 of the National Planning Policy Framework and Policy 7 of the North Northamptonshire Joint Core Strategy.

14. No development shall take place on development parcel PS1, PS2, PS3 or SS1 as shown on the approved Strategic Masterplan (see Condition 4), 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.

In relation to the school on parcel PS4 the strategy titled 'East Kettering SUE - PS4 Community Use - Planning Condition 15. Statement of Community Use' prepared by S M O'Donovan Ltd received on 3rd October 2014 shall be implemented as approved by the Local Planning Authority.

REASON: To provide community facilities for the development in accordance with Policies 6 and 8 of the National Planning Policy Framework and Policy 7 of the North Northamptonshire Joint Core Strategy.

15. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that Order with or without modification, the floorspace to be provided for Class D2 (as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended)) purposes at the District and Local Centres shall be only used for the purposes of sports and community leisure uses and shall not be used for any other purpose including those 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 Policy 7 of the North Northamptonshire Joint Core Strategy.

16. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that Order with or without modification, the floorspace to be provided for Class D1 (as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended)) purposes at the District and Local Centres shall only be used for community uses only, and for no other purpose including those falling within Use Class D1.

REASON: To provide community facilities for the development in accordance with Policies 6 and 8 of the National Planning Policy Framework and Policy 7 of the North Northamptonshire Joint Core Strategy.

17. i. For parcels R7, R9 and R10 (as shown on the approved Strategic Masterplan (see condition 4)), all dwellings shall be completed in accordance with the Sustainability Report (Issue 06 dated 05 January 2015) submitted on 5 January 2015 and approved as part of the Reserved Matters Approval KET/2015/0887 and with the Sustainability Report (Issue 04 dated 24 November 2015) submitted on 25 November 2015 and approved as part of the Reserved Matters Approval KET/2015/0564 for those parcels.

ii. All other dwellings shall be constructed to

a) 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);

b) achieve a minimum reduction in Dwelling Emissions Rate (DER) of 10% against Target Emissions Rate within Part L1A of the Building Regulations 2016. This will be an average figure calculated from all dwellings located within the Parcel.

c) Provide cycle storage for at least 1 cycle for each dwelling of 2 or fewer bedrooms and 2 cycles for all other dwellings.

d) Provide direct daylight to all main habitable rooms (bedrooms, kitchens, lounge/living room and dining rooms).

REASON: In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with the sustainability principles of the National Planning Policy Framework and Policies 1, 8 & 9 of the North Northamptonshire Joint Core Strategy and to ensure that the development meets the assessed criteria within the submitted and approved Environmental Statement.

18. The residential units constructed as part of the Development shall comply with the following requirements:

i. 10% of the residential units constructed under approved reserved matter KET/2013/0314 on parcel R19 shall comply with the 'Lifetime Homes' standard 2010.

ii. 10% of the residential units on parcel R23 and R26 (as shown on the approved strategic masterplan) shall comply with the 'Lifetime Homes' standard 2010. The remaining 90% shall meet the detail set out in the Accessibility Statement received 8th December 2015 and approved by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

iii. All residential units within parcels R7, R9 and R10 (as shown on the approved Strategic Masterplan), shall be completed in accordance with the Sustainability Report (Issue 06 dated 05 January 2015) submitted on 5 January 2015 and approved as part of the Reserved Matters Approval KET/2015/0887 and with the Sustainability Report (Issue 04 dated 24 November 2015) submitted on 25 November 2015 and approved as part of the Reserved Matters Approval KET/2015/0564 for those parcels.

iv. Residential units constructed on parcels R8, R11, R12, R13, R14, R20 and R24 (as shown on the approved Strategic Masterplan) shall comply with the 16 design criteria of the 'Lifetime Homes' standard 2010. Reserved Matters for these parcels shall be accompanied by a written statement of conformity which demonstrates compliance with the design criteria of the 'Lifetime Homes' standard 2010. The residential units shall be constructed in accordance with the approved details.

No occupation of any residential units on parcel R8, R11, R12, R13, R14, R20 and R24 shall be permitted until (i) the Local Planning Authority has been invited to select a sample of up to 10% of the residential units on the relevant parcel which shall be assessed by the Local Planning Authority for compliance with the design criteria of the Lifetime Homes standard 2010; and (ii) where any non-compliance with the design criteria of the Lifetime Homes standard 2010 is identified by the Local Planning Authority, all residential units in the relevant parcel shall be assessed and any required remedial action is identified by the Local Planning Authority in consultation with the developer. No occupation of residential

units within such parcel shall be permitted until the identified remedial action has been completed to the Local Planning Authority's written satisfaction.

v. All other dwellings on all other residential parcels (as shown on the approved Strategic Masterplan) shall be constructed to meet Part M4(2) Accessible and Adaptable Dwellings of schedule 1 Part M of the Building Regulations 2010 (as amended) unless otherwise agreed in writing by the Local Planning Authority having been demonstrated by the developer by way of a technical assessment submitted with Reserved Matters for such parcels.

REASON: To ensure dwellings within the development are capable of being adapted to meet the needs of all people in accordance with Policies 7 and 10 of the National Planning Policy Framework and Policy 30 of the North Northamptonshire Joint Core Strategy.

19. 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 9 of the North Northamptonshire Joint Core Strategy.

20. The Reserved Matters applications for the layout, scale and/or appearance of the development shall be accompanied by a Sustainability Report;

a) for non-residential buildings 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 units.

b) for residential development that demonstrates how environmental sustainability issues including those required by condition 17 have been addressed during the design process and how they will be implemented during the construction phase.

The development shall thereafter be undertaken in accordance with the approved Sustainability Report unless alternative details are agreed in writing by the Local Planning Authority.

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 9 of the North Northamptonshire Joint Spatial Strategy.



21. Prior to the commencement of any non-residential unit within a development parcel or part thereof, as shown on the approved Strategic Masterplan (see Condition 4), a copy of the Interim Design Stage Assessment Certificate shall be provided to the Local Planning Authority to demonstrate that the non-residential units to be constructed will achieve the required BREEAM levels (pursuant to Condition 19).

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 9 of the North Northamptonshire Joint Core Strategy.

22. Within six months of the completion of:

a) Any non-residential 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 and that the development has achieved the relevant BREEAM level (pursuant to Condition 19).

b) Any residential unit, a report shall be provided to the Local Planning Authority demonstrating that the residential development has been constructed in accordance with the Sustainability Report and that the development has achieved the required level of sustainability (pursuant to Condition 17).

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 9 of the North Northamptonshire Joint Core Strategy.

23. 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 5f).

REASON: In the interests of sustainable development, to mitigate the long term impacts of the development and to provide residents and workers of the development with waste management facilities in accordance with the principles of the Northamptonshire Waste Local Plan and National Planning Policy Framework and the National Planning Policy for Waste.

24. Prior to the occupation of any dwelling within any development parcel as shown on the approved Strategic Masterplan (see Condition 4) or part thereof, the arrangements for the ongoing management of the public realm within that development parcel (including areas of open space), street furniture and any unadopted roads shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/management arrangements.

REASON: To ensure a continued high quality public realm in accordance with Policy 8 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy.

25. 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 5), a strategy for relocating the existing 'Green Patch' facility to the development site or other location as first agreed with the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall include details of the new site location (as close to the existing site as possible), its size and design, site characteristics (including the quality of the land

and soil), facilities and amenities to be provided on site and a timetable for completion and transfer of the new facility to the Local Authority. The size and quality of the land within the new site shall as a minimum be commensurate with the existing 'Green Patch' site. The strategy shall include evidence of consultation with users of the existing 'Green Patch' facility on the contents of the strategy. The development shall be carried out in accordance with the approved strategy.

REASON: To ensure that the loss of a community open space facility is compensated by way of new provision on-site or nearby in accordance with Policy 8 of the National Planning Policy Framework and Policy 7 of North Northamptonshire Joint Core Strategy.

26. (a) Phase 1 strategic landscape works shall take place in accordance with drawing number BBD034/156 Rev D entitled 'East Kettering: Phase 1 Strategic Landscaping Plan (Details, Phasing and Implementation)' received by the Local Planning Authority on 6 March 2018 unless otherwise agreed in writing by the Local Planning Authority.

26 (b) No development shall take place on phase 2 of the development, as shown on the approved Phasing Plans (see Condition 4) unless and until a scheme for strategic landscape works as detailed in points i to iv below has been submitted to and approved in writing by the Local Planning Authority.

The scheme for strategic landscape works shall include 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 5a) and strategic open spaces.

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;
- vi. timetable for implementation of works.

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

REASON: In the interests of the visual appearance of the development and enhancement to biodiversity in accordance with Policy 11 of the National Planning Policy Framework and Policies 4, 8 and 19 of the North Northamptonshire Joint Core Strategy.

27. No development shall take place on a development parcel as shown on approved Strategic Masterplan (see Condition 4) or any part thereof, unless and until a scheme of hard and soft landscaping, for that parcel has been submitted to and approved in writing by the Local Planning Authority which specifies:

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

The approved scheme(s) shall be carried out in the first planting and seeding seasons following the occupation of the buildings on the development parcel(s) or sub parcel(s) to which the landscaping scheme relates.

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

REASON: In the interests of the visual appearance of the development and enhancement to biodiversity in accordance with Policy 11 of the National Planning Policy Framework and Policies 4, 8 and 19 of the North Northamptonshire Joint Core Strategy.

28. No works shall take place on a development parcel as shown on the approved Strategic Masterplan (see Condition 4) 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) details of all existing trees, shrubs and hedges which are proposed to be retained including species, position, diameter, approximate height and canopy spread and an assessment of their general state of health and stability
- b) Implementation, supervision and monitoring of the proposed protection measures for the trees, shrubs and hedgerows which are proposed to be retained in accordance with British Standard 5837 (Trees in Relation to Construction 2005: recommendations);
- c) Implementation, supervision and monitoring of other proposed construction works within any area proposed to be designated as being fenced off or otherwise protected in accordance with point b
- d) Timing and phasing of Arboricultural works in relation to approved details

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 4 and 19 of the North Northamptonshire Joint Core Strategy.

29. The existing hedgerows which are identified for retention within approved landscaping schemes submitted and approved pursuant to Conditions 26 and 27 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 prior written consent of the Local Planning Authority. Any hedges removed without such consent or which die or become severely damaged shall be replaced in the next planting season with hedging plants of such size and species as approved in writing by the Local Planning Authority.

REASON: To ensure the continued wellbeing of hedgerows in the interests of the visual appearance of the locality and the preservation of biodiversity in accordance with Policy 11 of the National Planning Policy Framework and Policies 4 and 19 of the North Northamptonshire Joint Core Strategy.

30. (a) Within 6 months of the date of this permission a landscape management plan for the strategic landscaping works within Phase 1 (as shown on the approved Phasing Plans (see Condition 4)) approved under Condition 26 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.

30 (b) Prior to the occupation of any dwelling within Phase 2 (as shown on the approved Phasing Plans (see Condition 4)) a landscape management plan for the strategic landscaping works within Phase 2 approved under Condition 26 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.

REASON: In the interests of the visual appearance of the development and enhancement to biodiversity in accordance with Policy 11 of the National Planning Policy Framework and Policies 4, 8 and 19 of the North Northamptonshire Joint Core Strategy.

31. Prior to the occupation of any development parcel or part thereof as shown on the approved Strategic Masterplan (see Condition 4) a landscape management plan for the hard and soft landscaping of that development parcels approved pursuant to 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 4 and 19 of the North Northamptonshire Joint Core Strategy.

32. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting or amending that Order) no additional fencing, walling or other means of enclosure shall be erected, placed or installed within any of the approved landscaping or amenity areas (including open space) other than that approved by details pursuant to

Conditions 26, 27, 30 and 31 without the prior written approval of the Local Planning Authority.

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 4 and 19 of the North Northamptonshire Joint Core Strategy.

33. 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 4 and 19 of the North Northamptonshire Joint Core Strategy.

34. 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 4 and 19 of the North Northamptonshire Joint Core Strategy.

35. No development shall commence on a development parcel of the development as shown on the approved Phasing Plans (see Condition 4) 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 4, 5, 6 and 19 of the North Northamptonshire Joint Core Strategy.

36. 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 5).

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 Policy 5 of the North Northamptonshire Joint Core Strategy.

37. 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 unless an updated Air Quality Assessment including an updated assessment and mitigation strategy is submitted to and approved in writing in advance by the Local Planning Authority.

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 Policy 8 of the North Northamptonshire Joint Core Strategy.

38. In the event of the Weekley Warkton Avenue not being open to traffic prior to the commencement of works on any development parcel (excluding any open space parcels) other than Local Centre 3 (parcel LC3a/LC3b) within Phase 2 as shown on the approved Phasing Plans (see Condition 4) 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 Policy 8 of the North Northamptonshire Joint Core Strategy.

39. Development on any parcel or part thereof as shown on the approved Strategic Masterplan (see Condition 4) other than that required to be carried out as part of an approved scheme of remediation must not commence until points A to C and the monitoring scheme requirement of point 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 (or any model procedures revoking and replacing those model procedures with or without modification).

#### 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 (or any model procedures revoking and replacing those model procedures with or without modification).

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 6 of the North Northamptonshire Joint Core Strategy.

40. No development shall take place on a parcel of the development as shown on the approved Strategic Masterplan (see Condition 4) 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:

- a) Overall strategy for managing environmental impacts which arise during construction;
- b) Measures to control the emission of dust and dirt during construction;
- c) Control of noise emanating from the site during the construction period;
- d) Hours of construction work for the development;
- e) Location, scale and appearance of contractors' compounds, materials storage and other storage arrangements, for cranes and plant, equipment and related temporary infrastructure;
- f) Designation, layout and design of construction access and egress points;
- g) Internal site circulation routes;
- h) Directional signage (on and off site);
- i) Provision for emergency vehicles;
- j) Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials;
- k) Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- l) Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles
- m) Routing agreement for construction traffic;
- n) 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
- o) Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

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

REASON: In the interests of residential amenity, highway safety, visual amenity and waste minimisation in accordance with the principles of the National Planning Policy Framework, Northamptonshire Waste Local Plan, National Planning Policy for Waste and Policies 1, 5 and 6 of the North Northamptonshire Joint Core Strategy.

41. 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 5) 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 Policies 1, 16 and 17 of the North Northamptonshire Joint Core Strategy and to secure a sustainable development which meets the needs of the users of the development in accordance with the NPPF and Policies 1 and 8 of the North Northamptonshire Joint Core Strategy.

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

a) Detailed design, lighting, engineering, layout and constructional drawings of the permanent Access F into the site and Option C scheme, all associated works and mitigation measures in general accordance with drawings contained within the Traffic Access and Impact Assessment (A14) Project reference 25134/001 Doc. Ref: Rev 1 dated October 2012 approved on 19 December 2012 under App. Ref. No. AOC/0694/0706 (see Condition 5), current DMRB and departmental policies (or approved relaxation/departures from standards;

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

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

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

REASON: To ensure that the A14 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site, and in the interests of road safety, efficiency, sustainability, and amenity in accordance with National Planning Policy Framework (NPPF) and Policies 1, 16 and 17 of the North Northamptonshire Joint Core Strategy and to secure a sustainable development which meets the needs of the users of the development in accordance with the NPPF and Policies 1 and 8 of the North Northamptonshire Joint Core Strategy.

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

REASON: To ensure that the A14 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site, and in the interests of road safety, efficiency, sustainability, and amenity in accordance with National Planning Policy Framework (NPPF) and Policies 1, 16 and 17 of the North Northamptonshire Joint Core Strategy and to secure

a sustainable development which meets the needs of the users of the development in accordance with the NPPF and Policies 1 and 8 of the North Northamptonshire Joint Core Strategy.

42. 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 Policies 1, 16 and 17 of the North Northamptonshire Joint Core Strategy and to secure a sustainable development which meets the needs of the users of the development in accordance with the NPPF and Policies 1 and 8 of the North Northamptonshire Joint Core Strategy.

43. i) Prior to the occupation of the first dwelling on Parcel R4, R5, R6, R7, R8, R9, R10, R11, R12, R13 or R14, or the occupation of non-residential Parcel PS2, as shown on the approved Strategic Master Plan (see Condition 4), 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 1, 10, 15 and 17 of the North Northamptonshire Joint Core Strategy.

ii) Prior to the occupation of the first dwelling on Parcel R16, R17, R18, R19, R20, R21 or R22, or the occupation of non-residential Parcels DC1, DC2 or DC3, as shown on the approved Strategic Masterplan (see Condition 4 ), 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 1, 10, 15 and 17 of the North Northamptonshire Joint Core Strategy.

iii)

Part 1

Prior to the occupation of the 135th dwelling on Parcels R23 and R26 (collectively), or prior to the occupation of the first dwelling on Parcels R24 or R25 or first occupation of a building on non-residential Parcel E3, as shown on the approved Strategic Masterplan (see Condition 4) whichever occurs first to construct and complete Access F (Barton Road South/A14 junction 10) accordance with the following plans and details:

- i. Access F Site Location Plan 25134/020/015 E received 27th January 2014
- ii. Access F Interim Roundabout Arrangement reference 25134/020/014 B received 16th December 2013
- iii. Landscape Proposals received 27th January 2014
- iv. East Kettering SUE Access F Phasing Plan reference 25134/020/011 C
- v. Technical Note Access F Reserved Matters Application TN03 received 17th December 2013
- vi. Technical Note TN11 dated 21st October 2013
- vii. Ecology Statement Access F received on 28th January 2014
- viii. Arboricultural Report received 27th January 2014
- ix. Construction Management Plan received 18th February 2014
- x. Planning Statement received 4th December 2013
- xi. Site Location Plan Drawing Number 25134-020-013D received 27th January 2014
- xii. Planning Boundary Drawing Number 25134/020/001F received 27th January 2014
- xiii. Access 'F' General Arrangement Drawing Number 25134/020/010F received 27th January 2014
- xiv. Drainage Layout Sheet 1 of 3 Drawing Number 25134/020/002C received 27th January 2014
- xv. Drainage Layout Sheet 2 of 3 Drawing Number 25134/020/003B received 27th January 2014
- xvi. Drainage Layout Sheet 3 of 3 Drawing Number 25134/020/004A received 27th January 2014

- xvii. Drainage Manhole Details Drawing no. 25134/020/006A received 16th December 2013
- xviii. Long Section drawing Number 25134/020/009A received 16th December 2013
- xix. Landscape Proposals Sheet 1 of 5 Drawing Number CSa/2278/103A received 27th January 2014
- xx. Landscape Proposals Sheet 2 of 5 Drawing Number CSa/2278/104A received 27th January 2014
- xxi. Landscape Proposals Sheet 3 of 5 Drawing Number CSa/2278/105A received 27th January 2014
- xxii. Landscape Proposals Sheet 4 of 5 Drawing Number CSa/2278/106A received 27th January 2014

#### Part 2

Not to occupy more than 135 dwellings on Parcels R23 and R26 (collectively) (as shown on the approved Strategic Masterplan) until that part of the access road (connecting Access F to Cranford Road) serving parcels R23 and R26 has been constructed and completed in its entirety accordance with the approved plans and details specified in paragraphs (i)-(xxiii) of Part 1 of this condition 43(iii) to the Local Planning Authority's written approval.

#### Part 3

Not to occupy any dwellings on parcels R24 or R25 or a building on non-residential parcel E3 (as shown on the approved Strategic Masterplan) until that part of the access road (connecting Access F to Cranford Road) serving parcels R24, R25 and E3 has been constructed and completed in its entirety accordance with the approved plans and details specified in paragraphs (i)-(xxiii) of Part 1 of this condition 43(iii) to the Local Planning Authority's written approval.

REASON: In the interests of highway safety, efficiency, sustainability and amenity in accordance with the National Planning Policy Framework and Policies 1, 10, 15 and 17 of the North Northamptonshire Joint Core Strategy.

44. No occupation of the 876th or subsequent dwellings on the development shall take place until the works listed below have been completed in accordance with details first approved by the Local Planning Authority, unless an alternative programme of delivery is approved in writing by the Local Planning Authority. Should an alternative programme be approved the works shall be completed in accordance with that programme.

- 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)
- Bus priority scheme (junction f)

REASON: In the interests of highway safety, efficiency, sustainability and amenity in accordance with the National Planning Policy Framework and Policies 1, 10, 15 and 17 of the North Northamptonshire Joint Core Strategy.

45. Prior to the commencement of development on Parcels R21 or R22 or prior to the occupation of the 135th dwelling collectively on Parcels R23 and R26 (as shown on the approved Strategic Masterplan (see Condition 4)(whichever occurs first) highway improvement works at the Cranford Road/Barton Road junction (junction g) shall be completed in accordance with drawing number KETJCT-WSP- HGN-0000-SK-CH-00013, unless an alternative programme for delivery, funding arrangement, and/or scheme is agreed in writing by the Local Planning Authority. Any alternative details agreed in writing shall be implemented as approved.

REASON: In the interests of highway safety, efficiency, sustainability and amenity in accordance with Policy 4 of the National Planning Policy Framework and Policies 15 and 17 of the North Northamptonshire Joint Core Strategy.

46. 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 4), including the related Land Use Schedule, are constructed and available for occupation.

REASON: In order to ensure that the development is sustainable and provides services and facilities within the site in accordance with the principles of the National Planning Policy Framework and policies 1, 7 and 10 of the North Northamptonshire Joint Core Strategy.

47. 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 8 of the North Northamptonshire Joint Core Strategy.

48. Prior to the completion of the new link road over the River Ise as shown on the approved Strategic Masterplan (see Condition 4) 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 8 of the North Northamptonshire Joint Core Strategy.

49. Prior to the commencement of works for 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 8 of the North Northamptonshire Joint Core Strategy.

50. Prior to the commencement 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 8 of the North Northamptonshire Joint Core Strategy.

51. Not to commence development on a development parcel (as shown on the approved Strategic Master Plan - see condition 4) until all owners and/or leaseholders (including any relevant mortgagee) of that development parcel have deduced title to the local planning authority and entered into a confirmatory or supplemental deed in a form acceptable to the local planning authority binding the relevant development parcel by the obligations covenants and undertaking secured by the Section 106 Agreement entered into in respect of this planning permission.

REASON: In the interests of site delivery and to ensure that all development parcels are carried out in accordance with the secured planning obligations and covenants.

## **Officers Report for KET/2015/0967**

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

In the interests of clarity, the condition numbers referenced within this report are those from KET/2013/0695. The numbering of the conditions set out in the above recommendation may differ from those referred to in the main part of this report and Appendix A as a number of conditions are proposed to be removed, thereby changing the numbering.

### **3.0 Information**

#### **Relevant Planning History**

**KET/2016/0029** Variation of Condition 18 (code for sustainable homes) and associated conditions 4, 21, 22 & 23 of KET/2014/0357 for parcels R8, R11, R12, R13 & R14 **Pending** (Hallam)

**KET/2015/0894** Variation of Condition 18 (code for sustainable homes), 19 (Lifetime Homes), 44ii (access highway works) and 46i & 46ii (offsite highway works) of KET/2013/0695 for parcels R23 & R26 **Pending** (Persimmon).

**KET/2015/0887** Reserved Matters (all details) in respect of KET/2014/0357 for 325 dwellings and related development for parcels R7, R9 & R10 **approved** 01/02/2016

**KET/2015/0689** Variation of Condition 18 (code for sustainable homes) for R23 & R26 to remove the code requirement **withdrawn**

**KET/2015/0611** Non-material amendment to remove Parcel PS4 in respect of occupancy prior to the completion of Access E from Condition 44(ii) **approved** 26/08/2015.

**KET/2015/0564** Reserved Matters (all details) in respect of KET/2014/0357 for 22 dwellings south of parcel R10 **approved** 01/02/2016

**KET/2014/0357** Variation of Condition 18 (code for sustainable homes), 19 (Lifetime Homes), 22 (Interim design stage certificate), 42 (access to A14) and removal of condition 45 (Deeble Road/Windmill Avenue junction works) of KET/2013/0514 in relation to parcels R7, R9 and R10 **approved** 8/01/2015 (David Wilson/Barratts)

**KET/2014/0604** Taylor Wimpey variations to conditions 18 and 19 of KET/2013/0514 **Pending**

**KET/2013/0836** Hedgerow Removal within Parcel DC2. **Approved** 23/01/2014.

**KET/2013/0792** Approval of Reserved Matters: 547 metres of road access to Parcels R22, R23, R24, R25, R26 and E3 (of the East Kettering development) with associated drainage and landscaping (off Access F) **Approved** 20/02/2014.

**KET/2013/0781** Approval of Reserved Matters: Surface water attenuation pond, drainage channels and associated works, with details of Great Crested Newt translocation area. **Approved** 03/03/2014.

**KET/2013/0780** Reserved Matters for 580m of road from Access E to Parcels R19, R20 and DC2 in relation to outline KET/2008/0274 **Approved** 02/02/2014.

**KET/2013/0695** - Variation/Removal of Conditions (Tranche 2) in relation to outline KET/2008/0274. **Approved** 13/10/2014



**KET/2013/0514** Variation/Removal of Conditions (Tranche 1) in relation to outline KET/2008/0274 **Approved** 30/05/2014.

**KET/2013/0314** Reserved Matters (all details) in respect of parcel R19 for 167 dwellings **Approved** 29/10/2015.

**KET/2013/0232** Reserved Matters (all details) for Parcels R23 and R26 for 332 dwellings in relation to outline KET/2008/0274 **Pending**.

**KET/2013/0213** Reserved Matters (all details) for Parcels R7, R9 and R10 for 325 dwellings in relation to outline KET/2008/0274 **Approved** 08/01/2015.

**KET/2008/0274** Outline for 5,500 dwellings and related development. **Approved** 01/04/2010.

**KET/2007/0694** Outline for 5,500 dwellings and related development **Approved** 01/04/2010.

Various approvals of conditions have also been granted in relation to the outline permission and reserved matters.

### **Site Description**

Officer's site inspections were carried out on 24/12/2015, 6/04/2016 and 15/01/2018.

Hanwood Park (Kettering East) is an area of 328.5 hectares to the east of Kettering and Barton Seagrave. Hanwood Park 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 majority of the site currently comprises of arable farmland, allotments and some woodland though the site now contains a Primary School and houses accessed off Warkton Lane; construction is underway on parcels R7, R9 and R10 DWH/Barratts via a new junction at Warkton Lane/Deeble Road.

### **Proposed Development**

The proposal seeks to vary a number of conditions relating to the original outline consent granted under the outline planning permission **KET/2013/0695**. In particular conditions relating to Code for Sustainable Homes, Lifetime Homes and highways are proposed to be changed to bring the conditions in-line with current planning policy.

Since the submission of the application in 2015, the Government has abolished the Code for Sustainable Homes and Lifetime Homes Standards and these are now covered under the Building Regulations. This application seeks to take into account these changes whilst still aiming to deliver a sustainable development. The changes to government policy in relation to Code for Sustainable Homes and Lifetime Homes are discussed in more detail under Section 7 of this report. Other changes are also proposed for example where works have been completed or details required by condition have been approved.

Appendix A to this report sets out the existing and proposed wording of the conditions which are being removed or varied as part of this application. The table below provides a summary of proposed changes.

<b>Condition of outline planning permission</b>	<b>Summary of the Proposed Changes</b>
3 – Time limit for development to begin before the expiration of two years from the final approval of Reserved Matters for the first fully approved development parcel in Phase 1.	Condition is to be removed as the permission has been implemented.
4(vii) – requires the submission of a sustainability report to show compliance against Code for Sustainable Homes, BREEAM and Lifetime Homes.	This condition is to be incorporated into the wording of Condition 21 and will take into account the changes proposed to Condition 18 (Code for Sustainable Homes) and 19 (Lifetime Homes).
10 –programme for the delivery of the District Centre required prior to the completion of 1000 dwellings or the submission of any Reserved Matters for the District Centre, whichever is the earliest.	It is proposed to vary the first part of the trigger to 1250 dwellings. The remainder of the condition is to remain as existing.
13 – local centre delivery plan prior to development on phase 2	It is proposed to vary this condition to allow for the construction of FOS3 (formal open space) and Central Avenue South (road) in advance of the local centre delivery plan.
15 – Requires the submission of a strategy for development on Parcel PS1, PS2, PS3, PS4 or SS1.	This condition is to be reworded to take into account the document approved for PS4 (Hayfield Cross Primary School).
18 – Provision of Code for Sustainable Homes.	Due to the abolition of Code for Sustainable Homes, the applicant is seeking to reword this condition to take into account the change in policy.
19 – provision of Lifetime Homes	This condition has been reworded to take into account the abolition of Lifetime Homes and changes to Building Regulations.
21 – submission of a Sustainability Report demonstrating how environmental sustainability issues have been addressed and setting out a way in which credits under BREEAM and Code for Sustainable Homes is achieved.	This condition has been reworded to take into account changes to the Code for Sustainable Homes and changes to condition 18.
22 – Submission of an Interim Design Stage Assessment Certificate to demonstrate development constructed in accordance to Code for Sustainable Homes and BREEAM.	As above.

23 – Submission of Post Construction Certificate to demonstrate compliance against Code for Sustainable Homes and BREEAM.	As above.
27 – Submission of a strategic landscaping scheme prior to the commencement of development.	This condition is proposed to be reworded to take into account the approval of details.
28 – parcel landscaping scheme requirement	The condition has been revised to list requirements of the scheme(s).
39 – air quality assessment required prior to commencement of phase 2 if Weekley Warkton Avenue is not open to traffic	Proposed to exclude open space parcels and LC3a/3b (local centre) from triggering this requirement. LC3 may include changing rooms for the adjacent formal open space within phase 1.
44ii – required the completion of Access E prior to the occupation of a number of development parcels including PS4.	Proposed to be amended to take into account development on PS4 (Hayfield Cross Primary School) which has been completed.
44iii – required the completion of Access F prior to the occupation of a number of development parcels.	This condition is proposed to be revised to take into account a resolution to grant permission for the development of 134 dwellings on Parcels R23 and R26 under KET/2015/0894. Some other relatively minor changes are also proposed.
45 – Required the completion Junction c (Windmill Avenue/ Deeble Road) prior to the occupation of a number of development parcels.	This condition is proposed to be removed as the works have been completed.
46i – a trigger date set of 30 June 2016 or occupation of 500 <sup>th</sup> dwelling for full details of offsite works to be submitted and completed before occupation of 876 <sup>th</sup> dwelling.	Condition is proposed to be reworded to take out reference to 30 June 2016. Phase 1 design work (options) has been undertaken by the Council. The condition retains the existing trigger for the works but also includes wording around a programme for delivery.
46ii – submission of a Transport Assessment prior to the commencement of development on Parcel R21, R22, R23 or R26.	This condition is proposed to be revised to take into account a resolution to grant permission for the development of 134 dwellings on Parcels R23 and R26 under KET/2015/0894. Works are required in accordance with a mitigation scheme (identified through the off-site junction design work completed to date).

47 – Requirement of a bus priority scheme prior to the occupation of the 876 <sup>th</sup> dwelling with details to be approved prior to the occupation of the 500 <sup>th</sup> dwelling.	The requirements of the bus priority scheme are proposed to be consolidated into Condition 46(i).
48 – Requirement of an assessment to the interim improvements to Junction 10 of A14.	This condition is proposed to be removed as the works have been undertaken.
50 – Requirement of the widening of the A14 between Junctions 7 and 9 prior to the occupation of 1750 dwellings.	This condition is proposed to be removed as the works have been undertaken.

### **Any Constraints Affecting the Site**

Nene Valley NIA Boundary

Public Footpaths GF008, GF009, GF010, GF011, GF019, UA011 and VD011

Public Bridleways VD036, GF005, GF006, GF007 and V0008

### **Environmental Impact Assessment**

The original outline planning applications (KET/2007/0694 and KET/2008/0274) were EIA development and a screening opinion was carried out for these applications. It was concluded that the original Environmental Statement (ES) dated July 2007 and as amended in August 2008 and January 2009 accompanying KET/2007/0694 and KET/2008/0274 adequately addresses the main environmental effects of the development as a whole.

As part of this application, the applicant has submitted an update to the Environmental Impact Assessment and considers that similar ES/ EIA circumstances prevail as per the previous update statement which was previously submitted under KET/2015/0967. The updated statement assessed as part of this application takes into account changes in Government Policy and Planning Policy in relation to amendments to conditions as part of this S73 application and has formed the Councils recommendation.

## **4.0 Consultation and Customer Impact**

### **Consultation responses to the 2015 consultation:**

**Cranford Parish Council:** Strongly object as this is contrary to the aims and objective of the Core Spatial Strategy. It will remove a level of sustainability from the development.

**North Northants Badger Group:** No comments.

**Corby Borough Council:** No comments.

**East Northamptonshire District Council:** No objection.

**Network Rail:** No comments.

**Sport England:** No comments.

**Historic England:** No comments.

**Northamptonshire Police:** No comments.

**Natural England:** No comments.

**Highways England:** No objection.

**National Grid:** Identified apparatus in vicinity of the development.

**Lead Local Flood Authority:** No objection.

**Environmental Health:** No comments.

**Environment Agency:** The removal of the code level requirements in relation to water usage without replacing it with appropriate equivalent requirement would be unsatisfactory. Standard of not more than 110 litres per person per day should be required.

**Northamptonshire Garden Trust:** No objection.

**Neighbours:** No comments received.

### **Responses to re-consultation January 2018**

**Highways Authority:** no objection

Those that are relevant to the highway authority are the variation of Condition Nos. 44 (ii), 44(iii), 46(i) and 46(ii) and removal of Condition Nos. 45, 47, 48 and 50.

- Variation to condition 44 (ii) and 44 (iii) to remove PS4 from the condition and change trigger for Access F from prior to 1st occupation to 135th dwelling for parcels R23 or R26). This is already approved.
- Variation to condition 46(i) to remove the 500 dwelling trigger for full details of the offsite works. This is currently being delivered and preliminary designs have been carried out.
- Variation to condition 46(ii) to remove the need for a Transport Assessment of the Barton Road/Cranford Road junction prior to commencement of R21, 22, 23 and 26, to completion in accordance with drawing KETJCT-WSP- HGN-0000-SK-CH-00013 prior to occupation of 135th dwelling of R23 and 26. A Transport Assessment of this junction has already been carried out and they have provided the preliminary design drawing referenced.
- Removal of Condition No. 45. Works have been completed.
- Removal of Condition No 47. Included in revised condition 46 (i).
- Removal of Condition No 48. Interim works completed.
- Removal of Condition No 50. Works completed.

**Sport England:** No comments.

**Historic England:** No comments.

**Environment Agency:** No comments.

**Warkton Parish Council:** No objection.

**Weekley Parish Council:** No objection.

**North Northants Badger Group:** No comments.

**Lead Local Flood Authority:** No objection.

**East Northamptonshire District Council:** No comments.

**The Gardens Trust:** No comment.

**Corby Borough Council:** No objection subject to Kettering Borough Council being satisfied that the Environmental Statement has been updated; that it can be dealt with as an EIA subsequent application and that the suggested changes to the original planning conditions do not contradict any comments from statutory consultees.

**Cranford Parish Council** did not provide additional comments on the 2018 consultation.

**5 neighbour letters** were received commenting on the application:

1 letter was received from a new resident of the development who was seriously concerned about the change in the trigger in regards to the district centre. (*Officer Comment: the trigger for delivery is not changing, it is the trigger for submission of a programme which is proposed to be changed*).

1 letter was received from St Catherines Road referencing comments made on the original outline applications KET/2007/0694 & KET/2008/0274. The comments were in relation to the heights/positions of the new dwellings backing onto the existing St Catherines Road properties.  
(*Officer Comment: These points would need to be considered under the reserved matters for parcel R3*).

1 letter was received from Grendon Drive raising concerns about the traffic impacts of the development as whole in particular on Barton Road.  
(*Officer Comment: this point is addressed within the report below*).

This letter also asked if Cransley Park was a better site given road connections  
(*Officer Comment: this is not relevant to the current s73 application which relates to the planning conditions on the development*).

1 letter was received from Poplars Farm Road raising concerns that a road name within the development is called Poplars Farm Avenue.  
(*Officer Comment: Road naming is not within the remit of planning control*).

1 letter was received from owners of the parcels R8, R11, R12, R13, R14 and PS2 regarding the replacement lifetime homes requirements on different parcels, the off-site highways works requirement at 876 dwellings (*not changed from the current permission*) and comments regarding their current s106 agreement. They have requested that the conditions satisfy the planning tests within the NPPF.

(*Officer Comment: Officers are satisfied the proposed conditions meet the tests of the NPPF*).

## 5.0 **Planning Policy**

### **National Planning Policy Framework**

Paragraph 17: Core planning principles

Policy 1 Building a strong, competitive economy

Policy 6 Delivering a wide choice of high quality homes

Policy 7 Requiring good design

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

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Spatial Strategy 2011-2031**

Policy 1: Presumption in favour of Sustainable Development

Policy 5: Water Environment, Resources & Flood Risk Management

Policy 8: North Northamptonshire Place Shaping Principles

Policy 9: Sustainable Buildings and Allowable Solutions

Policy 10: Provision of Infrastructure

Policy 11: The Network of Urban and Rural Areas

Policy 15: Well Connected Towns, Villages & Neighbourhoods

Policy 22: Delivering Economic Prosperity

Policy 23: Distribution of New Jobs

Policy 29: Distribution of New Homes

Policy 30: Housing Mix and Tenure

### **Relevant documents**

Deregulation Act 2015

Planning and Energy Act 2008

Building Act 1984 (as amended)

Building Regulations 2016

## 6.0 **Financial/Resource Implications**

Legal agreements will be needed to tie any new permission to the current planning obligations. There is no change to the existing obligations/contributions in the existing S106 agreements.

## 7.0 Planning Considerations

The key issues for consideration in this application are:

1. Principle of development
2. Variation of conditions (code and lifetime homes)
3. Variation of conditions (highways)
4. Other conditions
5. S106 implications

### 1. Principle of development

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
- determine that the permission should be granted subject to the same conditions as the original permission.

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 consideration is whether the conditions that have been imposed should be varied due to changes in circumstances, policy or because they have been discharged (details submitted to the Local Planning Authority (LPA) and approved). As there have been changes in policy since the original permission was approved, it falls that the consideration is how and/or whether the conditions should be varied.

A legal agreement will be required to link any new permission with the existing planning obligations/contributions.

### 2. Variation of conditions (code and lifetime homes)

#### **Condition 18 – Code for Sustainable Homes**

Further to the Government's Housing Standards Review in 2015 the government abolished the Code for Sustainable Homes (CSH). The government's aim was to simplify and rationalise the different standards being imposed on developments to reduce uncertainty, burdens and bring about the building of much needed new homes. The government still however wants to deliver high quality, accessible and sustainable development.

The Deregulation Act 2015 which was given Royal Assent confirmed the approach set out in the Ministerial Statement of 25 March 2015 that local planning authorities should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings and includes the winding down of Code for Sustainable Homes. The National Planning Practice Guidance was also updated in March 2015.

The new system brings optional requirements into Building Regulations in relation to water usage and accessibility and also a new national space standard. These elements are



incorporated into the policies of the North Northamptonshire Joint Core Strategy (JCS Policy 9 and 30).

The planning policy position is clear. The Local Planning Authority should not require new dwellings to have a higher level of energy performance over that which is set by Building Regulations. The developer has however offered to exceed the current Building Regulations (2016) by 10% and this is what is proposed in the new outline planning condition. This is a demonstrable betterment compared to the current Building Regulations.

Water efficiency standards within the abolished Code for Sustainable Homes have been replaced by National Technical Standards which are optional additional requirements within the Building Regulations. Local Authorities (including Kettering Borough) which are designated as being in an 'area of water resource stress' can impose a higher Standard of 110Litres/person/day. This requirement is set out in Policy 9 of the Joint Core Strategy and within The Building Regulations 'Approved Document G: Sanitation, hot water safety and water efficiency'. This requirement forms part of the proposed condition.

The proposed wording for Condition 18 (noted within Appendix A) also reflects the approved reserved matters for the parcels being constructed by Barratts/ David Wilson (parcels R7, R9 and R10). The wording of the proposed condition in relation to these parcels remains unchanged from the current position.

Minor changes to conditions 4, 21, 22 and 23 are also required to reflect the changes to condition 18. These changes are relatively minor in effect and are detailed below.

#### **Condition 4 (vii)– Sustainability Report**

Condition 4 (vii) requires a Sustainability Report to be submitted to show how Code for Sustainable Homes/ BREEAM and Lifetime Homes Standards are to be achieved in the actual design of the units. The submission of details in relation to sustainability matters are tied to the requirements of conditions 18, 19, 20 (BREEAM rating non-dwellings) and 21.

Part vii of condition 4 currently references the Code for Sustainable Homes and it is proposed that this is removed and incorporated within re-worded Condition 21, 22 and 23.

#### **Condition 21– Sustainability Report against BREEAM and CSH**

The original wording for Condition 21 made reference to Code for Sustainable Homes which as noted above has been abolished. As such the applicant proposes to revise the wording to take into account how residential units demonstrate environmental sustainability issues required by Condition 18 above.

The wording of proposed Condition 21 requires reserved matters applications for residential development to demonstrate how the requirements of condition 18 have been addressed during the design process and how they will be implemented during the construction phase. This change is needed to link to the new wording of condition 18.

#### **Condition 22– Interim Certificates**

Condition 22 requires an interim design stage certificate to be submitted for the Code for Sustainable Homes and BREEAM (for non-residential). The reference to the Code is proposed to be removed in light of the change to condition 18.

### **Condition 23 - Post Completion Certificates**

Condition 23 requires a post construction certificate to demonstrate units have been completed to the required levels of BREEAM and Code for Sustainable Homes Standards. Again a change is needed to this condition to link to the new wording of condition 18. The condition is proposed to be updated and requires the submission of details following completion of residential units to demonstrate how the requirements of condition 18 have been implemented. The requirements regarding BREEAM remain unchanged.

### **Condition 19– Lifetime Homes**

Lifetime Homes was introduced as a means to ensure that new dwellings are designed to accommodate the requirements of an ageing population. The Lifetime Homes standard was made up of 16 criteria to make new homes inclusive, accessible, adaptable and sustainable. Since the submission of this application in 2015, Lifetime Homes has been replaced by Building Regulations and is now broadly equivalent to the M4(2) optional standard (Building Regulations). The proposed condition sets out a transitional approach whereby parcels which we consider are likely to come forward in the short to medium term will be constructed to the Lifetime Homes criteria with later parcels meeting the M4(2) standard. As Lifetime Homes and M4(2) are broadly equivalent there is no reduction in standards being proposed by the variation to this condition.

It is proposed that the position agreed on Taylor Wimpey and Persimmon parcels (approval and committee resolution to approve respectively) are formalised in the new condition; broadly this equates to 10% on the Taylor Wimpey parcel and 10% on the Persimmon site, with the remaining 90% of the Persimmon units meeting a number of the 16 Lifetime Homes criteria. The proposed wording also includes the approved position for the David Wilson/Barratts parcels R7, R9 and R10.

### **3. Variation of conditions (highways)**

#### **Condition 44ii – Access E**

This condition requires the delivery of Access E (Barton Road/Warkton Lane) prior to occupation of various parcels including Parcel PS4 (Hayfield Cross School) which has been constructed and is open. The removal of parcel PS4 from this condition has previously been approved under KET/2015/0611 and therefore the condition is proposed to be updated to reflect this approved position. There are no changes to the requirements of the proposed condition in relation to any of the other parcels.

#### **Condition 44iii – Access F**

Condition 44iii relates to the delivery of Access F (Barton Road south/A14 junction 10). The condition currently requires that Access F is completed prior to the occupation of the first dwelling on Parcels R23, R24, R25 or R26 or the occupation of the employment parcel E3.

The proposal seeks to change the wording of this condition to allow for a total of 134 dwellings to be occupied across parcels R23 and R26 in advance of Access F being completed. This reflects an earlier committee resolution to grant under KET/2015/0894 which allowed 134 dwellings on parcels R23 and R26 (Persimmon site) to be accessed off Cranford Road ahead of Access F being completed.

### **Condition 45 – Junction c**

This condition required the delivery of the improvement works to Windmill Avenue/Deeble Road (junction c). The improvement works have now been completed and therefore the condition is discharged and no longer required.

### **Condition 46i – Offsite Junctions**

Condition 46i relates requires details of the off-site junctions listed below to be submitted prior to the 30 June 2016 or the occupation of the 500<sup>th</sup> dwelling and for the works to be completed prior to occupation of the 876<sup>th</sup> dwelling.

The off-site junctions are:

- Stamford Road/Windmill Avenue (junction a)
- St.Mary's Road/Windmill Avenue (junction b)
- London Road/ Barton Road/Pytchley Road (junction d)
- Barton Road/Windmill Avenue (junction e)

The first phase of the design work for these junctions has now been completed and it is no longer necessary to require design details through this condition. The trigger of 876 units remains unchanged however there is wording proposed to allow the Local Planning Authority to agree an alternative programme of delivery in the future should this be necessary.

As detailed under condition 47 below, bus priority will be added to this condition.

### **Condition 46ii – Cranford Road/Barton Road Junction (g)**

Condition 46ii relates to the submission of a transport assessment including details of required improvement works and a timetable for their implementation. The condition currently requires this prior to the commencement of parcels R21, R22, R23 or R26.

The applicant seeks to vary this condition to take into account a committee resolution to grant under KET/2015/0894 to allow 134 dwellings to be accessed off Cranford Road on parcels R23 and R26 (Persimmon Homes site) before works are completed at this junction. The condition is also to be updated to include details of an improvement scheme which has been drawn up as part of the design work completed by NCC on behalf of the Council.

### **Condition 47 – Bus Priority Scheme**

Condition 47 requires the submission of a bus priority scheme prior to the occupation of the 876<sup>th</sup> dwelling with details to be submitted before the occupation of the 500<sup>th</sup> dwelling. Condition 47 is proposed to be removed and consolidated within the wording for Condition 46(i).

### **Condition 48 – Interim Improvement to A14 (J10)**

Condition 48 relates to interim improvement works at Junction 10 of the A14. These interim improvement works have been completed and therefore the condition is complied with and is proposed to be removed.

### **Condition 50 – Widening of A14**

Condition 50 restricted the number of occupation to 1750 dwellings until the widening of the A14 between junctions 7 and 9 had taken place. The A14 widening works have been

completed and therefore this condition has been complied with and therefore is proposed to be removed.

#### 4. Other Conditions

The applicant also proposes to vary the following conditions as part of this S73 Application.

##### **Condition 3 - Timing**

Condition 3 required that the development was commenced within 2 years from the final reserved matters approval for the first fully approved development parcel in Phase 1. The development has been implemented and therefore this condition is no longer required.

##### **Condition 10 – Programme of Delivery (District Centre)**

Condition 10 currently requires the submission of a programme of delivery in relation to the District Centre either prior to the submission of the first reserved matters application covering the District Centre or the completion of 1000 dwellings, whichever is earliest.

The condition only relates to the submission of the programme of delivery and seeks to change the first part of the trigger to the completion of 1250 dwellings. It only alters the timing for the submission of these details. Importantly it does not alter the trigger for delivery of the District Centre which is still within Phase 1 of the development.

##### **Condition 13 – Delivery programme for local centres**

Condition 13 requires that prior to any development within phase 2, a delivery programme for the local centres (which are all within phase 2) shall be submitted to the LPA. It is proposed to change this to allow for the delivery of FOS3 (formal open space) and Central Avenue South (road) which are both partly in phase 1 and part in phase 2 – this amendment is considered to be beneficial in the interests of clarity.

##### **Condition 27 – Strategic Landscaping Scheme**

Condition 27 relates to strategic landscaping. In light of the approval of details since this permission was granted, this condition is to be updated. A new plan has been submitted and it is proposed to condition that the development is carried out accordance with this and also to require the submission of details for the future Phase 2.

##### **Condition 28 – Parcel Landscaping Scheme**

Condition 28 relates to the landscaping scheme requirements for development parcels. The requirements for the parcel landscaping scheme was the same as for the strategic and the condition referenced the requirements in condition 27. As condition 27 is being changed due to having been partially approved, as a consequence the list of requirements is being brought into parcel landscaping condition.

##### **Condition 39 – Air quality assessment**

Condition 39 requires the submission of an air quality assessment prior to the commencement of development on phase 2 if the Weekley Warkton Avenue is not open to traffic by that time. It is proposed to change this to reference development parcels excluding formal open spaces. It is also proposed to allow for the delivery of the local centre LC3a/LC3b prior to this air quality submission as in locational terms they are

closely related to FOS1 (formal open space which is within phase 1) and are considered to be appropriate for the co-location of facilities such as changing rooms.

### **Other Minor Changes**

There are also very minor updates to conditions 9, 16, 17 and 33 which currently reference “the Town & Country Planning (General Permitted Development) Order 1995 (as amended)” It is appropriate to update these conditions to reference the replacement order “the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended)”. The current conditions cover modification or revocation and re-enacting of the provisions of 1995 Order and the new conditions will also cover this aspect.

### **5. S106 and Other Considerations**

It is considered that the planning obligations and approach secured for the previous and existing outline permissions is still appropriate and meets with the requirements of Regulation 122 of the Community Infrastructure Regulations 2010 (as amended); accordingly they should continue to apply to any new planning permission (save where already discharged).

It is considered that the existing S106 Agreement creates a framework for planning obligations required as part of the urban extension development. The S106 Agreement required for the new permission and any subsequent confirmatory or supplemental deeds are simply the mechanism for re-affirming and binding land by the planning obligations already required; there is no creation of new obligations and accordingly such an approach is in compliance with Regulation 123 of the Community Infrastructure Regulations 2010 (as amended).

In the event that not all of those with an interest in the site are party to the required S106 Agreement, an additional planning condition is to be included on the new permission, to restrict development on an individual development parcel until such time that those with an interest in that land have entered into a deed securing the required planning obligations.

There are reserved matters for the site which have been approved but are yet to be implemented. These will need to be linked to the new consent. It is recommended that authority be delegated to Officers to establish the most appropriate form for achieving this.

### **Conclusion**

The variations of conditions detailed within the report are considered to preserve the sustainability principles of the development and reflect current policy and legislative positions against which this application is now assessed.

The proposed variation and removal of conditions are therefore recommended for approval subject to conditions and completion of legal agreements to link the existing planning obligations to any new outline planning permission.

It is also recommended that authority be delegated to Officers to establish the most appropriate way to link approved, non-implemented reserved matters to the new consent.