

BOROUGH OF KETTERING

Committee	19/03/2019	Item No:
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2018/0965
Wards Affected	Slade	
Location	Kettering South (land at) (Off A509 north of Isham), Kettering	
Proposal	Outline Application (EIA): Up to 214,606sqm gross external area for class B8 warehousing and distribution, ancillary class B1(a) offices, with associated access, internal roads, parking, landscaping and drainage	
Applicant	DB Symmetry Ltd	

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED, subject to:

1. a S.106 OBLIGATION being entered into,
2. referral to the Secretary of State to review and be given the opportunity to 'call-in' the application

Definition

'Enabling Works': defined as drainage, site entrance roundabout, utility diversions, ground re-contouring including landscaping.

Compliance

Duration of Consent

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the first of the reserved matters relating to any phase of development to be approved, whichever is the later.

REASON: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the approved plans and details listed in the approved documents schedule including the below:

- Location Plan - 13-170 P001 Rev P7
- Parameters Plan - 13-170 P002 Rev P14
- Proposed Development Access - as implemented pursuant to Condition 32

Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031.

HGV Management Strategy

3. Prior to first occupation the 'Framework HGV Route Management Strategy' prepared by Peter Brett Associates dated 28th November 2018, hereby approved, shall be implemented and remain in place in perpetuity.

REASON: In the interests of residential amenity within adjacent communities, and in accordance with Policy 37 (m) of the North Northamptonshire Joint Core Strategy 2011 - 2031.

Flood Risk

4. The development permitted by this planning permission shall be carried out in accordance with the following mitigation measure detailed in the approved Flood Risk Assessment (FRA) undertaken by Peter Brett Associates (dated June 2016):

- Finished floor levels for each building are set no lower than 55.5 m Above Ordnance Datum (AOD).

The above mitigation measure shall be fully implemented prior to occupation of each building.

REASON: To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy 2011-2031.

Construction working

5. Construction works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority. Monday to Friday 07.00 to 18.00 hrs, Saturday 07.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

REASON: In the interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Pre-Commencement of Development of a Phase/Building

Approval of Reserved Matters – Details and Plans

6. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") for each of the Phases (as identified in the Phasing Plan approved under Condition 22) shall be submitted to and approved in writing by the Local Planning Authority before any development in that particular Phase begins, and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than the expiration of 7 years from the date of this permission.

REASON: In order to secure a satisfactory development and to accord with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Construction Management Plan

7. Prior to the commencement of development (including enabling works) in any one phase a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Highways England and the Local Highway Authority. This CMP shall consider details of all construction works (on and off-site) including piling works and shall incorporate a Construction Traffic Management Plan (CTMP) for all construction works associated with the development. The approved CMP and CTMP shall be adhered to throughout the construction period of the development.

REASON: To ensure that the construction works do not impact the operation of the A14 and the local highway network or cause harm to amenity and in the interests of highway safety in accordance with Section 10(2) of the Highways Act 1980 and Policy 37 of the North Northamptonshire Joint Core Strategy 2011-2031. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

Construction Environmental Management Plan

8. Prior to the commencement of development (including Enabling Works) in any one phase a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to throughout the construction period of the development.

REASON: In the interest of ecology protection in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy 2011-2031.

Badger Mitigation Strategy

9. No development shall take place until a Badger Mitigation Strategy (BMS) addressing mitigation, compensation, enhancement, and restoration where relevant has been submitted to and approved in writing by the Local Planning Authority.

The BMS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) or principles and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- f) Persons responsible for implementing the works.
- g) Details of initial aftercare and long-term maintenance (excluding landscape planting).
- h) Details for monitoring and remedial measures (excluding landscape planting).
- i) Details for disposal of any wastes arising from works.
- j) Details on or principles of lighting design, exclusion fencing, wildlife road crossings, landscaping and other measures to allow the existing badger population to thrive on site.

The BMS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: In the interest of ecology protection in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy 2011-2031.

Contaminated Land Remediation

10. No development shall commence on site in any one phase until parts A to D inclusive 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 Part D has been complied with in relation to that contamination.

A. Site Characterisation

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:

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

(ii) 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;

(iii) 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, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report 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 part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 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 Part C.

REASON: Contaminated land investigation is required prior to the commencement of development 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 15 of the National Planning Policy Framework 2018 and Policies 6 & 8 of the North Northamptonshire Joint Core Strategy 2011-2031. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

Landscape, Ecology and Arboricultural Management Framework (LEAMF)

11. Prior to the commencement of the first phase of development a site wide strategy Landscape, Ecology and Arboricultural Management Framework (LEAMF) shall be submitted to and approved in writing by the Local Planning Authority. The LEAMF will be an overarching strategy document for the whole site which will describe the vision, strategic objectives, key management principles and broad/approximate locations for the management of key landscape, ecological and arboricultural features of the site. The LEAMF shall be consistent with the submitted Landscape Strategy Plan (edp3613_07).

REASON: In the interest of securing an appropriate form of development and to ensure the provision of amenity and character afforded by appropriate landscape design principles in accordance with Policy 37 of the North Northamptonshire Joint Core Strategy 2011-2031. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

Landscape, Ecology and Arboricultural Management Plan (LEAMP)

12. Details submitted pursuant to Condition 6 shall include a Landscape, Ecology and Arboricultural Management Plan (LEAMP) for each phase of development or a single site wide LEAMP if either the entire development is brought forward in one phase or sufficient detail is available on all phases of development to satisfy the requirements set out below.

No development shall commence in each phase until a LEAMP in accordance with the approved Landscape, Ecology and Arboricultural Management Framework (LEAMF) pursuant to Condition 11 has been submitted to and approved in writing by the Local Planning Authority.

Each LEAMP shall include, as appropriate:

- a. Reference to a site wide Tree Strategy to demonstrate how trees will be integrated within the built development and open space areas.
- b. Details of how tree planting will be incorporated into car parking areas and spaces between buildings.
- c. Details of the structural landscaping to be incorporated along the southern boundary, and its linkages to car parking areas.
- d. Details of the structural landscaping to be incorporated along all other boundaries.
- e. Retained landscape features and proposals for restoration, where relevant.
- f. Suggested principles for the hard and soft landscape design of the central boulevard, including tree planting, hedgerows and pedestrian and cycling access, and treatment at the interface with landscaping to the north.
- g. Details of how the areas of built development and open space will be linked, both physically and functionally.

- h. Details of how pedestrian and cycling access will be provided through the different areas of the site.
- i. Management prescriptions for newly created and existing habitats to maximise opportunities for biodiversity enhancement and gain.

If multiple LEAMPs are required, the final LEAMP for the final phase of development will consolidate all previous LEAMPs and be the final LEAMP governing the management of the entire site.

REASON: In the interest of securing an appropriate form of development and to ensure the provision of amenity and character afforded by appropriate landscape design principles in accordance with Policy 37 of the North Northamptonshire Joint Core Strategy 2011-2031. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

Security Measures

13. Prior to the occupation of a building, a scheme detailing the security measures/standards to be incorporated within the curtilage of that building with reference to 'Secured By Design' shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

REASON: To reduce the potential for crime in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

Finished Floor Levels

14. No development of any building and its curtilage shall take place (excluding Enabling Works) until a plan showing details of existing and proposed final ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: To preserve the character of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

Archaeology

15. No development shall take place on each phase of the development until a programme of archaeological work for that phase of the development, in accordance with a written scheme of investigation, has 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: These details are required prior to the commencement of development, to ensure that features of archaeological interest are properly examined and recorded, in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy 2011-2031, and Paragraph 199 of the National Planning Policy Framework 2018.

Surface Water Drainage

16. Before any above ground works commence full details of the surface water drainage scheme for the site, based on the approved Environmental Statement-2018 Addendum, document ref. no. 01, Revision 01, dated 01st December 2018, prepared by Peter Brett Associates LLP shall be submitted to and approved in writing by the Local Planning

Authority. The scheme shall subsequently be implemented in accordance with the approved details. These shall include:

- a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins. Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations. In all calculations, proposed values of impermeable area should include a 10% allowance for Urban Creep, as taken from CIRIA C753 (version 6) paragraph 24.7.2
- b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydro-brakes and any other flow control devices.
- c) Demonstration that for events with a return-period in excess of 3.3% (1in30), exceedance flow routes are appropriately routed such that there is no residual risk to property and critical infrastructure.

REASON: To reduce the risk of flooding both on and off site in accordance with the National Planning Policy Framework 2018 and Policy 5 of the North Northamptonshire Joint Core Strategy 2011-2031 by ensuring the satisfactory means of surface water attenuation and discharge from the site, and to ensure the future maintenance of drainage systems associated with the development. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

Maintenance of Surface Water Drainage System

17. Before any above ground works commence a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site shall be submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

REASON: To reduce the risk of flooding both on and off site in accordance with the National Planning Policy Framework 2018 and Policy 5 of the North Northamptonshire Joint Core Strategy 2011-2031 by ensuring the satisfactory means of surface water attenuation and discharge from the site, and to ensure the future maintenance of drainage systems associated with the development. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

Foul Drainage

18. No building works which comprise the erection of a building required to be served by water services shall be undertaken until full details of a scheme for that building including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme.

REASON: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure and in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy 2011-2031.

Note: - In order to satisfy the above condition, an adequate scheme would need to be submitted demonstrating that there is (or will be prior to occupation) sufficient infrastructure capacity existing for the connection, conveyance, treatment and disposal of quantity and quality of foul water within proposed phasing of development.

Noise – Amenity

19. Before development commences a noise assessment shall be submitted to and approved in writing by the local planning authority that outlines the likely impacts on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of residents. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. The scheme shall be implemented in full before first occupation of the building and shall so remain in perpetuity.

REASON: In the interests in residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031.

Fire Hydrants

20. The development of any individual building shall not commence until a scheme and timetable detailing the provision of fire hydrants for that unit and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and timetable. Maintenance of the hydrants shall fall on the land owner in perpetuity.

REASON: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire and in accordance with Policy 10 of the North Northamptonshire Joint Core Strategy 2011-2031.

Pre-Commencement of Development (apart from enabling works)

Floodplain Compensation

21. No development approved by this planning permission shall take place (excluding Enabling Works) until such time as a detailed scheme to provide floodplain compensatory storage has been submitted to, and approved in writing by, the Local Planning Authority. This shall include detailed plans showing the full dimensions of the proposed flood storage scheme and evidence to demonstrate the performance of the system to ensure that the development and third parties are not at an increased risk of flooding as a result of the development.

REASON: To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy 2011-2031.

Phasing Plan

22. Prior to the commencement of development (excluding Enabling Works) a Phasing Plan shall be submitted to and agreed in writing by the Local Planning Authority.

No development shall commence apart from Enabling Works agreed in writing by the Local Planning Authority until such time as the Phasing Plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing contained within the Phasing Plan.

REASON: To ensure that the development is comprehensively designed and phased to make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development. In the interests of amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 and to accord with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Public Transport – On-Site

23. Prior to commencement of the development (excluding Enabling Works) engineering and construction details of a public transport turning facility and bus stop infrastructure within the site shall be agreed in writing by the Local Planning Authority. This shall be delivered in accordance with the approved details prior to occupation of more than 150,000 sqft of the development.

REASON: In the interest of sustainable transport and in accordance with Policy 37 of the North Northamptonshire Joint Core Strategy 2011-2031. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

Public Transport – Off-Site

24. Prior to commencement of the development (excluding Enabling Works) full engineering and construction details of the proposed bus stops to serve the development and lay-bys on the A509 (as indicated on Peter Brett Associates' drawing 30062/2008/007 Rev. B) shall be agreed in writing by the Local Planning Authority. This shall include details of shelters, bus kerbs, asphalt boarding plinth, posts, flags, real time information, and the uncontrolled crossing of the A509 at the site access roundabout. This shall be delivered in accordance with the approved details and be available for use prior to first occupation of the development.

REASON: In the interest of sustainable transport and in accordance with Policy 37 of the North Northamptonshire Joint Core Strategy 2011-2031. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

Footway/Cycleway – Off-Site

25. Prior to commencement of the development (excluding Enabling Works) full engineering and construction details of the proposed footway/cycleway connecting to the south and north of the site as indicated on drawings 30062/5501/12 Rev B, 30062/5501/13 Rev. A and 30062/5501/14 Rev C shall be submitted to and agreed in writing by the Local Planning Authority. This shall be delivered in accordance with the approved details, be available for use prior to first occupation of the development and shall remain available for public use in perpetuity.

REASON: In the interest of sustainable transport and in accordance with Policy 37 (n) of the North Northamptonshire Joint Core Strategy 2011-2031. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

Footway/Cycleway – On-Site

26. Prior to commencement of the development (excluding Enabling Works) full engineering and construction details of the proposed temporary and permanent footway/cycleway within the site shall be submitted to and agreed in writing by the Local Planning Authority. This shall be carried out in accordance with the approved details and be available for use prior to first occupation of the development and a temporary (where all phases of the development have not been completed) or permanent (once all phases of the development have been completed) route shall remain available for public use in perpetuity.

Alternatively, the pedestrian/cycleway route shall run alongside the A509 with appropriate clearance from the carriageway, and this shall be provided prior to first occupation of any development on the site, having first agreed the engineering and construction details (and provide any necessary footway/cycleway connections in to the development) prior to

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

REASON: In the interest of sustainable transport and in accordance with Policy 37 (n) of the North Northamptonshire Joint Core Strategy 2011-2031. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

Pre-Occupation of a Phase/Building

Travel Plan

27. Prior to the occupation of each building on the site the occupier of each building shall submit and have agreed in writing by the Local Planning Authority an Individual Travel Plan (including the provision of electric charge points) prepared in accordance with the submitted Framework Travel Plan Revision 2.2 (August 2017) and thereafter undertake any measures contained within the agreed document to the agreed timescales.

REASON: In the interest of sustainable transport and in accordance with Policy 37 of the North Northamptonshire Joint Core Strategy 2011-2031. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

Lighting

28. Prior to the occupation of any building, a detailed scheme showing external illumination (angling and cowling of the light sources) of that building and its curtilage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of the impact of the lighting on the vertical facades of sensitive properties and the measures necessary to reduce the impact. Any floodlighting shall be operated in accordance with the approved details at all times.

REASON: In the interest of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031.

Biodiversity Lighting Strategy

29. Prior to the occupation of any building, on a phase of development a lighting design strategy for that phase for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

REASON: In the interest of ecology protection in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy 2011-2031.

Noise – External Plant

30. No external building services, plant and industrial processes shall be installed on any building or within its curtilage until a noise mitigation scheme has been submitted to and approved in writing by the Local Planning Authority that shows the plant emission limits

contained in table 12-21 of the 2016 Environmental Statement can be met. Noise from external building services plant and industrial processes shall be assessed in accordance with BS4142:2014. The mitigation works shall be carried out in accordance with the approved details.

REASON: In the interests in residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031.

Building Research Establishment Environment Assessment Method (BREEAM)

31. No later than six months following the commencement of development on any individual building, a Building Research Establishment Environment Assessment Method (BREEAM) Interim Design Stage Certificate for each corresponding building shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that each corresponding building will achieve a minimum BREEAM Very Good Rating using the BREEAM UK New Construction Non-Domestic Buildings Technical Manual SD5076: 5.0 - 2014. No later than six months following the completion of each corresponding building, a Final BREEAM Post-Construction Stage Certificate for each corresponding building shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that the development has achieved a minimum BREEAM Very Good rating.

REASON: In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency in accordance with Policy 9 and 37 of the North Northamptonshire Joint Core Strategy 2011-2031.

Pre-Occupation

Off-site Highways Mitigation – A509

32. The on-line dualling of the A509 between A14-Junction 9 and the site access, as shown on indicative drawing 30062/2008/007 Rev. B (or as amended by Road Safety Audit and/or Detailed Design) shall be delivered and open to traffic prior to first occupation of the development. The full engineering and construction details of the on-line dualling shall be agreed in writing by the Local Planning Authority prior to commencement of the development. The development shall be carried out in accordance with the approved details.

REASON: To mitigate the highway impacts of the development and in accordance with Policy 37 of the North Northamptonshire Joint Core Strategy (JCS). The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

Off-site Highways Mitigation – A14 Junction 9

33. Highway mitigation measures for A14 Junction 9 (including the provision of the toucan crossing) as per PBA drawing 30062/5501/017 (or as amended by Road Safety Audit and/or Detailed Design) must be delivered and open to traffic prior to occupation of the development. The construction and engineering details shall be agreed in writing by the Local Planning Authority prior to commencement. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the A14 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 in the interests of highway safety. The details are required prior to commencement as they are fundamental to the acceptability of the proposal

Off-site Highways Mitigation – A509/Station Road

34. Highway mitigation measures for A509/ Station Road Junction as per PBA drawing 30062/5501/020 (or as amended by Road Safety Audit and/or Detailed Design) shall be delivered and open to traffic prior to first occupation of the development. The construction and engineering details shall be agreed in writing by the Local Planning Authority prior to commencement. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the A14 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 in the interests of highway safety. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

Off-site Highways Mitigation – A509/Finedon Station Road

35. Highway mitigation measures for A509/ Finedon Station Road Junction as per PBA drawing 30062/5501/022 (or as amended by Road Safety Audit and/or Detailed Design) shall be delivered and open to traffic prior to first occupation of the development. The construction and engineering details shall be agreed in writing by the Local Planning Authority prior to commencement. The development shall be carried out in accordance with the approved details. In the event that Isham bypass is open to traffic prior to first occupation of the development this does not apply.

REASON: To ensure highway safety in accordance with Policy 37 of the North Northamptonshire Joint Core Strategy. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

Officers Report for KET/2018/0965

This application is reported for Committee decision because there are unresolved, material objections to the proposal, requires an agreement under Section 106 and is a contentious application which, in the opinion of the Head of Development Services, is a matter for the decision of the Committee

3 Information

Relevant Planning History

KET/2011/0632 - Construction of the A509 Isham bypass, to include associated roundabout junctions and side roads (Northamptonshire County Council, reference 11.00030.EXT) – No objection - 14/10/2011

KET/2016/0208 - Environmental Statement Scoping Opinion - Commercial development on land located immediately South-East of Junction 9 of the A14 – Issued 19/04/2016

KET/2016/0606 - Outline Application - Up to 214,606 sqm gross external area for B8 warehousing and distribution, ancillary B1(a) offices, with associated access, internal roads, parking, and sustainable drainage – Withdrawn - 03/07/2017 – to enable further discussions to take place to overcome highway concerns

KET/2017/0616 - Up to 214,606 sqm gross external area for class B8 warehousing & distribution, ancillary class B1(a) offices, with associated access, internal roads, parking, landscaping and drainage. The application was recommended for approval but was subject to a Members overturn decision and was refused by the 16th April 2018 Planning Committee for the following reason:

The highway mitigation measures proposed are not considered to sufficiently minimise the transport impacts of the proposal on neighbouring settlements, particularly toward Isham where the A509 is currently at or otherwise close to capacity. As such the proposal would have a harmful impact on the amenities of occupiers within neighbouring settlements as a result of the significant amount of traffic movements associated with the proposal. The proposal therefore is in conflict with Policy 37 (m) of the North Northamptonshire Joint Core Strategy (2011-2031) and is inconsistent with the Core Planning Principles (point 4) of the NPPF.

The application has subsequently been subject to an Appeal lodged under Planning Inspectorate reference APP/L2820/W/18/3208228. The Planning Inspectorate has determined that this appeal will be considered through a Public Inquiry and they have scheduled it to be heard in May 2019.

In preparation for the Council's Appeal case a planning barrister was instructed, and because the Local Highway Authority had no objection to the application, an independent transport consultant to assist in the defence of the appeal was also instructed. Further to reviewing the appeal case, the planning barrister advised that the Council have no prospects whatsoever of successfully defending the appeal.

Furthermore, if the Council were to continue to defend the reason for refusal, it is a virtual certainty that the Council would have a full award of costs made against them.

Consequently the Council made the decision in early December 2018 and made Isham Parish Council aware, that they shall not present any evidence at the Public Inquiry. It is understood that the Public Inquiry will proceed as planned and that Isham Parish Council and other third parties will still have the opportunity to present their objections to the Planning Inspector.

Site Visit

Officer's site inspection was carried out on 22/12/2018

Site Description

The rectangular site comprises approximately 55ha of mostly agricultural land with an area of planted woodland to its north-west corner. The site is to the south of the A14 and to the south-east of its Junction 9 with Kettering Parkway mixed-use commercial development beyond the A14 to the north.

Forming its eastern boundary is the Midland Main Line Railway with the River Ise and Weetabix factory beyond. The southern edge of the site is formed by a meandering drainage ditch which also delineates Kettering Boroughs administrative boundary with agricultural land and Station Road beyond. The western edge is formed by the A509 with farmland beyond. The village of Isham, which is within the Borough of Wellingborough is approximately 500m to the south.

The site comprises agricultural land split across three fields with boundary hedging. There are variances in levels across the site with a drop of 12m down to the east and 10m down to the south – the site is tilted from its north-west corner down to its south-eastern extent.

The site does not include public footpaths although Public Right of Way (PROW) footpaths HL10, UA22, GW22 and UA2 travel north to south beyond the sites eastern edge following the course of the River Ise linking Burton Latimer and Isham with the southern edge of Kettering and more widely provides a rural-pedestrian link between Kettering and Wellingborough. Beyond the sites southern edge running east to west is PROW TM10 which together with footpath UA3 provides a cross-field route from the western side of Burton Latimer to Pytchley to the west. Bridleway GW15 is also to the west of the site beyond the A509.

Proposed Development

This application is consistent with the refused 2017 planning application, currently subject to Appeal, in terms of the quantum of development that is being applied for and within the general layout and parameters of the proposed development. As such the Environmental Statement (ES) Addendum “the Addendum” submitted in support of this application refers throughout to the original 2016 Environmental Statement (“the 2016 ES) and its August 2017 Addendum (“the 2017 addendum”). The Addendum deals with the matters arising from the passage of time involving the up-date of ecological reports and changes to Policy, Standards and Guidance since the 2017 Addendum such as those concerning ecology, transport and air quality.

The Addendum also deals with impacts associated with changes to committed major local developments that have arisen since consideration of the 2017 application; notably including the now unlikely delivery of Isham Bypass in the short term. In particular the Addendum has identified how mitigation measures have been incorporated into the proposed development and Off-Site Dualling to address the likely effects of the proposed development. The Addendum has identified that the new or different likely significant effects to those identified in the 2016 ES or 2017 Addendum are limited.

In addition and specifically to address the reason for refusal associated with the 2017 application a 'Framework HGV Management Strategy' has accompanied the application. This document is enclosed within the Committee Agenda bundle and provides details of:

- the proposed Symmetry Park HGV Route Management Strategy, identifying the promoted / undesirable routes to / from symmetry park; and
- the proposed enforcement and monitoring of this HGV Route Management Strategy

The HGV Strategy consists of four elements:

- requiring all occupiers to agree to and implement the HGV Route Management Strategy;
- a series of encouragement measures to ensure HGVs assign away from the A509 through Isham Village and the weight restricted routes;
- providing a system for monitoring heavy goods vehicle movement arrival patterns in and out of Symmetry Park, and a process of dialogue with offending occupiers to understand why these non-compliant movements are occurring; and
- providing a reporting system to enforce the HGV Route Management Strategy

This application has thereby been supported by additional information that did not form part of the 2017 application that was considered by the Planning Committee and refused in an attempt to demonstrate that the proposal has addressed the concerns of the Planning Committee as laid out in the 2017 refusal. That being the case pursuant to the new information provided a fresh appraisal is entirely warranted.

Turning now to the components of the proposal unchanged from the 2017 application. The application seeks outline planning permission with only access being considered for up-to 214,606sqm of B8 warehousing and distribution together with ancillary B1 (a) offices and associated works. Access is proposed to be taken off the A509 toward the sites south-western corner, close to and to the north of an existing mini-roundabout. For context the proposal is approximately double the size of the nearby 'Roxhill' development currently under construction close to Junction 10 of the A14 to the north of Burton Latimer.

The application is accompanied by a 'Parameters Plan' which indicates that the total heights of the proposed buildings toward the higher western side of the site (upper tier) will be limited to a height of 18m and those to the eastern half of the site (lower tier) limited to 23m in height. The proposal also makes allowance for a 20m-40m wide landscape buffer toward its southern edge (a requirement of Policy 37 of the JCS), increased tree planting to its northern

edge with the A14, whilst also retaining the Copse and the provision of a 50m wide linear strip to the sites eastern edge with the railway line reserved for a flood management corridor.

Whilst the external appearance of the finished buildings are reserved at this stage the application envisages in its accompanying 'Design and Access Statement' buildings incorporating contemporary and innovative architectural solutions set within a landscaped grid.

The two illustrative plans provided show seven units and five larger units respectively with the smaller units for each being located toward the front of the site close to the sites proposed access with the site being split in half by a distributor road to serve each unit with surrounding hard areas for parking and general site activity.

The proposal also includes the following highway and connectivity related infrastructure within the locality:

- Dualling of the A509 stretch from the site access roundabout to the A14 approximately 1km in length with the current roadway proposed to serve as the south bound carriageway and the north bound carriageway constructed on land to the west adjacent to the A509. An indicative scheme has been provided and is proposed to be in place prior to occupation. This route would effectively become the first stretch of the Isham by-pass in the event that it comes forward. Any off-site dualling will require separate planning permission.
- A 3m shared footway/cycle link is proposed across junction 9 of the A14 to link up with existing infrastructure to the south of the Rail-bridge on Pytchley Road close to the Park House Public House including a Toucan crossing the A14 slips. The link would then continue within the site re-emerging at the proposed site access roundabout on the A509 (or along the A509) and continue along the eastern edge of the A509 to a point north of the Station Road junction where due to ownership constraints will reduce to a 1.5m wide footway crossing Station Road via a Puffin Crossing and link in with footpaths to the edge of Isham. Indicative details of this accompany this report.
- The westbound A14 slip shall be re-aligned and road markings proposed on the Junction 9 Roundabout
- The A509/ Station Road junction (on the approach to Isham) will be changed to a signal-controlled junction to replace the existing mini-roundabout
- The A509/Finedon Station Road junction (to the south of Isham) shall be re-aligned to enable traffic accessing the A509 at the junction to turn south and north at the same time
- Bus stops and servicing proposed to serve the development
- Enter into a Travel Plan and a Construction Management Plan

Any Constraints Affecting the Site

Access onto an A-Road (A509)

Adjacent to a Trunk Road (A14)

SSSI (Southfield Farm Marsh)

Nene Valley NIA Boundary

Flood Plain

Nearby Listed Buildings – notably – Grade II* Listed Church of St. Peter at Isham and the Grade II Listed Building at Southfield Farmhouse to the east

4 Consultation and Customer Impact

Isham Parish Council: Refer to previous letters objection provided in response to application KET/2017/0616. The reasons for objection are summarised as follows:

- The Joint Core Strategy (JCS) failed to consider cumulative impacts on the highway network, allows for its delivery at any point until 2031 and states that the by-pass completion date is indicated as 2019
- The JCS generally failed to have appropriate regard with respect to the impact on Isham
- The village currently receives ‘incredibly high volumes’ of traffic which will be increased by the development causing disruption to the village
- The amount of movements have been underestimated in the submission particularly through Isham
- The position of the roundabout will cause hold-ups in both directions and instead should be served directly off Junction 9 of the A14
- The site provides poor connectivity for non-motorised access
- The proposal does not accord with the landscape strategy and fails to provide suitable biodiversity enhancement
- Lack of green roofs and sustainable energy sources
- The height of the buildings would dominate the Ise Valley
- The site would be overdeveloped and lead to flood risk
- The proposal would result in light, air and noise pollution
- The proposal would have an adverse impact on Listed Buildings
- Most workers will come from Wellingborough and Northampton which will create more traffic through the village
- The application should provide a substantial contribution toward the Isham bypass
- Isham is not located within Kettering Borough and thereby will not see the financial benefits associated with the proposal
- Contributions are requested toward Isham facilities
- The dualling does not address the highway issues toward Isham which will be worsened
- Question whether logic has been applied to the highway modifications proposed and whether it takes full regard of cumulative impacts as if they had it would have shown that the development cannot proceed until the Isham bypass has been built
- Raised the issue of conflict of interest between site owners in the promotion of the site and role as a statutory consultee (NCC) and that Kettering Borough Council will benefit from Section 106 contributions
- All monies associated with the Section 106 should be directed toward Isham bypass delivery

- Query as to whether the North Northamptonshire Council could provide the remaining money required to deliver the Isham bypass

Pytchley Parish Council: Make the following observations:

- Existing traffic problems will be compounded by the congestion of the A509 through Isham and as a result will divert traffic through Pytchley
- The proposal should not commence until Isham bypass is completed
- Section 106 monies should be used toward traffic calming measures and should be in place prior to occupation
- Measures should be taken to ameliorate light pollution
- Tree planting should reduce visual impact and building heights should be kept to a minimum
- No consideration for impacts to Pytchley other than those related to traffic
- No cycle facility in the village to access new developments in the area with current village transport links inadequate

Borough Council of Wellingborough: The proposal was taken, as an agenda item, to the Council's 13th February 2019 Planning Committee and resolved to provide the following comment:

As stated previously, whilst no objections are raised to the principle of development, strong concerns are raised regarding the impacts of the development on Isham and the potential coalescence and visual impact on the village as well as potentially severe highway impacts in relation to the A509. In order to minimise these impacts strategic landscaping should be provided in accordance with Figure 27 of the Joint Core Strategy. This should be provided within phase 1 of the development. In addition a safe footpath/cycleway to Isham and contributions towards the Isham bypass are considered important mitigation requirements that ought to be sought from this application in accordance with policy 37 (m) and (n) of the Joint Core Strategy. Members at the committee also had concerns about the highway implications in relation to the timing and delivery of the Isham by pass.

Department for Communities and Local Government – Planning Casework Unit: Say that the Secretary of State should be given the opportunity to 'call-in' the proposal in the event that the application is resolved to be approved. The reasons for calling in the application, given by the requestor are; development raises significant local and cross boundary issues; the proposal is controversial to neighbouring settlements; absence of the Isham Bypass and existing inadequate infrastructure; and Land ownership.

KBC – Environmental Protection: No objection subject to the imposition of conditions in relation to contaminated land, external plant, provision of a noise assessment, a construction management plan and a floodlighting scheme and construction working hours.

Highways England: No objection subject to the imposition of conditions requiring the proposed work to the A14 and the A509/ Station Road junctions being open to traffic prior to first occupation and the approval of a Construction Management Plan prior to commencement

NCC – Local Highway Authority (LHA): No Objection - Due to the contentious nature of the highway issue the LHA comments are shown in full:

A509 dualling/Isham By-pass:

1. The proposed development is significant in scale, at approximately 2.1m sq ft. This compares to the consented Roxhill Development at A14 junction 10 at approximately 1.2m sq ft. The potential number of employees of a warehouse development of this size is up to 3,000, and the number of vehicle trips generated by a site of this nature is likely to be significant throughout the day (the Transport Assessment suggests 4,133 two-way daily vehicle trips).

2. As can be seen from Table 1 below (carried out as part of the supporting work for the Transport Assessment) the link capacity of the A509 (i.e. the volume of traffic the road can accommodate) between the A14 and the site access is already exceeded in the Southbound direction (2017) and in both directions by 2021, with the addition of the predicted development traffic ('Do something Flows').

Table 1 – Link capacity of the A509 section between A14(J9) and site access

Description	Link Standard	Link Capacity	Direction	2017 Observed Flows		2021 Do Minimum Flows		2021 Do Something Flows	
				AM	PM	AM	PM	AM	PM
				Link 2 - A509 - A14 Junction 9 to Site Access	UAP1 SCW - 6.75m	1320	Nbd	1079	1079
880	Sbd	947	1071			1018	1149	1081	1175
2200	Two-way	2026	2150			2178	2307	2285	2391

3. The LHA is also of the view that there is the potential for slow moving HGVs exiting the site and heading north to present further traffic and safety issues without the provision of an additional northbound lane, given the severity of the gradient.

4. Given the above, it is clear that there is not the capacity on the A509 to accommodate the traffic from this development without the provision of significant capacity and safety enhancements to this section of the road.

5. The additional capacity required could be provided for via the provision of either the Isham By-pass or by dualling of the existing A509 between A14 J9 and the development site access. The mechanism for securing the required capacity improvements in either scenario is outlined below:

Direct Delivery of a northern on-line dualled section of the A509

6. Given the likely timeframe for this site coming forward the more likely scenario is that the dualling of the A509 will be required to be provided by the developer prior to occupation of any building on the site. The scheme would be required to be future proofed to allow the remainder of the Isham bypass (to the south) to connect to this initial dualled section.

7. It must be noted however that the provision of the on-line dualling will necessitate a larger site access roundabout to accommodate the additional lanes entering from the north (as also detailed indicatively on plan ref.30062/2008/007Rev B). **As such, should the LPA be minded to approve the application a suitably worded planning condition will be required to secure provision of the on-line dualling of the A509 between A14 J9 and the site access prior to occupation of any development on the site, having first agreed full engineering and construction details prior to commencement of development. This on-line dualling can be seen indicatively on PBA drawing 30062/2008/007 Rev B.**

8. **In addition, should the on-line dualling be provided (as outlined at point 6 above) the developer will be required to reserve additional land (to be secured via a S106 obligation) to increase the size of the site access roundabout if the Isham By-pass is subsequently delivered, (and which would then tie-in to the proposed site access roundabout).**

Delivery of Isham Bypass

9. **In the event that Northamptonshire County Council commit to the delivery of the Isham Bypass prior to the commencement of development the applicant would be required to make a contribution towards the cost of the scheme, their element of the scheme costs totalling a minimum of £3 million, and would therefore not be required to deliver the on-line dualling (and could provide the smaller site access roundabout as detailed indicatively on PBA drawing 3002/5501/003 Rev B.).**

Other off site highway mitigation required:

10. **As identified in the submitted Transport Assessment another constraint on the network is the junction of A509 and Station Road (on the approach to Isham). The Developer is required to provide mitigation at this junction in order to accommodate the traffic predicted to be generated by the development. This would take the form of a signal controlled junction (replacing the existing mini-roundabout), as shown indicatively on PBA drawing 30062/5501/020. Therefore a suitably worded planning condition would be required to secure delivery of this scheme prior to occupation of any of the development, having first agreed full engineering and construction details prior to commencement of development.**

11. **The submitted Transport Assessment identifies an impact as a result of the development on the A509 and Finedon Station Road junction, and identifies a mitigation scheme, as shown indicatively on PBA drawing 30062/5501/022. This would not be required in the event that the Isham By-pass is delivered. Therefore a suitably worded planning condition would be required to secure delivery of this scheme prior to occupation of any of the development (unless NCC has confirmed delivery of the Isham by-pass prior to commencement), having first agreed full engineering and construction details prior to commencement of development.**

12. Another scheme identified in the submitted TA is at the A14 J9, to provide toucan crossings of the A14 slip-roads, as shown indicatively on PBA drawing 30062/5501/017. Therefore a suitably worded planning condition would be required to secure delivery of this scheme prior to occupation of any of the development, having first agreed full engineering and construction details prior to commencement of development.

13. There is clearly going to be an impact as a result of development traffic from this site through the village of Isham. With the provision of the on-line dualling however, the focus of development traffic (particularly HGV's) should be to and from the A14 to the North of the site. The LPA may however need to consider imposing conditions requiring occupiers to route Heavy Goods Vehicles north of the site, where possible.

Master plan:

14. Details of the internal layout of the site are to be submitted as part of any reserved matters application(s). We need to ensure however that the internal layout of the site accommodates the continuation of the footway/cycleway provision from Kettering to Isham, as the Applicant is not proposing to route this alongside the A509 (where the route joins the site from the North it is shown to pass through the development). Therefore a S106 obligation shall be required to ensure that the footway/cycleway route within the site is constructed prior to occupation of any building on the site, having first agreed the engineering and construction details and, to secure the public use of these routes in-perpetuity. The alternative is to route the pedestrian/cycleway alongside the A509 with appropriate clearance from the carriageway, and for this to be provided prior to first occupation of any development on the site, having first agreed the engineering and construction details (and provide any necessary footway/cycleway connections in to the development).

15. We would also expect on site car parking to be provided in line with Northamptonshire County Council's standards and requirements.

16. A planning condition would also be required to secure the provision of suitable public transport turning facilities (and bus stop infrastructure as outlined below) at an agreed location within the site, prior to occupation of more than 150,000 sq ft of development (to support the provision of the bus services detailed below), having first agreed engineering and construction details prior to commencement of development.

Public Transport:

Infrastructure

17. Bus stops are required to serve the site in lay-bys on the A509, (as shown indicatively on PBA drawings 30062/2008/007 Rev B or 30062/5501/003 Rev B), which will subsequently be supplemented by additional stops and turning facility within the site. The stops will require

shelters, bus kerbs, asphalt boarding plinth, posts, flags and real time information (and for the A509 stops - the safe crossing of the A509 shown will be required). A suitably worded planning condition will be required to secure the A509 bus stops prior to occupation of any development on the site, having first agreed engineering and construction details prior to commencement of development.

18. As mentioned above the same level of bus stop infrastructure provision shall be required once buses penetrate the site beyond occupation of 150,000 sq ft of development on the site.

Bus service provision

19. With regards to specific bus service requirements the LHA would support the principle of the X4 being initially the sole service to the site (or an equivalent service should the X4 be re-routed/withdrawn or amended in the future). However extra journeys on the X4 route (or alternative), for a period of 5 years from first occupation of any development on the site, would be required at all shift times based on 50 or more staff starting or finishing work within a 15 minute period, and no appropriate bus journey being available within this time. This provision is to be to/from Wellingborough on the X4 (or equivalent) as well as Kettering.

20. Beyond the occupation of 150,000 sq ft of development the developer is to provide the diversion of the X4 service (or an alternative) in to the site, including any enhancements required as above.

21. The LHA also supports the principle of a further bus service being provided which delivers further penetration into Symmetry Park prior to any development being occupied beyond 1m sq ft. This should be provided from the centre of Kettering, via a route to be determined by Highways at all shift times, and also for 5 years from first occupation (of more than 1m sq ft of development). As such it would complement the limited stop X4 to / from Kettering. The above provision will need to be secured in a S106 Agreement, in the form of a 'Public Transport Service Level Agreement'.

Walking and cycling measures:

22. The Applicant has agreed to provide footway/cycleway connectively to the North and South of the site, to connect in to existing cycleway facilities in Kettering, and in to Isham (in addition to the routing within the site mentioned earlier). The LHA therefore requires the walking and cycling enhancements identified indicatively on the following 3 PBA drawings to be provided prior to occupation of any development on the site, having first agreed full engineering and construction details:

- 30062/5501/12 Rev B
- 30062/5501/13 Rev A
- 30062/5501/14 Rev C

23. Please note the footway/cycleway provision to the South of the site, shown indicatively on drawing 30062/5501/12 Rev B, does not show the larger site access roundabout required to accommodate the on-line dualling of the A509, nor the proposed signal controlled junction of the A509/Station Road (required prior to first occupation). It should therefore only be used to secure the provision of a footway/cycleway along this route.

Travel Plan:

24. A suitably worded planning condition/S106 obligation is required to ensure that prior to the occupation of each unit on the site, each occupier is required to submit and agree a Travel Plan, and thereafter undertake any measures contained within the agreed document within the agreed timescales.

Construction management plan:

25. A suitably worded planning condition is required to ensure that prior to commencement of development the developer is required to submit and agree a construction management plan, and thereafter undertake the construction of the development in accordance with the approved plan.

Conclusions:

26. The Local Highway Authority do not object to the planning application subject to all of the measures outlined in this response (**in bold text**) being secured, should the LPA be minded to approve the application. In the event that any of the measures required are not secured the LHA revert to a position of objecting to the application.

The application site is not affected by a Public Right of Way.

NCC – Lead Local Flood Authority (LLFA): Say that *the impacts of surface water drainage will have been adequately addressed* subject to the imposition of conditions requiring prior approval of a surface water drainage scheme and details of its ownership and maintenance before ground works commence and the provision of a Verification Report prior to occupation

NCC – Minerals and Waste: Say that the proposal should demonstrate how it meets Policy 28 of the Northamptonshire Minerals and Waste Local Plan (2017) which seeks to protect minerals from sterilisation.

NCC – Archaeology: No objection subject to the imposition of a condition requiring a written scheme of investigation to be carried out prior to commencement consistent with paragraph 199 of the NPPF.

NCC - Development Management: Say that the proposal should make provision for 43 fire hydrants and broadband

NCC – Ecology: Say that overall they are satisfied with the ecological surveys and level of detail provided and go on to say that the large proportion of developed land means that the ecological mitigation will need to be delivered to a very high standard. To ensure these measures are secured conditions are recommended requiring approval of a Construction Environmental Management Plan, a Badger Mitigation Strategy, a Landscape and Ecological Management Plan and a Lighting Design Strategy for Biodiversity.

Natural England: No objection saying that they consider that the proposed development will not have significant impacts on statutorily protected sites or landscapes, including toward Upper Nene Valley Gravel Pits and Southfield Farm Marsh.

Wildlife Trust: Provide the following summarised comments:

- The overall open/greenspace and biodiversity offer proposed is lacking
- Note that the Southfield Pasture has been degraded due to agricultural cultivation and will be lost completely under the proposed
- Say that the indicative flood management corridor is not wide enough and is inadequate for ecological mitigation provision
- Notwithstanding the above comments the following conditions are recommended:
 - Pre-commence approval of a construction ecological/ environmental management plan
 - Condition the relevant sections of The Addendum for the benefits of bats, birds, badgers and the control of the lighting scheme and biodiversity and mitigation generally
 - Approval of an Ecological Management Plan

Environment Agency: No objection subject to the imposition of a condition requiring approval of a detailed scheme to provide floodplain compensatory storage, finished floor levels being limited to 55.5m above Ordnance Datum (OD) and phasing details for foul water drainage prior to commencement.

Historic England: No objection saying that the application should be determined in accordance with local and national policy and saying that they are in general agreement with the conclusions set out in the archaeology and heritage chapters of the Environmental Statement.

Northamptonshire Policy – Crime Prevention Design Advisor: No objection providing a list of the type of impacts that should be addressed in the reserved matters

Network Rail: Object on the basis of the flood corridor being located within 20m of the railway boundary which would cause an unacceptable impact toward railway drainage and operational railway safety adding that suitable compensatory flood storage should be provided to ensure that there is not increase in flood levels against the railway embankment. In addition they say that the applicant should be made aware of its stipulated drainage requirements and construction, encroachment, landscaping, lighting, access and fencing restrictions and that some works may require their prior approval which ideally should be included in a suitable construction management plan.

Cadent (Gas Pipeline): Identify operational gas apparatus along the sites western edge and under the Copse. They go on to say that the applicant must ensure that the proposal does not infringe upon their legal rights to access the apparatus and should be contacted in the event that structures are proposed or if any construction traffic will pass over them.

Third Parties:

Eighty third party letters of objection have been received, many of which are from Isham residents. The grounds of objection are consistent with those listed above in relation to Parish Council objections.

Thirty-seven letters of support have been received from addresses in Corby, Wellingborough and Kettering saying that the proposal would benefit the local economy and attract new businesses and create jobs.

5 Planning Policy

National Planning Policy Framework (NPPF):

2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communications
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment
17. Facilitating the sustainable use of minerals

Development Plan Policies

North Northamptonshire Joint Core Strategy Policies (JCS):

1. Presumption in favour of sustainable development
2. Historic environment
3. Landscape character
4. Biodiversity
5. Water environment, resources and flood management
6. Development on brownfield land and land affected by contamination
7. Community services and facilities
8. Place shaping
9. Sustainable buildings
10. Provision of infrastructure
11. Network of urban and rural areas
15. Well-connected towns, villages and neighbourhoods
16. Connecting the network of settlements
17. Strategic connections
18. HGV Parking
19. Green infrastructure
20. Nene and Ise Valley

- 22. Delivering economic prosperity
- 23. Distribution of new jobs
- 24. Logistics
- 26. Renewable and low carbon energy

37. Land at Kettering South (parcel B):

DEVELOPMENT OF PARCEL B SHOULD:

- f) Focus on the delivery of B8 (logistics) development and ancillary B1 (office) and B2 (general industrial) uses;
- g) Ensure that development within the site boundary is directed to areas of lowest risk of flooding, consistent with the sequential test, and that extensive flood mitigation measures are provided to the east of the site. Built development on areas of Flood Zones 2 and 3 will only be acceptable subject to technical modelling and solutions being agreed with the Environment Agency, which demonstrate that flood risk has been satisfactorily addressed;
- h) Be of a high standard of design with buildings arranged to limit the visual impact on Isham and designed to incorporate sustainability measures such as green roofs, renewable energy generation, sustainable drainage systems and rainwater harvesting;
- i) Provide a connected network of high quality landscaping which minimises visual impact. Proposals should include the delivery of strategic landscaping at the southern edge of the development at the earliest opportunity to limit the visual impact on Isham;
- j) Provide an accessible network of green infrastructure which includes opportunities provided by the Ise-Valley corridor to integrate the development into the countryside, enhance the character and ecological value of the development, including buffering the adjacent Site of Special Scientific Interest, and create accessible, usable green space;
- k) Safeguard the route of the Isham bypass and provide vehicular access from the A509; and
- l) Include a permeable network of roads and paths.

THE DEVELOPMENT OF PARCELS A AND B SHOULD TOGETHER:

- m) Contribute towards off-site highway works to accommodate traffic arising from the development and ensure that the impact on neighbouring settlements is minimised; and
- n) Provide strong connectivity to the urban area of Kettering and links to neighbouring settlements and countryside. Proposals should include significant walking and cycling infrastructure provision to, and through, the site and an improved public transport service.

Policy 28 of the Northamptonshire Minerals and Waste Local Plan (2017)

6 **Financial/Resource Implications**

Section 106 - In the Planning Statement a draft Heads of Term was provided. It says that subject to viability contributions toward Highway Infrastructure and any other footway/cycle enhancements to be delivered by the Local Highway Authority and also toward delivery of bus connectivity, Travel Plan and also a commitment to a local labour agreement is offered. The proposed highway and cycle/footpath connection associated with the proposal would amount to approximately £6m worth of infrastructure and are detailed above.

There are currently no known viability issues and thereby no reason to believe that the developer will not be able to provide the infrastructure that has been committed to.

The Section 106 has been significantly progressed in tandem with the Appeal application and may be engrossed by the time this application is determined by the Planning Committee. It includes:

- Arrangements to facilitate a larger access roundabout in the event that Isham Bypass commences for a ten year period
- Provision or procurement of a Bus Service to serve the development prior to first occupation with enhanced services as the development progresses
- Agreement of an apprentice scheme prior to commencement, which shall include, amongst other criteria; aimed at apprentices within 20 miles of Kettering Town Centre, should be 5% of the construction workforce and shall provide the appropriate wage and training. The scheme shall be monitored.

Other elements of the infrastructure, notably including the provision of the dualling, works to junctions and provision of the cycle/footpath connections are secured through the recommended conditions that are laid-out. Other mitigation measures such as a construction and biodiversity management plans, Travel Plan and the HGV Strategy are also secured via condition.

7 Planning Considerations

The key issues for consideration in this application are:-

1. The principle of the development
2. Impact on character and appearance of the area
3. Impact on heritage assets
4. Impact on residential amenity
5. Impact on highway safety and convenience
6. Impact on sustainable transport links
7. Impact on flooding and drainage
8. Impact on biodiversity
9. Impact on sustainable buildings
10. Impact of ground contamination and minerals
11. Impact on existing pipelines and the railway
12. Impact on light pollution
13. Impact on air pollution
14. Community infrastructure
15. Response to Isham Parish Council
16. Response to Borough Council of Wellingborough
17. Benefits
18. Planning Balance
19. Duty to engage
20. Matters relating to the refused application and consideration of a different decision

1. The principle of the development

The principle of the proposal has been established by the inclusion of the site in the North Northamptonshire Joint Core Strategy (JCS) which in Policy 37(f) allocates the site (parcel B) for industrial use. As such the principle of the proposal is considered to be acceptable.

JCS Policy 37 includes development management parameters that the proposal should comply with and whilst other policies in the JCS are relevant the starting point for the acceptability of the proposal is Policy 37 criteria. These issues and any other relevant considerations are discussed below. The relevant part of Policy 37 is copied above in Section 5.

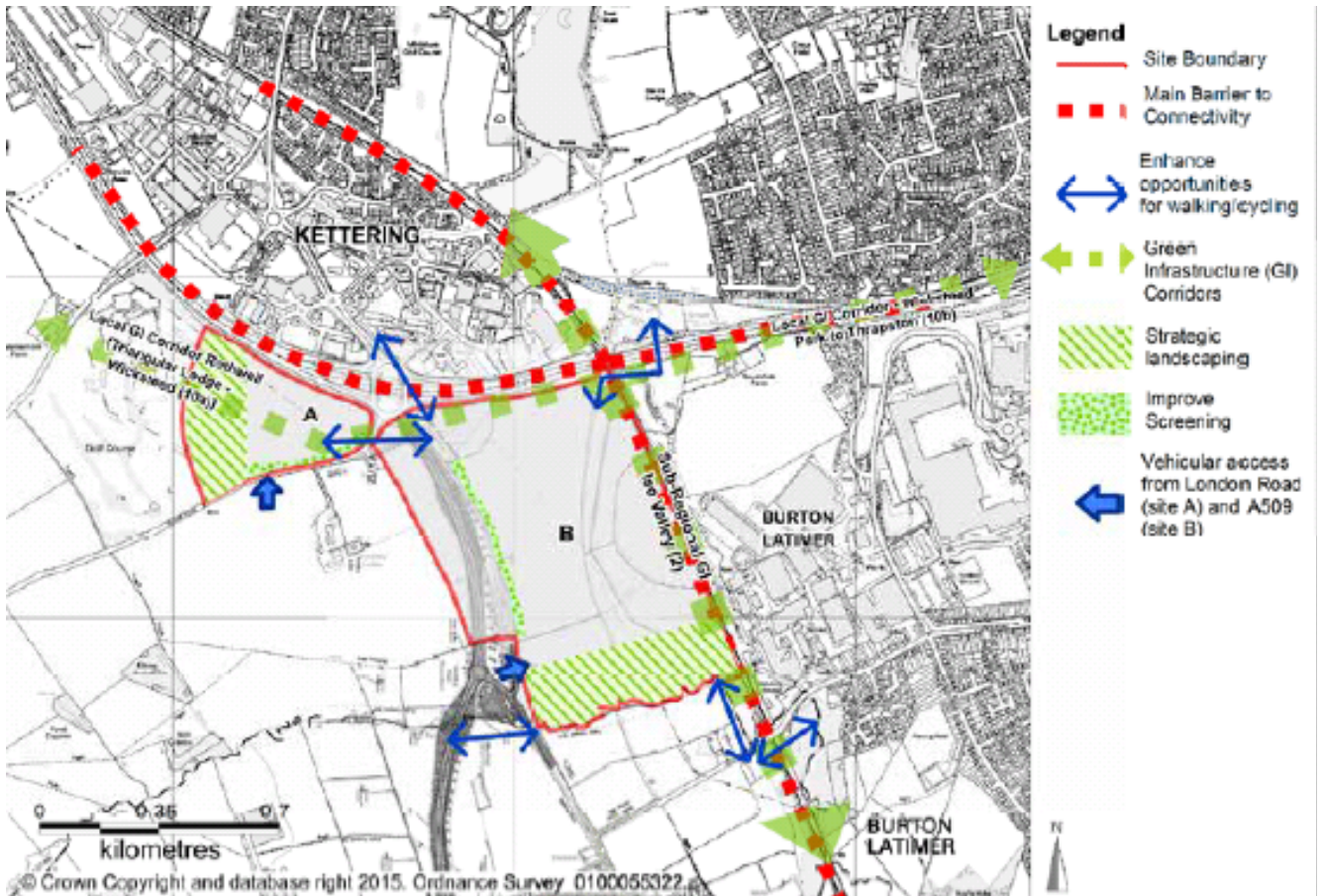
Whilst the Policy does not require the proposal to identify need, the application in the submitted Planning Statement associated with the 2017 addendum includes a Market Report opinion by JLL, a recognised global real estate consultancy experienced in UK's logistics market. This opinion concludes that there is demonstrable demand for such development particularly at accessible locations. As such and with no reason to come to a different conclusion and irrespective of whether other sites may be available, this also supports the 'in principle' acceptability of the proposal.

2. Impact on character and appearance of the area

As the site is allocated in the Development Plan for the use proposed there is that in-built acceptance that the green character of the site and therefore its contribution to the undulating rural landscape will be fundamentally altered. As such it therefore follows that any direct harm resulting from this land-use change to the site is considered to be acceptable. That does not mean however, that the proposal should not have appropriate regard to its

surroundings or be an overly dominate visual prospect in the locality.

Policy 37 (h) amongst other things seeks a *high standard of design with buildings arranged to limit the visual impact on Lsham* which would be largely provided through the parameters laid out in policy 37 (i) that seek *high quality landscaping which minimises visual impact* and the inclusion of *strategic landscaping at the southern edge of the development*. Criterion (j) also seeks to *integrate the development into the countryside, enhance the character and ecological value of the development, including buffering the adjacent SSSI, and create accessible, usable green space*; to show this the Policy is accompanied by an informing ‘Place Shaping Requirements Plan’ in Figure 27 of the JCS:



(A colour version is provided as an appendices to this report)

In order to demonstrate compliance with the identified place shaping requirements of the policy the proposal was accompanied by a Landscaping Strategy plan, a Parameters Plan and illustrative Masterplans. Those plans show buildings to the sizes proposed together with the provision of green infrastructure corridors to the edges of the site. The proposed strategic landscaping to the sites southern extent is not as wide as that shown above which is closer to 140m in width however it is significant at over 60m in width at places and therefore is considered too broadly comply with the policy requirements in terms of the provision of a strategic landscape buffer along this edge. The wording of the policy does not prescribe the extent of the landscaping that should be provided. As such in terms of the provision of landscaping, the proposal is considered to accord with Policy requirements.

The illustrative plans and the Landscape Strategy Plan show spacing between the proposed units and notably a sizeable landscaped verge either side of the sites main distributor road. These spaces together with some areas on the periphery and on the approach as well as those areas identified above would afford the opportunity for good levels of soft landscaping and in particular would enable mature trees to establish and therefore give some relief to the proposal's built form and also contribute positively to the site's appearance in the wider landscape. The indicative plans provided demonstrate that there is sufficient space within the site to deliver the size of units proposed together with the strategic landscaped areas and also sufficient space to provide significant strips of planting between units and along its main service routes. As such the submission has shown that the level of development proposed can be suitably delivered in a way that is visually acceptable to the character and appearance of the site. Thereby the proposal is not considered to be overdevelopment. Landscape details would be subject to approval in a reserved matters application. In addition conditions shall be imposed in the interest of securing the provision of high quality landscaping. This shall be ensured with the approval of site a wide Landscape, Ecology and Arboricultural Management Framework (LEAMF) and a subsequent Landscape, Ecology and Arboricultural Management Plan (LEAMP) for each phase consistent with the LEAMF.

In order to demonstrate integration of the site into the countryside the 2016 ES and the 2017 Addendum, with some minor updates provided by this application, were accompanied by a comprehensive Landscape and Visual Impact Assessment (LVIA) which also includes photomontages from various surrounding viewpoints. Whilst the heights of the buildings proposed are significant at 18m on the sites upper tier and 23m on the lower tier these heights are not excessive for industrial buildings and are common to most development of this type.

The LVIA uses an industry recognised approach for establishing baseline, sensitivity of the receptors, magnitude of landscape effect and therefore the degree of harm to apportion and also takes account of cumulative effect. Whilst the site has a tangible rural quality and a degree of tranquillity it is influenced significantly by surrounding industrial features including Weetabix factory to the east with Burton Latimer beyond together with the railway line, the A14 and the A509 which enclose three of its boundaries. These situational considerations of the site would have a bearing when the extent of visual harm is apportioned.

The 2016 ES in the LVIA concludes by saying that the visual effects of the proposal, particularly when established, will be limited in the context of the entire LVIA study area. This is due to the undulating nature of the landform and the extent of the intervening vegetation and built form surrounding the proposal. The greatest visual harm would be caused to a number of residential receptors located on Station Road to the south, along the northern edge of Isham and at Pytchley Lodge, together with users of the public rights of way (PROW) surrounding the site. To these receptors a medium adverse level of visual disturbance is apportioned and despite the peripheral tree screening the fundamental change to the character of the view results in moderate impact being applied by the study. In the long term therefore the greatest harm would be to those views experienced from the PROW immediately to the east, west and south of the site.

In addition the viewpoint photomontages provided demonstrate that the 18m height ceiling to the proposed buildings on the upper tier results in the buildings sitting below the horizon as seen from the west, which significantly reduces their landscape prominence. The photomontages also show that with further landscaping particularly to the sites western edge

and within the development further amelioration of some of the visual effects of the development could reasonably be achieved when landscaping comes forward as a reserved matter. The 2016 ES conclusion on this matter has not notably changed through the provision of the Off-Site Dualling.

As such given the 'in principle' acceptance of the proposal, together with surrounding built influences, the apportionment of only moderate harm to limited receptors, site topography and screening the visual harm caused is at such a level that the significant benefits associated with the proposal would overcome this harm. Thereby the proposal is considered to be acceptable in this regard.

3. Impact on heritage assets

Policy 2 of the JCS consistent with Chapter 16 of the NPPF seeks to protect the significance of heritage assets.

Whilst the site does not include any designated heritage assets and with none in close proximity, because of the extent of the proposal and its landscape influence it has the potential to impact the setting of nearby heritage assets. These notable Assets include the Grade II Listed Southfield Farmhouse to the west, Grade II Listed Park at Wicksteed, the Grade II* Listed Church of St, Peter in Isham and the Grade I Listed Churches in nearby Pytchley and Burton Latimer.

The proposal thereby also falls to be considered under Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities (when considering whether to grant planning permission for development which affects a listed building or its setting) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In addition given that the site is located within reasonable proximity of the village Conservation Areas of Pytchley and Isham it also falls to be considered under Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

The LVIA identified the Heritage Assets that should be considered and apportioned the significance of the assets and therefore the level of harm that could apply. The 2016 ES in its Heritage Statement concluded that the only potential impact to assets will be to the notional setting of those assets, with the only negligible impact in this regard being to Southfield Farm. Southfield Farm is a Grade II Listed Farmhouse to the east of the site beyond the railway line approximately 360m from the north-east corner of the site with intervening farm buildings. Other listed buildings and the conservations areas will not be impacted upon by virtue of relative disposition, lack of causal link and intervening land and built form. The Statement goes on to conclude that the proposal is not in conflict with Policy 2 of the JCS given that there is no harm and thereby no requirement to carry out a public benefit test. The 2016 ES and the 2017 Addendum conclusions on this matter have not notably changed through the provision of the Off-Site Dualling. Officers agree with this conclusion, but disagree that there would be a negligible impact, which could be experienced as harm, on the Southfield Farm arising out of the proposed development. Officers are of the view that there would be no adverse impact in any manner to designated heritage assets. In respect to Southfield Farm,

officers are of the view that the development would not affect the significance or setting of the Southfield Farmhouse or the farm. This view is held due to the lack of any significant causal link between the proposal and Southfield Farmhouse which is severed by the intervening Railway Line and nearly 400m of separation.

Historic England agree with the conclusions of the Heritage Statement saying in their comments in relation to the Church of St Peter in Isham that largely because of the lack of a spire there is *very little opportunity for inter-visibility between the Church and the application site*. The same would also apply to All Saints Church in Pytchley and whilst Burton Latimer's Church of St Mary the Virgin has a spire and therefore landscape prominence there is no notable inter-visibility that can be identified in longer views.

Turning to the impact on archaeology; this matter was covered by Chapter 9 of the 2016 ES and the 2017 Addendum, which included the findings of a trial trench evaluation. This concluded that appropriate mechanisms can be put in place to protect archaeology. The County Archaeologist agrees and has no objection subject to the imposition of an appropriate recording and investigation condition.

As such the proposal preserves the significance of heritage assets consistent with Policy 2 of the JCS and Chapter 16 of the NPPF and thereby is considered to be acceptable in this regard.

4. Impact on residential amenity

Policy 8 (e) of the JCS consistent with paragraph 127(f) of the NPPF seek development to protect residential amenity. JCS Policy 37 (m) also seeks to ensure that the impact on neighbouring settlements is minimised. The impact on residential amenity as a result of the proposals visual intrusion has been considered above and any impacts caused to residential amenity as a result of light and air pollution are discussed elsewhere in the report.

In terms of direct impacts associated with the physical form of the proposed buildings; due to the separation distances involved with the masterplan showing at least 300m distance between the closest dwelling on Station Road to the south and one of the illustrated buildings. This gap together with the provision of a landscape (treed) buffer is considered to protect the affected dwellings from any significant loss of light, overlooking or overbearing.

In terms of disturbance caused as a result of noise and vibration to residential amenity this is discussed in Chapter 12 of the 2016 ES and has been compiled with regard to the findings of an environmental and vibration survey that was carried out in May 2016. The conclusions of the Chapter say that the construction phase impacts and the operational impact of the development would be negligible once appropriate mitigation measures have been applied and that any residual impacts from transport, plant and industrial operations could effectively be eliminated when the final layout is considered. As a result of the consideration of the off-site dualling and the considered Committed Developments, a further assessment of operational road traffic noise affecting existing noise sensitive receptors has been undertaken within the Addendum. Potential effects associated with the construction phase and other aspects of the operational phase of the development are unchanged from those stated within the 2016 ES.

The Council's Environmental Protection Officers agree with these conclusions subject to the imposition of a condition requiring the approval of a noise assessment in relation to nearby residents and also the provision of a safeguarding condition preventing external plant until a noise mitigation scheme has been approved. In addition the approval of a construction management plan is also recommended. These conditions are included in the recommendation before the Committee.

It is acknowledged that the proposal, during its construction phase may cause some disturbances to residential amenity, however over the course of the developments lifespan this is not a significant period of time and therefore would not justify a reason for refusal. In any event the approval of a Construction Management Plan, including traffic routing and restrictions on hours of construction would prevent any significant impacts to residential amenity being caused. Such a plan shall be approved by condition.

As such the proposal complies with policy in these respects, subject to the imposition of the safeguarding conditions discussed and therefore is acceptable in this respect.

5. Impact on highway safety and convenience

Policy 8 (b) of the JCS seeks to provide satisfactory means of access and to resist development that prejudices highway safety. Policy 37 on this matter says in its part (k) that the development should *safeguard the route of the Isham bypass and provide vehicular links from the A509*. The Policy goes on to state in its part (n) that the proposal would be expected to *contribute towards off-site highway works to accommodate traffic arising from the development and ensure that the impact on neighbouring settlements is minimised*. This approach within the development plan is consistent with Chapter 9 of the NPPF, which promotes sustainable transport.

On the matter of the Isham By-pass and in the context of the overseeing Policy 37 of the JCS; it does not require the bypass to be constructed prior to the development and therefore delivery of the site is not dependent on the bypass coming forward before it or at any time thereafter for that matter. Whilst the wider JCS may acknowledge the aspiration of the bypass being constructed in the medium term the site specific policy does not require it to be constructed, merely safeguard its route. The Policy is clear on this point. This specific matter was considered and addressed by the Inspector at the time the JCS was adopted.

Introduction

To demonstrate compliance on this matter Chapter 10 of the 2016 ES was accompanied by a Transport and Access assessment with support from a separate Transport Assessment which, in part, reports the technical base for the ES. The assessments concluded that the proposal would have '*no significant adverse environmental transport-related effects...*'

The 2016 application was withdrawn due to highway issues identified by the Local Planning Authority and the Highways England. Those issues related to the need for further information on existing highway network conditions, the provision of further detail regarding the design of transport-related mitigation, and ensuring appropriate co-ordination of the design of the site access with that of the Isham Bypass.

An updated version of the Transport Assessment (Version 2) was submitted in support of the resubmitted outline planning application in August 2017. Following this update to the Transport Assessment, a review was also undertaken of the EIA, including relevant transport policy and baseline transport conditions. This demonstrated that there were no new or different likely significant effects to those identified in the 2016 ES. This was reported within the 2017 Addendum. Thereby the original conclusion of the 2016 ES, which identified no significant effects, remained true.

Subsequent to the resubmission of the refused application:

- Agreement was reached with the Highway Authorities to the detail and phasing of the transport measures needed to mitigate the Proposed Development. These were detailed in a further Transport Assessment update, Version 3 and is represented as part of the Addendum provided for this application; and
- Northamptonshire County Council confirmed on 9th October 2018 that the Isham Bypass will not be delivered for the foreseeable future, due to insufficient funding being available.

Thereby whilst the built area of development within the Proposed Development has not changed, the proposed transport infrastructure in the surrounding area, and the phasing of its delivery, has altered since the 2017 Addendum. This affects the predicted Future Year traffic flows without and with the Proposed Development, as well as the forecast environmental conditions.

As such and to bring us up to the present, an updated assessment of the 2031 scenarios has been completed and reported in this 2018 Addendum – based on a manual assessment of the Future Year flows reported within the Transport Assessment. The Baseline scenario has also been updated for completeness, using traffic survey data obtained in March 2017.

Assessment

The key tests therefore for the proposal, consistent with Policy 37, are; (1) does the proposal safeguard the route of the bypass and provide vehicular links from the A509 and (2) does it off-set its highway impacts and minimise impacts to neighbouring settlements.

On the first point (1) the application has ensured that safeguards are put in place within the Section 106 to ensure that an enlarged roundabout can be accommodated in the event that the Isham Bypass commences within the next ten years. As such and consistent with Local Highway Authority (LHA) advice part (k) of Policy 37 of the JCS has been satisfied.

Turning to point (2); the application proposes significant highway measures to off-set the highway impacts of the development. The proposed measures are detailed under Section 3.0 (Proposed Development) of this report above. The proposed modifications to A509 junctions and dualling of a 1km stretch of the A509 between the site access and the A14 are proposed prior to occupation consistent with LHA advice. Critically neither the LHA or Highways England object provided that the development proceeds as instructed. The applicant has made a commitment to deliver the proposal in-line with these highway recommendations. These mitigating highway infrastructure works will be secured by condition. That being the case and with no cogent opposing evidence presented that would justify coming to a different

conclusion the proposal complies with the first part of part (n) of Policy 37 of the JCS making suitable provision for highway works to accommodate traffic arising from the development in a way that is acceptable to highway authorities.

The second element to part (n) of Policy 37 of the JCS seeks development to minimise impact to neighbouring settlements. Given that Station Road has a weight restriction imposed on the approach to Burton Latimer and the relationship of the site to surrounding settlements considerations in this regard will focus on the impact to Isham. The impact of the proposal as a result of noise and air pollution to residential amenity is discussed elsewhere in the report. The LHA have no concerns on this matter but acknowledge there will be an impact on Isham. In their point 13 the LHA say that “...the provision of the on-line dualling however, the focus of development traffic (particularly HGV’s) should be to and from the A14 to the North of the site. The LPA may however need to consider imposing conditions requiring occupiers to route Heavy Goods Vehicles north of the site, where possible”. Such a condition is proposed.

Nevertheless to consider the impacts on Isham in more detail; firstly it is important to mention that the A509 through Isham is a recognised HGV route. The LHA indicate above and as provided in the Transport Assessment that the capacity of the A509 (the volume of traffic the road can accommodate) is already exceeded south-bound (toward Isham) and is expected to be exceeded in both directions by 2021. This is shown in the below table extract which was provided in the Transport Assessment:

Table 1 – Link capacity of the A509 section between A14(J9) and site access

Description	Link Standard	Link Capacity	Direction	2017 Observed		2021 Do Minimum		2021 Do Something	
				Flows		Flows		Flows	
				AM	PM	AM	PM	AM	PM
Link 2 - A509 - A14 Junction 9 to Site Access	UAP1 SCW - 6.75m	1320	Nbd	1079	1079	1160	1158	1204	1216
		880	Sbd	947	1071	1018	1149	1081	1175
		2200	Two-way	2026	2150	2178	2307	2285	2391

For information purposes; two-way capacity is calculated at 2,200 movements along this stretch of the A509. The trip generation work done in the Transport Statement (TA) says that the number of trips in and out of the site during a peak hour (AM peak 0800-0900 and PM peak 1700-1800) would be predicted to be 232 (of which 59 are predicted to be HGVs) when the site is fully occupied. Current observed two-way flows during those times is 2026 in the AM and 2150 in the PM which is expected to rise gradually in the future through increases in background traffic. As such the proposal once fully occupied would see an approximate 10% increase in traffic movements using the A509 in the locality of the site access.

With regard possible movements through Isham; the submitted Transport Assessment (Issue 3) in the Addendum tabulates (Table 15.18) expected 2031 traffic flows between junctions in the locality as a result of the development on the basis of no Isham bypass being constructed. It should be noted that these figures also include natural growth of traffic movements predicted and also significant movement of non-HGV traffic that would use Station Road through Burton Latimer. This is because the figures are taken from movements expected to travel between the A509’s Station Road and Orlingbury Road junctions. As such the figures are based on absolute worst case scenarios and in reality would be expected to be significantly lower, particularly for non-HGV movements. That being the case the link flows

calculations provided between the A509's Station Road and Orlingbury Road junction predicts the following number of trips which would travel through Isham in year 2031 as a result of the development:

- In the morning peak hour there are 2725 two way trips through Isham, of which 39 are related to the development; and
- In the evening peak hour there are 2711 two way trips through Isham, of which 46 are related to the development.

For comparative purposes the total number of trips routing to and from the south of the site including (non-HGV) trips through Burton Latimer, (as reported in Table 15.18 of the Transport Assessment) could equate to 84 trips in the morning peak hour and 135 trips in the evening peak hour. These comparative figures are based on worst case as it is possible that a larger proportion of these trips could select to route via the A509 and Isham, rather than other routes.

Consequently, using these figures the upper envelope of two way trips through Isham would be between 39-84 trips in the AM peak hour and 46-135 trips in the PM peak hour against a background total of 2725 and 2711 trips respectively. Based upon these figures the LHA assume that between 20% and 30% of all development traffic could be expected to route through Isham (with 46 trips in the evening peak being equivalent to approximately 20% of the total development flow). The proposal thereby would be expected to create between 46 and 69 two way trips at its peak (against a background flow of 2711 two way trips which is the PM peak for 2031) through Isham. As such based on 2031 figures the development would result in between 1.7% and 2.6% of the total number of two way movements through Isham at peak time. These figures had been agreed by the LHA in collaborative working exercise associated with the Appeal application.

This increase in movements is notable (at up to 2.6%) although is not considered to be severe with no objection from the LHA subject to the proposal being implemented in accordance with their recommendations and suggested conditions. These findings have been produced by professional transport consultants using recognised industry methodologies including cumulative impacts and have been accepted by the LHA and Highways England and as such there is no reason to dispute the findings or information presented in the Transport Assessment.

Moreover, the 2016 ES and the 2017 Addendum, which included the same Transport Assessment version 3 provided for this application have been independently verified and accepted by a professional transport consultant who was instructed to provide an opinion on the Council's case with respect to the Appeal application, which is not being contested.

Notwithstanding the above and its worst case scenario projections; in reality much of the traffic associated with the proposal (70-80%) is expected to access and egress the site from the A14. The remodelling work proposed to Junction 9 of the A14 and the dualling of the A509 will accommodate the rise in traffic. As such the more attractive A14 route means that from the out-set the amount of traffic, particularly HGV movements, through Isham is greatly minimised.

In addition the application has been supported by a 'Framework HGV Route Management Plan which sets out to further minimise Heavy Vehicle movements through surrounding settlements, with an emphasis on Isham. This document is included in the Committee Report bundle. As an overview the HGV Strategy consists of four elements:

- requiring all occupiers to agree to and implement the HGV Route Management Strategy which will include the provision of specific obligations within all lease/ land purchase agreements requiring all occupiers to comply and enforce the HGV route, directing all unnecessary HGV trips away from Isham;
- a series of encouragement measures to ensure HGVs assign away from the A509 through Isham Village and the weight restricted routes; such encouragements include:
 - An information campaign funded by the applicant
 - The provision of route information leaflets to HGV drivers to guide them toward the A14/A43
 - Encourage implementation of a Satellite Navigation System prohibiting undesirable routes
 - A review of the 'black lorry' industrial estate signs including at the site access to say 'no left turn for lorries except for specific journeys'
 - Funding of an Automatic Number Plate Recognition (ANPR) at the site access
 - Regular meeting with occupiers
- providing a system for monitoring heavy goods vehicle movement arrival patterns in and out of symmetry park, and a process of dialogue with offending occupiers to understand why these non-compliant movements are occurring including the provision of warning notifications and fines; and
- providing a reporting system to enforce the HGV Route Management Strategy

Such a Plan will be largely self-controlling although can be enforced as necessary and would have a further minimising affect to HGV movements through Isham and demonstrates the real desire of the applicant to minimise effects of the development to surrounding settlements.

The possibility of physical calming measures within Isham is not considered to be practical due to the route comprising a County recognised HGV route and in any event such measures would likely cause more nuisance to locals as HGV's negotiate such measures.

It is accepted that not all HGV movements from the site could sensibly be prevented from going through Isham. It must also be acknowledged, however, that the A509 through Isham is a recognised HGV route that currently receives and will continue to receive significant traffic movements. It is also not the responsibility of this development to solve existing highway issues.

In closing this matter; it is considered that the level of additional movements expected through Isham as a result of the development would see an increase above the existing of much less than the 10% increase possible. The above calculations show that the expected increase would not exceed 2.6%, due to the natural location of the site adjacent to a strategic road infrastructure corridor and the accessibility of the wider network from there and the HGV

Plan that will be secured by condition.

It should also be recognised that that any existing traffic issues experienced in the locality, particularly at peak times, would continue to endure without the development. The robust Transport Assessment provided has modelled various scenarios including the proposals traffic impacts with a no improvement baseline and have worked up the mitigation measures to off-set the traffic impacts arising from the development and have not sought to address background increases in traffic movements or on-going issues. The development has modelled worst case scenarios and has modelled the development without the Isham Bypass being in place.

The submission also makes a commitment to provide parking provision consistent with LHA standards with no reason to believe that such provision cannot be provided in the reserved matters application and therefore ensure that all parking associated with the proposal can be held on site.

As such the proposal is considered to have proposed sufficient measures to off-set its impact to the highway network and in particular has taken significant steps to minimise transport impacts to neighbouring settlements. The proposal is therefore consistent with Policy 37 requirements in this respect and acceptable in highways terms.

6. Impact on sustainable transport links

Policy 8 (a) of the JCS looks for development to integrate well with existing pedestrian routes, allow for movement through its green infrastructure and to create walkable neighbourhoods. This general development plan policy approach is carried through to the site's specific JCS Policy 37 and goes to the fundamentals of the sites sustainability opportunities. In particular part (j) of Policy 37 seeks the development to provide accessible networks of green infrastructure; part (l) seeks the inclusion of permeable networks of roads and paths and in part (n) aims to provide strong connectivity to the urban network and the inclusion significant walking and cycling infrastructure to and through the site and an improved public transport service.

The proposal makes provision for a significant cycle/ pedestrian link from the southern periphery of Kettering through the site and onto Isham crossing Junction 9 of the A14 and Station Road. Such a route makes travelling to and from the site to the southern parts of Kettering and Isham a safe and reasonable prospect. Such a route is considered to constitute strong connectivity and creates a permeable path network through the site consistent with the requirements of Policy 37.

The proposal does not include all the pedestrian links shown on the 'Place Shaping Requirements Plan' in Figure 27 of the JCS shown above and in particular fails to provide the link across the railway line and across a ditch to the south to link up with Public Rights of Way (PROW). This is a failure of the proposal that must be taken into account. The link over the railway line shown on the referred Plan to the site's north-eastern corner in particular however was only ever likely to be aspirational because of its prohibitive cost when taking into account the amount of road infrastructure that is required to deliver the proposal. The lack of the south link is unfortunate, despite being explored at great length during the 2017 application, although there is still a realistic pedestrian link from Burton Latimer using the existing PROW; much of Station Road also has a footpath. The provision of these links have not been sterilised and thereby could come forward at a later stage. Furthermore and

critically the specific location of the walking and cycling infrastructure are not identified in the Policy text. As such and in light of the provision of the strong route proposed along the A509 the application is considered to be broadly consistent with Policy in this respect. The provision of this route required by condition prior to occupation.

The applicant, consistent with Local Highway Authority advice, is proposing to provide bus stops and a bus service associated with the development. The provision of such services shall be secured within the associated Section 106. A condition will also be attached requiring approval of a Travel Plan which will encourage sustainable forms of travel including the provision of electric charging points.

The proposal is thereby compliant with Policy 37 with regard sustainable transport infrastructure provision and as such is acceptable in this regard.

7. Impact on flooding and drainage

Due to the size of the site and because of the eastern part of the site being located in Flood Zones 2 and 3 the impact of the proposal on flood risk should be considered. Policy 5 of the JCS consistent with Chapter 14 of the NPPF seeks development to contribute towards reducing the risk of flooding. In addition Policy 37 (g) aims for development to satisfactorily address flood risk.

In order to demonstrate compliance with these policies the proposal was accompanied by a Flood Risk Assessment (FRA) and in Chapter 11 of the 2016 ES concluded that appropriate strategies can be put in place to ensure no off-site impacts in terms of flood-risk and discharge and that there are no adverse flood implications on or off-site. There are only negligible changes to the Proposed Development since the 2016 ES notably involving the Off-Site Dualling, in terms of its potential effects on hydrology and flood risk receptors, and therefore no reason to believe that the conclusions of the 2016 ES and 2017 Addendum are not still robust. The findings of the FRA and the Addendum have been agreed with by the Lead Local Flood Authority (LLFA) and the Environment Agency (EA) subject to the imposition of certain conditions to effectively tie the development to the acceptable FRA strategies. The provision of the verification condition recommended by the LLFA is covered by technical approval of the system and the other related conditions and thereby is not recommended.

The objection of Network Rail on this matter is noted, however no information has been submitted to substantiate their claim that the Railway is at risk of flooding. As such and given that the appropriate statutory flood/drainage authorities do not have any concerns on this matter the proposal is considered to be acceptable in this respect, subject to the imposition of the relevant safeguarding conditions, which notable includes approval of the flood compensatory storage area.

8. Impact on biodiversity

Paragraph 99 of Circular 06/05 states that: it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Likewise section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: every public authority must in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity.

Chapter 8 of the 2016 ES and 2017 Addendum includes the findings of a Phase I habitat survey which included a Breeding Bird and Badger Survey. These Surveys are updated in Appendix B.1 of the Addendum associated with this application and have regard to the passage of time since the original surveys were undertaken and the Dualling of the A509 works. Overall the site is considered to be of low intrinsic ecological value with some local value being afforded to the site's hedgerows, trees and watercourses with no evidence of great crested newts, water vole, rare plants or rare invertebrates. Whilst the proposal would have an impact on bats and badgers, subject to the implementation of appropriate mitigation measures overall a positive effect would be expected to those and other species during the operational phase of the development.

There have not been any objections received from the statutory consultees on this matter. In particular Natural England does not consider that the proposal would cause harm to statutorily protected sites or landscapes, including toward Upper Nene Valley Gravel Pits and Southfield Farm Marsh.

Critically there is also no objection from the County Ecologist who is the Council's retained ecological advisor or other statutory consultee's, including the Wildlife Trust, on such matters. The County Ecologist is satisfied that appropriate measures can be put in place at this outline stage, including the requirement for a protected species license which must include robust mitigation strategies to be successful. The reserved matter applications and its layout will reflect those stratagems. As such and given that the layout of the proposal and therefore the specific arrangements with regard Badgers can be considered in the reserved matters the impact of the proposal to species, protected or otherwise are not considered to be a constraint to development. Specifically as stated in the recommended conditions, an approved Construction Environmental Management Plan, a Badger Mitigation Strategy and a Landscape, Ecology and Aboricultural Management Framework to address impacts on wildlife shall be required prior to commencement.

With respect to loss of Best and Most Versatile (BMV) agricultural land; firstly as the site is subject to a site specific policy for this development it is in-built that loss of the land for agricultural purposes has been accepted by the development plan process. Nevertheless the 2016 ES was accompanied by an Agricultural Land Classification Report. This report is inconclusive as it fails to sub-categorise Grade 3 Land, with Grade 3a considered to be BMV together with Grades 1 and 2 with the majority of the site comprising 85% Grade 3 agricultural land. Irrespectively because of the promotion and encouragement of the sites development through the JCS and also the loss of 55ha in a Borough with swaths of undeveloped agricultural land of similar quality the loss or not of this BMV agricultural land is considered to be acceptable.

In light of the overall poor quality of biodiversity on the site, the proposal would result in a net gain to biodiversity and an enhancement to habitat particularly at its margins and subject to the provision of an appropriate ecological management strategy coming forward in the reserved matters. It is however acknowledged that to provide real enhancement in place of 55ha undeveloped land the biodiversity enhancements will need to be of a high quality. This approach is consistent with NE's standard advice and the comments of the Wildlife Trust and the County Ecologist that seeks biodiversity enhancement, particularly when such a sizable development is proposed. As such the proposal is considered to be acceptable in this regard with suitable arrangements in place for the protection of wildlife and biodiversity enhancement.

9. Impact on sustainable buildings

Policy 9 of the JCS seeks development to achieve BREEAM very good or equivalent, maximise passive solar design and enable access to or the provision of sustainable sources of energy. Policy 37 (h) hones in on this general development plan policy and specifically seeks the buildings to be *designed to incorporate sustainability measures **such as** green roofs, renewable energy generation, sustainable drainage systems and rainwater harvesting.*

In terms of JCS Policy 9 the proposal is considered to reach that benchmark with a clear statement of intent at Chapter 3.3 of the 2017 ES Addendum in relation to BREEAM 'very good' being achievable and with no reason to believe that the design to come forward would not be able to permit renewable sources of energy being used. A condition shall be attached to ensure that the development meets this BREEAM rating.

The Sustainability Summary in the Design and Access Statement associated with the 2017 application includes a commitment to the BREEAM targets, potential for solar panels (which could be explored in the reserved matters), sustainable drainage systems and rainwater harvesting. Whilst there is no such commitment to green roofs the desire to comply with 3 of the 4 'such as' examples laid out in the policy together with the JCS Policy 9 requirements is considered to be sufficient to ensure compliance with this very particular part of JCS Policy 37. In any event the provision of green roofs could be explored as part of the reserved matters. As such the proposal is considered to be acceptable in this respect.

10. Impact of ground contamination and minerals

Policy 6 of the JCS seeks the granting of planning permission on land affected by contamination where it can be established that the site can be safely and viably developed with no significant impact on users or on ground and surface water.

The 2016 ES and the 2017 Addendum was accompanied by a Phase I (Desktop) ground contamination report, which recommended a Phase II study to be carried out. As such and consistent with the comments received from the Council's Environmental Protection Officers subject to the imposition of a phased condition requiring approval and implementation of an Environmental Risk Assessment together with an unexpected contamination condition there would be sufficient safeguards in place to protect future users and watercourses from contamination.

With regard site minerals; the Ground Conditions Study carried out as part of the 2016 ES finds that whilst mineral resources exist on the site, it concludes that they are unlikely to be commercially viable. This therefore addresses the requirement of paragraph 10.84 associated with Policy 37 of the JCS. This thereby also addresses the comments of Northamptonshire County Council's Waste and Minerals Officers and Policy 28 of the Northamptonshire Minerals and Waste Local Plan (2017) which seeks to protect minerals from sterilisation.

The proposal is therefore considered to be acceptable in these regards.

11. Impact on existing pipelines and the railway

The site is traversed along its western edge and within its north-west corner by a low/medium gas pipe with a railway line along its eastern edge. As such the proposal has the potential to impact important existing infrastructure. The Masterplan and the Landscape Strategy Plan have taken account of these constraints with a way leave for the pipes provided and also the

provision of a 50m wide linear strip to the sites eastern edge with the railway line. As such and subject to imposition of a condition requiring approval of a Construction Management Plan in association with network rail requirements and the developer making contact with the operators of the lines there is no reason to believe that the proposal would prejudice the safe continuation of this infrastructure.

12. Impact on light pollution

Given the size of the development, illumination of the site could have an impact on residential amenity and also the environment. In particular paragraph 180 of the NPPF seeks development to limit the impact of light pollution.

Firstly and as before because of the site's promotion for industrial development in the JCS some level of illumination is expected and is in-built into its acceptability through the development plan process. Nevertheless the 2017 application was accompanied by a Lighting Assessment. In particular the Assessment highlighted the most sensitive receptors as those residents on Station Road to the south, Southfield Farmhouse to the west and ecology. During the construction phase there may be some glare onto those receptors but this impact would be short-lived and when managed through the provision of an approved Construction Management Plan can be avoided. During the developments operational phase there may also be some glare and increased sky glow for residents as well as the glow being perceptible in the wider surroundings. The additional glow to the wider landscape particularly as seen from the south and the direction of Isham would be seen in the context of the light aura emanating from Kettering and the A14, although it is accepted that the existing sky-glow at night would be added to by the development.

The Lighting Assessment concludes by saying that a Lighting Design will accompany the reserved matters in accordance with the mitigation measures laid out in the Assessment, which would ensure that obtrusive lighting will not pose a constraint to development. The Council's Environmental Protection Officers has no issue with these conclusions subject to the inclusion of a safeguarding condition requiring details of the site's lighting scheme. As such and whilst the proposal would add to night time aura in the sky it is not considered to be so harmful so as to justify refusal, with any harm outweighed by the significant benefits associated of the proposal.

13. Impact on air pollution

In this regard the proposal in Chapter 13 of the 2016 ES was accompanied by an Air Quality assessment that was carried out in accordance with recognised strategies which relies on air quality data collected by KBC. The 2016 ES Air Quality Assessment has been updated by the 2018 Addendum to take account of changes to legislation and policy that have come about in the interim. The 2016 ES Assessment considered that the proposal had the potential to cause harm to habitat and human health. In terms of impacts on the Borough and in particular the nearby South Farm Marsh SSSI and Burton Latimer. As none of these areas are subject to Local Air Quality Management (LAQM) and given the increased level of vehicles expected, when compared with the existing high levels the increased impacts to these receptors would not be significant and therefore no mitigation measures are required. This assessment took into account the cumulative impact associated with Isham Bypass.

Whilst the document is silent on the impacts to Isham residents, similarly the village is not subject to LAQM, although it has been monitored in the past. As such and with no objection from either KBC's or Wellingborough's Environmental Protection Officers on this issue and

with no reason to believe otherwise the air quality impacts to Isham is not considered to be significant. The minimising measures discussed above to limit traffic movements through the village is also an important factor when addressing the impacts of air quality within Isham. Thereby the proposal is considered to be acceptable in this regard.

14. Community infrastructure

Contributions are required to off-set the impact of the development and thereby make it acceptable in planning terms consistent with Policy 10 and 37 of the JCS and the NPPF.

The Section 106 Agreement has been significantly progressed in tandem with the Appeal application and may be engrossed by the time this application is determined by the Planning Committee. It includes:

- Arrangements to facilitate a larger access roundabout in the event that Isham Bypass commences for a ten year period
- Provision or procurement of a Bus Service to serve the development prior to first occupation with enhanced services as the development progresses
- Agreement of an apprentice scheme prior to commencement, which shall include, amongst other criteria; aimed at apprentices within 20 miles of Kettering Town Centre, should be 5% of the construction workforce and shall provide the appropriate wage and training. The scheme shall be monitored.

Other elements of the infrastructure, notably including the provision of the dualling, works to junctions and provision of the cycle/footpath connections are secured through the agreed conditions that are laid-out. Other mitigation measures such as a construction and biodiversity management plans, Travel Plan and the HGV Strategy are also secured via condition.

15. Response to Isham Parish Council

Isham Parish Council has said that their reasons for objection are the same as those considered in the 2017 application; as such the matters for discussions in this regard are much the same as those considered on that application.

Isham Parish Council and the third party opposers have objected on various grounds. The matters with respect to Highway related issues including the accuracy, suitability and breadth of the submitted Transport Assessment together with factors relating to the Isham bypass are discussed above. Other points mentioned by the Parish Council including site connectivity, landscaping, biodiversity, visual impact, sustainability of the buildings, flood risk, pollution (light, air and noise) and impacts on Heritage Assets have also been addressed above and considered to be acceptable subject to safeguarding conditions and reserved matter approval.

Certain other grounds of objection have also been made, which whilst not necessarily material planning considerations are discussed for the clarity of the decision maker. One issue relates to alleged of 'conflict of interest'. Firstly a claim has been made with regard KBC standing to benefit from the proposal. The proposal would be subject to infrastructure which could amount to £6m worth of highway/connectivity works. For clarity this is not a direct financial contribution but primarily relates to the value of the highway infrastructure that is required to off-set the impacts of the proposal. Such an approach to development associated with a proposal is enshrined and accepted within the NPPF, the JCS and Planning Law and

as such is not considered to be a conflict of interest. The proposal would benefit the Borough through local spend, employment and business rates once operational although these benefits relate to economic growth associated with the proposal and would not constitute conflict. If this logic is followed through then a conflict of interest between any proposed commercial developments could be levied against the overseeing Local Planning Authority. Such a prospect would severely restrict development and is not sensible.

The second 'conflict of interest' claim has been made against Northamptonshire County Council (NCC) as part land owners of the site and who also act as the Local Highway Authority (LHA). These points are correct, however as a responsible Authority NCC as LHA have an obligation to provide highway safety and convenience comments associated with all applications regardless of the site owner it just so happens that on this occasion NCC are part landowners to the site being commented on. It is perfectly possible and feasible for NCC to be able to separate their land-ownership interest from their responsibilities as LHA. The NCC's interest has been recorded from the outset (December 2014) of the sites consideration in the JCS to the Joint Planning Committee for North Northamptonshire where a non-pecuniary interest on the basis of the site being in the part ownership of NCC. In this regard the LHA have acted professionally and without prejudice. Such a scenario within planning is not altogether uncommon, for example Local Planning Authority's (LPA) are often required to determine planning applications on Council owned land. The key point is that the statutory consultee (in this case) has a duty and obligation to comment on all applications in a fair, transparent and non-prejudicial manner and this has been the case.

A similar assertion for a conflict of interest has also been made against another land owner who had a connection to NCC and the North Northamptonshire Development Company (NNDC) at the time the site was being considered for adoption. It is on record that the person made no representations promoting the site through the JCS either on a personal basis or through the NNDC.

As such the Council is confident that no conflict of interests exists that may cloud normal decision making processes.

Another matter raised by Isham Parish Council which does relate to the Isham bypass is that they query why all the contributions associated with the proposal cannot be diverted to the bypass. Whilst the matter concerning the bypass is discussed above, the prospect of such a scenario whilst sensible on the face of it has ramifications to the acceptability of the wider proposal. For example a significant amount of infrastructure is proposed for the provision of a cycle/footway that starts from the periphery of Kettering, over the A14 and onto Isham. In the event that such a provision does not come forward it would severely compromise the sustainability of the proposal. There is also no indication that such an increase in contribution toward the bypass would actually see it delivered. In particular, there is no prospect of the Bypass coming forward in the short-term. In any event the Dualling of the A509 up-to the proposals access would effectively form the first stretch of the Bypass in the event that it does come forward.

Moreover, the overseeing JCS Policy 37 does not require the proposal to come forward after the Bypass (or at the same time) to be considered to be acceptable and this development cannot be expected to solve existing highway problems. In addition whilst the prospect of a site access being created directly off Junction 9 of the A14, as opposed to its current location off the A509, has not been explored part (k) of Policy 37 requires it to be provided off the

A509 and the Policy's 'Place Shaping Requirements' Plan (shown above) also illustrates this. As such the provision of an access off Junction 9 would be inconsistent with the overseeing Policy requirements. Such a proposition however would likely be difficult to implement successfully due to the difference in land levels there and would also involve the total loss of the copse to the sites north-west corner which is beneficial in providing instant landscaping maturity to the proposal. In any event that is not the application before the Council for consideration.

As to whether the bypass could be funded in the future by KBC in partnership with other North Northamptonshire Council's is not for consideration here although is a prospect that the Councils could consider in the future. The proposal would not prejudice this approach as its route is safeguarded through provisions in the Section 106.

The final matter for discussion here and highlighted by Isham Parish revolves around assertions that full consideration was not given in the JCS when Policy 37 was adopted. It is not for this application to un-pick the JCS procedure and the rationale for the sites adoption, however in light of the Isham Parish Council's comments a brief overview is considered appropriate in this regard.

To start with the rationale for the sites adoption for commercial use was laid out in the 'Background Paper on Strategic Housing and Employment Sites' at the Pre-submission stage of the JCS dated January 2015 where its opportunities and constraints were considered with the following conclusion: *The positive impacts of the development outweigh the negative impacts, which it should be possible to satisfactorily address through the use of mitigation measures. It is therefore recommended that this site is allocated in the Plan.* The inclusion of the site in the background paper was agreed through the agreement of an earlier 2013 Background Paper by the North Northamptonshire Joint Committee in December 2014. The site then formed part of the draft JCS for examination. Notably the 2015 Background Paper acknowledged the excellent location of the site next to the A14 and the Isham bypass as an issue and considered that the proposal should contribute toward it. This approach has been carried forward to Policy 37 and the proposal which effectively proposes a section of the bypass up to the proposals access and safeguards its route.

Notably at the pre-submission stage of the JCS NCC Highways advised that the site was not conditional on the Isham Bypass being in place and having been given the opportunity to comment Isham Parish Council failed to respond. This fact is acknowledged by the Parish Council in their representations.

The employment sites proposed in the JCS, including this site, were considered by the Inspector in November 2015 as part of the examination in public which considered the soundness of the plan. (NPPF makes clear that a sound plan is one which is positively prepared, justified, effective and consistent with national policy). On the 22nd June 2016 the Planning Inspector provided his report to the North Northamptonshire Joint Committee and at which point the JCS, including Policy 37 as we now see it was adopted. On this matter the Inspector concluded that: *'Therefore, the proposals for growth in policies [34 to] 37 inclusive and the site allocations are justified by relevant and robust evidence and are appropriate, reasonable and deliverable, and thus sound.'* And specifically when mentioning the Isham bypass said that *'These conclusions are not altered by the planned construction of the A509 Isham by pass in the near future.'*

It is apparent therefore that from an early stage the site was identified for development in a way that was not dependent on the Isham Bypass and having considered all the *robust* evidences before him in this regard the Inspector considered that approach to be *sound*. Isham Parish contend that the Inspector for the JCS believed that Isham Bypass would be completed by 2019. It is clear that the Inspector agreed that the proposal could be delivered successfully without the Bypass as Policy 37 does not require it. This is clear and unambiguous and any specious claims to the contrary are mis-placed. The JCS was not challenged and there is no reason to believe that Policy 37 or the JCS as a whole is not up-to-date.

That being the case these issues highlight no matters that would conflict with the overall findings of this report.

16. Response to Borough Council of Wellingborough

Their comments are as follows:

As stated previously, whilst no objections are raised to the principle of development, strong concerns are raised regarding the impacts of the development on Isham and the potential coalescence and visual impact on the village as well as potentially severe highway impacts in relation to the A509. In order to minimise these impacts strategic landscaping should be provided in accordance with Figure 27 of the Joint Core Strategy. This should be provided within phase 1 of the development. In addition a safe footpath/cycleway to Isham and contributions towards the Isham bypass are considered important mitigation requirements that ought to be sought from this application in accordance with policy 37 (m) and (n) of the Joint Core Strategy. Members at the committee also had concerns about the highway implications in relation to the timing and delivery of the Isham by pass.

Their comments are dealt with throughout the report; however to specifically respond to each point in turn:

- The lack of an objection to the principle of the proposal is noted and is consistent with the findings of section 7.1 above
- Visual impacts are dealt with in section 7.2 above and are considered to be acceptable. The matters concerning '*potential coalescence*' of the development with Isham are prevented due a separation distance of over 400m between the proposal site and Isham together with the significant tree belt that is proposed along the sites southern edge. This maintains Isham's rural identity and prevents coalescence.
- Any impacts relating to highway movements are dealt in section 7.5 or otherwise are picked up in section 7.15 above with the latter specifically discussing the proposal against Isham Parish Council comments. Those sections find that whilst traffic through Isham will increase between 1.7% and 2.6% the impacts are mitigated and a not severe.
- The proposals associated footway/cycleway links are significant and link the southern edge of Kettering with Isham including safe passage across the A14 slips and will be provided prior to occupation. This issue is discussed in more detail in section 7.6 above.
- The requirement to provide a contribution toward Isham By-pass (directly) is

not considered to be appropriate due to uncertainty over its delivery. In any event the proposed dualling mitigation measures would form the first 1km stretch of the Bypass in the event that it was to come forward.

- The proposal also includes measures to safeguard the route of the Bypass and specifically protects land adjacent to the site access roundabout, in the Section 106, that would be required to link-in with the Bypass. Thereby measures have been taken to ensure that the Bypass is not prejudiced in any way.

It is considered that the above points, when read in conjunction with the overall report suitably address the comments of the Borough Council of Wellingborough and do not introduce matters that would justify departing from the reports recommendation.

17. Benefits

The Planning Statement associated with the 2017 application discusses the economic benefits associated with the proposal; in particular the provision of direct and indirect jobs and increased local spend as well as contributing toward training opportunities. Business rates would also be a direct benefit.

The socio-economic benefits associated with a development of this size and nature are substantial and should be afforded significant weight in the planning balance. There would also be a limited net-gain in biodiversity and significant benefits to highway users as a result of the highway improvements proposed which will be available to all. The pedestrian/cycle link between Kettering and Isham over the A14 is also a significant benefit in terms of their connectivity to one another given that no such safe route currently exists.

18. Planning Balance

The benefits that would accrue from the development are set out above and acknowledge that significant weight can be afforded to the economic and social dimensions of the NPPF.

The proposal would have some elements of harm notably to the character and appearance of the green and open nature of the site and the way it is experienced in its surroundings. In addition the proposal would lack some of the non-motorised access routes identified in JCS Policy 37 place shaping plan and would also increase the amount of traffic using the local transport network and in particular would see an increase in traffic movements through Isham village. Much of this harm is acknowledged by the land use designation of the site in the JCS and can be dealt with in the reserved matters or otherwise minimised to such a degree that it is considered to be acceptable and therefore is considered to be out-weighted by the benefit associated with the proposal.

As such the harm identified is considered to be relatively minor in nature and would not outweigh the significant benefits attributed to the proposal and particularly those that are derived from the provision of the socio-economic benefits. Such benefits would hold the tilt in the balance where such minor, albeit significant, harm is applied. The proposal therefore is considered to meet the three dimensions of sustainable development (economic, social and environmental) required in the NPPF when assessed as a whole. Moreover, this harm would not warrant a conclusion of there being conflict with the development plan when read as whole, including against Policy 37.

19. Duty to engage

Chapter 4 of the NPPF places duties on all parties to engage early to improve the efficiency and effectiveness of the planning system. Whilst the applicant failed to take the opportunity offered through the Council's pre-application service to engage in detailed pre-application proactive discussions has taken place during the life of the applications. In addition the applicant has carried out a public consultation exercise which is evidenced in their Statement of Community Involvement document submitted with the 2017 application and has also met with Isham Parish Council to discuss the proposal.

20. Matters relating to the refused application and consideration of a different decision

The 2017 application was refused by the Planning Committee as it was felt by Member's that the application had failed to '*minimise the transport impacts of the proposal on neighbouring settlements, particularly toward Isham*'. Specifically at the time there was uncertainty as to the type of measures that could be provided in a HGV Management Strategy that would minimise impacts satisfactorily.

To address this issue this application has been accompanied by the fully worked up and detailed HGV Management Strategy, rather than it being required by condition as before. The measures of the Strategy are discussed at section 7.5 above and are considered to constitute a robust Strategy which accomplishes its aim of further minimising traffic implications to neighbouring settlements over the significant measures that had already been proposed. The provision of the Strategy thereby is a notable material consideration that was not available when the 2017 application was refused.

The Planning Committee, in line with case law on this matter, would be entirely justified therefore in taking an approach to determination of this proposal that differed from the 2017 decision. Moreover the opinion of the independent Transport Consultant and the Planning Barrister instructed to form an opinion as to the merits of the Council's case on the Appeal is now known having not been available to Member's when the 2017 application was determined.

The Council's Officers, when taken together with the advice provided by an independent Transport Consultant and a Planning Barrister, consider that this application should be approved without delay in accordance with the recommendation. Failure to approve the application could, in Officers view, frustrate delivery of a significant sustainable form of development and give rise to consideration that the Council acted unreasonably and would be liable to Costs in the event that the decision is appealed.

Conclusion

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

In light of the foregoing the proposal is considered to be in accordance with the development plan when read as a whole; most notably site specific North Northamptonshire Joint Core Strategy Policy 37. Thereby under such circumstances and consistent with paragraph 11 of the NPPF, which details the presumption in favour of sustainable development, the proposal is considered to be sustainable and should be approved without delay as it comprises the right type of development in the right place and at the right time to support growth in a way that is plan-led.

Moreover, this application has been supported by additional information that did not form part of the 2017 application, in the form of a HGV Strategy. This Strategy has been specifically provided to detail additional arrangements that will be put in place to limit traffic movements through surrounding settlements. This additional information is considered to have overcome the Planning Committees refusal reason associated with the 2017 application.

Consequently and in the absence of material considerations or persuasive arguments that would justify coming to a different conclusion the application is recommended to the Planning Committee for approval subject to the imposition of the conditions detailed and subject to the signing of an acceptable Section 106.

In the event that the application is resolved for approval the Secretary of State shall be given the option to 'call-in' the application for their consideration. In such a scenario the Ministry of Housing Communities and Local Government - Planning Casework are made aware of the resolution and put the case before Ministers to decide whether the application should be 'called-in' and for a decision to be made by an Inspector, in the same way as a planning appeal is dealt with. The decision of whether or not to call in the application would take approximately three weeks.

Background Papers

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: