

PLANNING POLICY EXECUTIVE ADVISORY PANEL 26 September 2022

Report Title	Kettering General Hospital Local Development Order
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Relevant Executive Member	Councillor David Brackenbury – Executive Member for Growth and Regeneration

List of Appendices

Appendix A – Kettering General Hospital LDO

1. Purpose of Report

- 1.1. To update Members of the outcome of the decision on the Kettering General Hospital Local Development Order.

2. Executive Summary

- 2.1 Members will recall that the draft Kettering General Hospital Local Development Order (LDO) was presented to this Panel on two occasions, 24th January 2022 and 28th June 2022. On both occasions Members commented on the content of the LDO and the consultation and the responses received. Officers sought to adopt the issues raised through both EAP meetings, and Members will recall, the comments made through the consultation.
- 2.2 Conscious that the last Panel meeting recommendation included “that any amendments to the draft LDO, prior to its consideration by the Strategic Planning Committee, be made by the Assistant Director of Growth and Regeneration, in consultation with the Chair of the Executive Advisory Panel” then Members aren’t made directly aware of the changes and the decision of the Strategic Planning Committee.
- 2.3 This report confirms that the LDO was made (approved) at Strategic Planning Committee on 22nd August 2022 and provides details of the amendments that resulted from discussions.
- 2.4 To conclude, it is recognised that the contributions made by EAP Members gave a greater depth to the final LDO for recommendation to Strategic Planning Committee. However, the recommendation agreed at the EAP was “that any amendments to the draft LDO, prior to its consideration by the Strategic Planning Committee, be made by the Assistant Director of Growth and

Regeneration, in consultation with the Chair of the Executive Advisory Panel.” It's considered important in this instance to report back to Members on the amendments made, to show how influential their input was on this proposal. Especially given the EAP structure is in its relative infancy at North Northamptonshire Council, and there are numerous other reports likely to be presented to this Panel over the coming months. These will become clearer in the second of the reports to be presented to this EAP today.

3. Recommendations

3.1 That Members note the content of this report.

Reason for Recommendation:

3.2 To ensure Members have knowledge of the content of the Kettering General Hospital Local Development Order, and its outcome when considered at the Council's Strategic Planning Committee.

4. Report Background

4.1 Members will recall that the Draft Kettering General Hospital Local Development Order was presented to this Panel on 24th January 2022, along with proposals for its consultation. At this meeting, Members were informed of plans for the extensive redevelopment of the hospital site, and the challenges likely from delivering on a proposal of this scale, over a period likely to extend to 8-10 years, whilst still maintaining a fully functional hospital service through the period. Members were informed of the benefits to be gained for their delivery of the project by agreeing a Local Development Order for certain types of development in specified locations.

4.2 The principle of the proposed LDO was supported, but there was concern over potential sensitivities with neighbouring residential properties and ensuring green space within the hospital site is protected. It was also commented that the period the LDO should cover should be definitive. As a result, following discussions with the Hospital Trust, the draft LDO was amended so that the green space within the site was clearly marked for protection as a “Green Zone”, and the LDO was identified to be effective for a period of 10 years from the date of approval, or until rescinded by the Council.

4.3 The resultant consultation ran from 8th April to 12th May 2022, from which five responses were received. As a result of the responses, officers proposed a series of amendments to the LDO, for endorsement by the EAP at its meeting on 28th June 2022. The amendments included to conditions and informatives, their introduction being important in ensuring that the detail of the LDO is appropriate, and that stakeholders and residents in the vicinity are comfortable with the parameters in which the LDO is to operate, and that Members retain a degree of direct responsibility for development agreed through the LDO, as well as the more major forms of development, which would still be subject to planning applications in the normal way.

4.4 During discussions, there were concerns raised over how measures could be taken to ensure that the Hospital Trust would work within the framework of the

LDO, and if the parameters of it could be enforced if they weren't adhered to. In addition, it was noted that there weren't conditions covering areas of development expected, including noise and vibration, asbestos and burning on site. In addition, Members raised issues in relation to off-site parking and impact of construction traffic accessing the site. This concern related to impacts within the site, as well as access to the site, highway and junction capacity concerns were raised relating to ensuring town centre traffic is kept moving.

- 4.5 Again, the resolution was that any amendments to the draft LDO, prior to its consideration by the Strategic Planning Committee, be made by the Assistant Director of Growth and Regeneration, in consultation with the Chair of the Executive Advisory Panel. It's considered important that Members are made aware of the outcome of the LDO, how the issues they raised have been addressed, and that there's some recognition for the contribution made through the Executive Advisory Panel. Especially important as the role EAPs make in the Council's decision-making processes continue to bed down, but also whilst reflecting on the items expected to be brought to this meeting in the coming months and years.

Strategic Planning Committee

- 4.6 Members of the Strategic Planning Committee received the LDO with amendments made as a result of the stakeholder and public consultation earlier in the year. In response to discussions at the Planning Policy EAP in June, further amendments were introduced to respond to concerns over environmental, demolition, construction and highways issues. In terms of environmental aspects, they included issues of ensuring energy performance, protecting against hazardous substances at the site, and tree/landscape protection. In relation to highways matters, Members expressed concern that it wasn't yet clear which of the accesses to the hospital would be used by construction traffic. Members also stated that it was essential to keep traffic moving in Rothwell Road and the surrounding routes, including Kettering town centre. There was a need to understand what impact the LDO would have on traffic and traffic management.
- 4.7 As a result, officers further engaged with colleagues from the Local Highways Authority to seek clarity on their views to the highways concerns. They expressed that the core transport issue would be a major consideration through the Phase 1 and 2 redevelopment proposals, and that the impact of development allowed through the LDO would be relatively modest. The impact of temporary structures and small-scale development such as those to be delivered through the LDO would be felt more within the site than impact to any significant degree on the road network beyond the hospital grounds.
- 4.8 Members were also reminded of the hospital's commitment to prepare and deliver on a Travel Plan for Kettering General Hospital. A Transport Assessment will be provided with the Phase 1 and Phase 2 applications for the hospital, and the range of development proposed through the LDO will be accounted for within that submission. In isolation, it was reported that the impacts of traffic provided through the LDO alone is unlikely to be sufficient to impact on the surrounding road network.

- 4.9 In addition, further conversations were held with colleagues from Environmental Protection, Building Control, and the Council's Ecologist. As a result, it was concluded that some of the suggested areas for consideration through conditions were not suitable, in a number of cases as they are addressed through other legislation eg. Building Regulations and Health & Safety at Work Act.
- 4.10 Notwithstanding this, it was agreed to add detail to the conditions contained within the LDO, to ensure that issues relating to transport, the environment, demolition and construction are considered through a Construction Management Plan (CEMP) condition. The condition requires that details of development are forwarded to the Council through a Construction Management Plan (CEMP), to which the Council will be given 28 days to respond, after which the proposal is deemed to be approved. This will provide the surety required that development the subject of the LDO is carried out in an appropriate manner, with only limited loss of flexibility or risk of delay in the Hospital Trust's programme to deliver redevelopment.
- 4.11 A habitats site survey has not been undertaken for the site however, having engaged with the Council's ecologist a criterion was added to the Construction Management Plan condition requiring an assessment by a suitably qualified ecologist be undertaken to report on the potential for protected species or other ecological impacts from development considered through the LDO. The results of an EIA Screening Opinion was also reported, the conclusions of which was that the LDO does not give rise to any significant environmental effects, and therefore no Environmental Statement was required.
- 4.12 Given the public interest and significance of the proposed redevelopment of Kettering General Hospital, at the Chair's discretion, representatives of the Hospital Trust were invited to make a short presentation to Members ahead of the committee meeting to outline the plans for the hospital and answer any questions. The presentation was very informative and well received by Members. The representatives agreed they'd be happy to attend again in the future, if invited. This was thought useful given the numbers of applications likely to pass through this committee over the period of the hospital's redevelopment.
- 4.13 Members agreed for the LDO to be made, with one small point of clarity introduced as a late item. That being the addition of the word surface to make it clear that as indicated below, only surface car parks fall within the remit of the LDO, and decked or multi-storey car parking will still require planning permission - *"The construction of non-adoptable roads, paths and footways, surface car parking areas and associated infrastructure above and below ground within Zones A, B or C will not require a planning application."*
- 4.14 The two Executive Advisory Panel discussions on the LDO were healthy and prompted officers to explore at greater depth the issues being raised. Officers engaged in the discussion and heard the points raised, and in following up, the result has meant the introduction of more elements to the conditions. This it is believed has created a clearer and more robust document, that will ensure use of the LDO will provide benefit to the Hospital Trust, whilst ensuring the Council can carry out its role in managing development proposals to its full capacity.

- 4.15 The LDO has been forwarded to the Secretary of State as required. The Hospital Trust is preparing a draft Construction Management Plan to form the basis for its response to the condition contained within the LDO. The final LDO is attached at Appendix A for Members information, pages 5-7 show the LDO conditions and informative.

5 Implications (including financial implications)

6.1 Resources, Financial & Transformational

- 6.1.1 Resources necessary to cover the costs of preparing and implementing the Local Development Order were covered by the Hospital Trust contributing to meeting the costs through a Planning Performance Agreement with the Council. There will be a subsequent loss of income suffered by the Council through the loss of planning fees. However, there is also a saving in the Council not needing to commit officer time to assessing applications that meet clear criteria considered appropriate for approval. A resource commitment is required in considering the Construction Management Plan, however this is not considered to be of significance.
- 6.1.2 The strong partnership working between the local authority and the Hospital Trust is transformational, helping to smooth the path for the Trust to deliver on a high-quality health facility with limited disruption to its service. It is also helping in building a better understanding and stronger relationship between the two public sector organisations in delivering other goals, including health and fitness and with the economy.

6.2 Legal

- 6.2.1 Paragraph 51 of the National Planning Policy Framework (NPPF) encourages local planning authorities “to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area”.
- 6.2.2 The LDO will be effective for a period of 10 years, or until rescinded by North Northamptonshire Council.

6.3 Relevant Policies and Plans

North Northamptonshire Corporate Plan

- 6.3.1 Key commitment six of the Corporate Plan targets modern public services. It aims to provide efficient, effective and affordable services that make a real difference to all our local communities. The LDO will undoubtedly provide a degree of flexibility to the Hospital Trust in its planned delivery of a high-quality health facility.

Planning Policy

- 6.3.2 Policy 10: Provision of Infrastructure of the North Northamptonshire Joint Core Strategy advocates that development must be supported by the timely delivery of infrastructure, services and facilities. To achieve this, it identifies that local planning authorities will work with developers and infrastructure/service

providers to identify viable solutions to delivering infrastructure. The LDO, and the work that's gone into its preparation is an example of this policy and criteria being implemented.

6.4 Risk

- 6.4.1 The Council has notified the Secretary of State of its approval, as required. The Secretary of State has the capability of calling in the LDO, however, the risk is considered minimal.
- 6.4.2 Development at the hospital will be monitored through the Council's continued involvement with its redevelopment. If it is found that inappropriate development has progressed under the LDO, officers will investigate through the Council's normal enforcement procedures, this may mean inviting a planning application to consider an unauthorised development. The Council will work proactively with the Hospital Trust to seek to find a suitable solution.

6.5 Consultation

- 6.5.1 Consultation was undertaken with stakeholders, statutory agencies and residents/businesses immediately abutting the hospital site. The consultation ran for 4-weeks between 8th April and 12th May 2022 via the Council's website, using e-mails and neighbour notification letters to residents. A public notice was also added to the Kettering Evening Telegraph.

6.6 Consideration by Scrutiny

- 6.6.1 This report has not been considered by Scrutiny.

6.7 Climate Impact

- 6.7.1 Climate change is playing a fundamental consideration in the redevelopment of Kettering General Hospital. The LDO has limited powers to tackle climate change but will contribute to support the redevelopment of the hospital, and with it thereby support the hospital's efforts to achieve Net Carbon Zero.

6.8 Equality Implications

- 6.8.1 An Equalities Screening Assessment has been completed. There are no negative equality impacts identified.

6.9 Community Impact

- 6.9.1 It is anticipated the LDO will have a limited impact on the community. The LDO will support the redevelopment of the hospital, which will bring with it significant community benefits in terms of health facilities and new job opportunities through growth in facilities.

7 Background Papers

- 7.1 The Kettering General Hospital website <https://www.kgh.nhs.uk/building-a-better-kgh-271120/>
- 7.2 Kettering Borough Council's Planning Policy Committee - 11th March 2021

https://www.kettering.gov.uk/meetings/meeting/1892/planning_policy_committee

- 7.3 North Northamptonshire Planning Policy Executive Advisory Panel – 24th January 2022

<https://northnorthants.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=281>

- 7.4 North Northamptonshire Strategic Planning Committee – 22nd August 2022

<https://northnorthants.moderngov.co.uk/ieListDocuments.aspx?CId=144&MId=821>