

## PLANNING POLICY EXECUTIVE ADVISORY PANEL

### 28 June 2022

Report Title	Kettering General Hospital – Local Development Order
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#### Appendix A – Kettering General Hospital – Local Development Order

##### 1. Purpose of Report

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- 1.1. To inform Members of the results of the Kettering General Hospital – Draft Local Development Order consultation; and ask that they endorse the schedule of officer comments in response to the consultation submissions and a series of proposed changes to the Local Development Order (LDO), to be presented to the Council's Strategic Planning Committee for determination.

##### 2. Executive Summary

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- 2.1 Kettering General Hospital was announced as one of the hospitals considered for significant investment in 2019. It has since been preparing a Masterplan and Hospital Infrastructure Plan (HIP2) for consideration for significant funding to deliver Phases one and two of the development.
- 2.2 Council officers have been engaged in discussions with the hospital team, supporting the Hospital Trust in its plans for funding and the site's redevelopment. The hospital will need to continue to function as a fully operational facility throughout the many years of its redevelopment. The approval of a Local Development Order could be an extremely encouraging mechanism to help ensure that redevelopment of this constrained site happens at pace, conscious of the impacts development can have on the area.
- 2.3 The proposed Local Development Order provides permitted development rights for specified types of development in specified zones within the site. The Kettering General Hospital LDO will be a mechanism through which less contentious development in defined areas can be managed effectively, without the need for the submission of planning applications, and their determination, reducing the risk of scheme delay and providing a degree of flexibility for the Trust. Development outside of the zones, or not fulfilling the conditions specified, will still require the submission of planning applications.

- 2.4 A Draft LDO was consulted upon with stakeholders, statutory agencies and neighbours immediately abutting the site earlier this year. Five responses were submitted to the Council, they are detailed within the body of this report, along with officer comments. As a result of these responses, a number of amendments were made to the final LDO for consideration.
- 2.5 The views of Members of this Panel are sought, ahead of the revised final LDO submission to the Council's Strategic Planning Committee for determination.

### **3. Recommendations**

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- 3.1 That Members of the Planning Policy Executive Advisory Panel consider responses to the Draft Local Development Order (LDO) consultation, and officer comments to those responses; and subject to any comments or observations, they agree amendments to the LDO to be presented to the Strategic Planning Committee for determination.

#### Reason for Recommendation:

- 3.2 To provide Member input in considering the responses to the Draft Local Development Order consultation; and to shape a final document for determination by the Council's Strategic Planning Committee on 25<sup>th</sup> July 2022.

### **4. Report Background**

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- 4.1 Members may recall that a report was presented to the Planning Policy Executive Advisory Panel on 24<sup>th</sup> January 2022 informing of progress being made by the Hospital Trust in securing significant funding for the redevelopment of Kettering General Hospital and requesting input into the preparation of a draft Local Development Order. The Hospital had been identified to receive significant investment and invited to submit a Strategic Outline Case to Government to explain how and where investment will be made for the rebuild and expansion of the facility.
- 4.2 The hospital had already secured £46 million for an Urgent Care Hub, with the submission of a HIP2 for £532 million, this would deliver phases 1 and 2 of the full programme. The ambition is to also deliver a further phase, phase 3, which will take the full cost of the redevelopment to £765 million, taking 8-10 years for construction. This is not sufficiently advanced yet to be confident of its progress. The redevelopment will bring with it a significant uplift in the hospital environment and the support it can provide to our communities. However, during construction disruption to the site will be inevitable, putting pressure on care and the day-to-day activity whilst the hospital continues to carry out its full duties.
- 4.3 An expert team is working with the Hospital Trust, having already planned and co-ordinated the submission of the Health Infrastructure Plan (HIP2) funding bid, masterplanning this significant project. Officers of the Council have been working with the team to support the preparation and implementation of a Hospital Travel Plan, rationalising the site's planning consents, and discussing where support can be provided for the project. One such area of discussion has been with regards this Local Development Order (LDO) for the site.

- 4.4 Members will recall that Local Development Orders provide permitted development rights for specified types of development in specified locations. They can be used to help accelerate development and to simplify the planning process. It's important to highlight that the extent and locations for development that fall subject to the LDO are deliberately limiting. As such, development falling outside of that identified by the LDO would still need to be considered through the submission of a planning application and assessed by the Council in the normal way.
- 4.5 At the meeting in January, Members supported the proposed LDO but were conscious of potential sensitivities with neighbouring residential properties, and with protecting the green space within the site. Members were also keen for any LDO to be definitive about when the LDO would finish. Members resolved that subject to their comments, the Draft LDO be finalised and a four-week consultation with stakeholders and members of the public be undertaken.
- 4.6 Officer agreed a series of amendments with the Hospital Trust's team, making it clear the green space within the site would be protected as a green zone, and that the LDO would be effective for a period of 10 years from the date of approval, or until rescinded by the Council. The consultation commenced on 8<sup>th</sup> April 2022 with the distribution of a letter to stakeholders and properties (commercial and residential) immediately abutting the hospital site. A public notice was also issued in the Kettering Evening Telegraph. The closing date for responses to the consultation was identified as 5.00pm on 12<sup>th</sup> May 2022.
- 4.7 Five responses were received to the consultation. Given the limited number, it is proposed to summarise each representation in turn, providing the full text to each point made, together with an officer comment in *italics*.
- 4.8 **Representation No.1 – The Local Highway Authority** made observations as follows.
- i. It is acknowledged the intention is for a number of works as outlined within the *Zones within the Hospital Site* of the KGH LDO document to be permitted without the need for full planning application procedures.  
**Officer comment:** *Correct, the LDO in effect grants permission for those works, provided they meet the criteria identified in the LDO and the respective zone.*
  - ii The LPA are requested to consider demolition/construction traffic management plans, along with associated parking requirements for the proposed infrastructure in line with Northamptonshire Parking Standards (2016).  
**Officer comment:** *The Hospital Trust is aware of the need to manage this as an issue, and will, as part of its appointment of contractors in respect of any works, require the preparation of a risk assessment. This will address control mechanisms where appropriate, in terms of point of contact for queries, control of noise, dust, hours of operation and traffic movements. However, to ensure this is enforceable it is proposed that a Construction Management Condition be added to the LDO.*
  - iii. The letter states the intention for non-adopted roads/footways etc. to fall within the LDO. The LHA require roads/footways which are not to be put

up for adoption to still meet adoptable requirements to ensure their safety.

**Officer comment:** *This request is noted however, it is considered not all roads or footpaths within the site would need to be built to adoptable standards, for example tracks round some buildings or wide curves and large junctions could encourage excessive speeds. A condition will be added that states that roads and footpaths within the site intended for use by members of the public will normally be constructed to adoptable standards having regard to the intended nature and volume of use and desirable speed for vehicles.*

- iv. The application site is affected by a Public Right of Way – Public Footpath VD33 (runs adjacent to the site). The advice is given without prejudice to the views which may be expressed by North Northamptonshire Council as Highway Authority, should an application be made. Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and/or a Public Right of Way.

**Officer comment:** *Noted.*

- 4.9 **Representation No.2 – Kettering Town Council** supports the LDO as giving the hospital the flexibility to respond to funding opportunities and in how the development of their site can be phased and managed in the best interests of the Trust, its staff and patients and the wider community. The Town Council also makes the following observations.

- i. The Hospital should ensure that the total provision of parking on site should not be reduced even temporarily during any of the development phases without finding adequate off-site alternatives.

**Officer comment:** *The Hospital Trust has indicated that it is a key objective that the implementation of the upgrading of the Hospital should be undertaken without reducing accessibility to the site and its services. Overall parking provision is a key consideration and off-site opportunities are being considered. It is acknowledged this will be less of an issue in relation to the smaller scale developments undertaken within the LDO process, but it is clear the Trust is exploring all reasonable options to ensure suitable parking provision is made.*

- ii. The protected green space to the south-west of the site should remain open for community use throughout.

**Officer comment:** *The Trust has agreed to the green space being kept available throughout the hospital's redevelopment, unless there are any temporary and overriding health and safety reasons for its closure.*

- iii. The LDO should encourage a high degree of sustainable development, and the re-use of materials already on site.

**Officer comment:** *The Trust has indicated it will be implementing a waste minimisation policy in relation to all contracts for work on site which will include consideration of reuse of materials.*

- 4.10 **Representation No.3 – Northants Police, Northants Fire & Rescue** made the following comments.

- i. From the perspective of impact on resources for Northants Police and Northants Fire & Rescue to cover the site, we do not have any comments to make.

**Officer comment:** *Noted.*

- ii. We would request that prior to works commencing on the various phases, consultation should be carried out with the Crime Prevention Design Advisors, who will be keen to advise from a crime reduction and fire prevention design perspective. In addition, this consultation will also give an indication of the order that works are to be carried out, to ensure that the relevant teams are aware from an operational perspective.

**Officer comment:** *The Hospital Trust has confirmed that Building Regulations will naturally be complied with and public safety for patients, staff and visitors is a prime concern. The Council will liaise with the Police and Fire services when the Trust notifies the Council of proposals falling within the LDO scheme, and where the development may be of interest to those services. To reinforce this positive approach, an informative regarding notification to the Crime Prevention Design Advisors will be added to the LDO.*

**4.11 Representation No.4 – Local residents of Ullswater Road** made no objection but provide comments of concern.

- i. Having worked at KGH for several years, I realise that the site falls short in many areas and needs updating and enlarging. As we live on Ullswater Road, we are extremely concerned that this will be to the detriment of local residents and would like some assurance from yourselves that actions will be put in place to eradicate or at least ease the discomfort felt by local homeowners

**Officer comment:** *Your comments are noted, and points appreciated. We will seek to respond positively to address your concerns.*

- ii. Our main concern is over the height of the building proposed in phase one. Should it be taller than the existing Glebe House (Headquarters) we will be overlooked in an unacceptable manner and would ask that some screening be erected or planting be undertaken to ensure the privacy of our garden and property.

**Officer comment:** *Your concern is noted and can be taken into account in relation to the design and any associated mitigation for the Phase 1 building. However, the Phase 1 redevelopment is beyond the scope of the LDO and will be the subject of a planning application, to which neighbours will be invited to comment upon through the neighbour notification process on the application. The LDO only relates to development proposals specified by criteria described within each of the zones. The Phase 1 development is proposed for the centre of the site, where its location is considered to be least sensitive on the residential environment. Building scale and choice of materials together with appropriate landscaping will be important factors in considering any planning application, however as indicated, this development falls outside the scope of the LDO.*

- iii. The other concern we have is for the dirt, dust and noise that will be made during the demolition and erection of the new buildings. We would like some assurance that reasonable precautions will be taken to cause as little distress as possible during the transition.

**Officer comment:** *In relation to the environmental impact of demolition and construction works on site, your concerns are noted. A Construction Management condition will be added to address this concern. The inclusion of this will impose measures to manage dirt, dust, noise and hours of operation at the site.*

- iv. Please do not take this as an objection to the proposed improvements, we are just asking you to take extra steps to address details as defined above, maybe considering some tall planting in the 10 metre boundary that would make an efficient screen from sight and noise.

**Officer comment:** *Your comments are appreciated. It is noted that a significant amount of tree landscaping is already provided along the hospital's boundary with neighbouring residential properties. Planning applications will be required for more major pieces of development at the hospital site. The provision of new or enhanced existing landscaping is likely to be a consideration through these applications. It is not thought necessary to undertake further landscaping as a matter of course for development proposals the subject of the LDO. However, if a particular proposal does direct the Council towards imposing landscaping requirements on the Trust, then the Council will respond to secure that as a solution.*

**4.12 Representation No.5 – Kettering General Hospital NHS Foundation Trust supports the proposal.**

- i. The document reflects the cooperation and joint working that has been undertaken to date to find the best way to enable proper planning and the efficient delivery of the Trust's ambitious plans to enhance the facilities and services offered at Kettering General Hospital.

**Officer comment:** *The Council is keen to continue to work with the Hospital Trust to support it in delivering a new high-quality range of facilities and services to contribute towards meeting the health needs of the residents of North Northamptonshire.*

- ii. We are writing to confirm our full support for the Council's approach to this project and the prospect it provides for the efficient delivery of this valuable and much-needed public investment in the local health service estate.

**Officer comment:** *Noted*

**Amended Local Development Order**

**4.13 Amendments have been incorporated into the Local Development Order to respond to those representations made to the consultation. These are shown in red in the Local Development Order attached at Appendix A.**

**4.14 It is important to remember that approval of the Local Development Order has the potential of providing a significant long-term benefit for the Hospital Trust in the delivery of this major scheme. It will also give confidence to those allocating funding that mechanisms are in place to help with the smooth delivery of the scheme, giving it a better chance of meeting an agreed timetable and reducing the risk of increased costs. Also, it provides confidence that the public services in the area are working collaboratively, where it can, on the scheme.**

- 4.15 It is however also important to ensure that the detail of the LDO is appropriate, and that stakeholders and residents in the vicinity are comfortable with parameters in which it operates. In conclusion, on the basis of the results of this consultation, it is considered that with the inclusion of the identified amendments, this Local Development Order should be recommended for approval to the next Strategic Planning Committee, on 25<sup>th</sup> July 2022.

## **5. Implications (including financial implications)**

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### **5.1 Resources, Financial & Transformational**

- 5.1.1 Resources necessary to cover the costs of preparing and implementing the Local Development Document are 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.
- 5.1.2 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.

### **5.2 Legal**

- 5.2.1 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*”.
- 5.2.2 The LDO, once approved, will be included on the Council’s registers. The LDO will be effective for a period of 10 years, or until rescinded by North Northamptonshire Council.

### **5.3 Relevant Policies and Plans**

#### **North Northamptonshire Corporate Plan**

- 5.3.1 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**

- 5.3.2 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.

#### **5.4 Risk**

- 5.4.1 If approved at Strategic Planning Committee on 25<sup>th</sup> July 2022, the Council is required to notify the Secretary of State of its approval. The Secretary of State has the capability of calling in the LDO. The risk is considered minimal.
- 5.4.2 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.

#### **5.5 Consultation**

- 5.5.1 Consultation was undertaken with stakeholders, statutory agencies and residents/businesses immediately abutting the hospital site. The consultation ran for 4-weeks between 8<sup>th</sup> April and 12<sup>th</sup> 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.

#### **5.6 Consideration by Scrutiny**

- 5.6.1 The Draft Local Development Order has not been considered by Scrutiny.

#### **5.7 Climate Impact**

- 5.6.1 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.

#### **5.8 Equality Implications**

- 5.8.1 An Equalities Screen Assessment is being prepared in consultation with the Council's Equalities team. It will be complete and ready for submission with the Report to Strategic Planning Committee as an appendix.

#### **5.9 Community Impact**

- 5.7.1 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.

### **6. Background Papers**

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



[https://www.kettering.gov.uk/meetings/meeting/1892/planning\\_policy\\_committee](https://www.kettering.gov.uk/meetings/meeting/1892/planning_policy_committee)

- 6.3 North Northamptonshire Planning Policy Executive Advisory Panel – 24<sup>th</sup> January 2022

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