

BOROUGH OF KETTERING

Committee	Full Planning Committee - 10/02/2015	Item No: 5.2
Report Originator	Alan Davies Development Officer	Application No: KET/2014/0568
Wards Affected	Rothwell	
Location	Harrington Road (Land off), Rothwell	
Proposal	Full Application: 21 no. dwellings and Public Open Space (Revised scheme KET/2014/0068)	
Applicant	Mr P Twigg Morris Homes	

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 a S.106 OBLIGATION being entered into, and to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The layout, design, landscaping, access, garages, noise bund, acoustic fence and open space hereby permitted shall not be carried out other than in accordance with the following amended plans submitted with the application: 7191.160BB, GR1, GR2-1, F1-1, 5554-P-01F, M2293.04D and M2293.06.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to C 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 condition 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,
 - ground waters 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'.

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 condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 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 condition C.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Section 12 of the National Planning Policy Framework.

4. The development hereby permitted shall only be carried out in accordance with the noise levels stated in the noise assessment prepared by Acoustic Air Limited titled 'Noise Assessment Land South of Harrington Road, Rothwell' dated November 2014.

REASON: In the interests of protecting the amenity and living conditions of future occupiers in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

6. No development shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied.

REASON: In the interests of visual amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

7. No development shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended 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 protect the privacy of the occupiers of adjoining properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

8. Prior to the commencement of any part of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

REASON: In the interests of amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

9. The development shall be constructed in accordance with the Energy Statement submitted by Stroma Technology on 18/08/2014 and referenced 05/02/2014. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of energy efficiency and sustainable construction in accordance with Policy 14 of the North Northamptonshire Core Spatial Strategy.

10. No development shall take place on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately-owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

11. The development shall not be carried out other than in accordance with the approved Flood Risk Statement prepared by Travis Baker and received 19.09.2014. The approved mitigation measures shall be carried out in accordance with a scheme, including details of the water storage and water outflow control system, which shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme.

REASON: In the interests of flood risk in accordance with the requirements of Policy 13 of the North Northamptonshire Core Spatial Strategy.

12. No development shall commence until full details of pollution control measures within the on-site surface water drainage proposal, along with a plan for the future maintenance of the site drainage to prevent surface water run-off or pollution onto or underneath the A14, have been submitted to and approved in writing with the Local Planning Authority. The development shall be carried out fully in accordance with the approved details.

REASON: To ensure pollution from surface water from the site does not run onto or underneath the A14 contrary to Policy 13 of the North Northamptonshire Core Spatial Strategy.

13. Prior to the commencement of development a scheme for the provision of waste water drainage shall be 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 scheme.

REASON: To prevent pollution of the water environment in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

14. No development shall commence on site until details of a scheme for the storage of refuse and recycling within each plot 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: In the interests of general amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

15. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans (5554-P-01-F and M2293.04D) shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

REASON: To ensure the continued well being of the existing vegetation in the interests of the amenity of the locality in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

16. The development shall not be carried out other than in accordance with the approved Biodiversity Management Plan prepared by FPCR and received 02.09.2014.

REASON: In the interests of biodiversity in accordance with the requirements of Policy 13 of the North Northamptonshire Core Spatial Strategy.

17. Prior to the car parking area hereby permitted being brought into use a scheme detailing any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Lighting of the car park shall be carried out in accordance with the approved scheme. There shall be no other external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the safety and the amenity of occupants of neighbouring properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

18. The garages hereby permitted shall be constructed in accordance with drawing no. 7191.160 Rev. BB unless otherwise agreed and approved in writing by the Local Planning Authority.

REASON: To ensure the garages hereby approved have sufficient internal space to accommodate modern motor vehicles, thereby discouraging parking on the adjoining highway in the interests of local amenity and highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

19. Prior to the commencement of development a site specific Waste Audit must be submitted to and approved in writing by the Local Planning Authority. The Waste Audit must address the Minerals and Waste Local Plan SPD principles (Northants County Council Minerals and Waste). The development must be carried out in accordance with the details contained within the waste audit.

REASON: To ensure compliance with the requirements for a site specific detailed Waste Audit as required by the MWLP Development and Implementation Principles Supplementary Planning Document.

20. Prior to the commencement of development a programme of archaeological work shall be implemented in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that features of archaeological interest are properly examined and recorded in accordance with Paragraph 141 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

21. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The screen walls and fences shall be erected as approved before the adjacent dwellings are first occupied and shall be retained thereafter.

REASON: In the interests of the amenities and privacy of the neighbouring property in the interests of amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

22. Prior to the commencement of development a scheme detailing the security measures/standards to be incorporated within the development with reference to the ACPO 'Secured By Design' scheme 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 13 of the Core Spatial Strategy for North Northamptonshire.

Officers Report for KET/2014/0568

This application is reported for Committee decision because the application requires an agreement under s.106.

3.0 Information

Relevant Planning History

KET/2014/0068 – Full application: 21 no. dwellings with associated roads and landscaping. Provision of public open space. Refused 19/05/2014.

KET/2013/0246 – Variations of conditions 14 and 15 of KET/2009/0474 in relation to Code for Sustainable Homes and renewable energy. Approved 07/10/2013.

KET/2013/0210 – All details in respect of KET/2009/0474 for residential development of 91 dwellings. Approved 02/07/2013.

KET/2009/0474 – Residential development (all matters reserved except access). Refused 23/11/2009. Approved on appeal.

KET/2008/0404 – Screening opinion. Decision issued 22/09/2010.

KET/2007/0136 – Residential development. Non-determination 23/07/2008.

Site Description

Officer's site inspection was carried out on 09/09/2014.

The application site lies on the southern side of Harrington Road on the western edge of Rothwell. The A14 trunk road lies to the south of the site with Junction 3 of the A14 to the west and Harrington Road, a classified B road, to the north. To the northwest of the site and the neighbouring roundabout is the A6, a dual-carriageway which bypasses Rothwell and connects the A14 directly to Desborough to the north. To the east and connecting to the application site is a recently approved and commenced development of 91 dwellings. The site sits within a dip as a result of the roads on the south, west and north sides of the site and it slopes from the north to the south, with the southernmost part of the site significantly lower than the A14 slip road.

At the centre of the site is the former Orton Road, which has been stopped up. As a result there is a significant amount of hard surfacing in the centre of the site which detracts from its appearance and usefulness. The site is currently underused and not visually prominent from the surrounding highway network, primarily due to the existing vegetation which surrounds the site and is to be retained as part of this proposal. The north boundary of the site features a set of steps down from Harrington Road into the southwest of the site and onto an underused footpath that historically connected to Edinburgh Close to the northwest, but has become overgrown since the construction of the A14/A6.

Proposed Development

It is proposed to construct 21 dwellings with associated roads, landscaping and public open space as an extension to the existing development of 91 dwellings to the east.

Any Constraints Affecting the Site

Public Right of Way UH4 (to be stopped-up following approval of KET/2013/0210)
B Road
Nene Valley NIA Boundary
Outside Rothwell settlement boundary

4.0 Consultation and Customer Impact

Rothwell Town Council

This site, in combination with the existing approval, needs to have an improved junction, possibly a roundabout, and a second access. There needs to be safe cycleways and footpaths linking this development to all Rothwell schools and the town centre. S106 monies should be used for this purpose.

Environment Agency

No objection.

Northamptonshire County Council (Highways)

Northamptonshire County Council Highways Department have not objected to the layout of the site or the proposed vehicular or pedestrian accesses. They have stipulated the following:

- There should be a 1m service margin or 1.8m footway on the south side of the entire length of the new street. This would link the footway on the adjoining site with the full extent of the application site.
- The headwall of the ditch south of plot 93 should be at least 2m away from the proposed highway boundary.
- All trees in private land should be at least 2m away from the highway boundary and in suitably designed tree pits.
- The proposed garages are not to these sizes and are therefore unacceptable.
- Any property with an integral garage needs to have 2 car parking spaces on plot in front of it. These are to be side by side.
- Any surface water storage system, whether crates or attenuation basins, need to be at least 5m from the highway boundary.
- The adjoining site is contributing a HIST pooled developer contribution for the delivery of transport and highways improvements. A similar approach is therefore recommended on this site which means that we would be seeking a S106 contribution of £3,741 per dwelling. The list of improvements consists of public transport service enhancements, local junction improvements and schemes to enhance walking and cycling access in and around Rothwell. No separate contribution is being sought for public transport on this occasion.

Northamptonshire County Council (Highways) – Update

This response is in addition to the above following the amended plans which show an increased length of 2m high acoustic fencing around the southern boundary of the site. I would expect a better treatment of this route if it is to remain available for use and not sterilised as would be the case if this amount of fencing was to be permitted. As such I have no hesitation to object to this application on the grounds that the users of the highway will be disadvantaged.

Highways Agency

No objection. A condition requiring details of a pollution control system for the outflow pipe which will run under the A14 is proposed to ensure that there is no detrimental impact upon the highway network.

Environmental Health

Phase 1

Information provided by the applicant's noise consultant on 27/10 indicates that the changes to phase 1, in particular the amended bund, will not adversely affect phase 1 but will in fact benefit the noise levels by way of screening.

Phase 2

Garden Noise

Plot 92

The noise information indicates that garden noise levels with the proposed 1.8m close boarded fence will be 55 dB(A). This will be at the upper limit recommended by BS8233:2014 and the World Health Organisation guidance.

Plots 110-114

For plots 110-114 facing Harrington Road garden noise levels are predicted at 52.8 dB(A) (plot 110) and 50.7 dB(A) (plot 114). Again these noise levels are above the 50 dB(A) recommended in current guidance. The BS8233:2014 guidance states that for "urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited."

Internal Noise

Plot 92

Noise levels within this site will only meet the standards required by BS8233:2014 with closed windows and appropriate ventilation as outlined in table 4.2 of the report on page 20. During the day time noise levels with an open window will be 42dB(A), which is 7dB(A) more than the standard recommends. At night with windows open noise levels will be 44 dB(A), which is 14 dB(A) more than recommended.

Plots 110-144

Table 4.4 on page 23 of the report outlined that noise levels inside this properties will only meet the standards required by BS8233:2014 with closed windows and appropriate ventilation. Noise levels in the day time are 16 dB(A) more than recommended, and the same at night.

BS8233:2014 indicates that where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still

achieved. If this relaxation is applied the internal noise level for plot 92 in the day will still exceed the guidance by 2 dB(A) with open windows, at night exceed by 9 dB(A); for plots 110-114 day time noise levels will exceed that recommended by 11 dB(A), and at night by 11 dB(A) with this relaxation applied.

Summary

The internal noise levels can only be achieved with closed windows and appropriate ventilation. Active ventilation may provide a higher standard of amenity than passive but noise levels with windows open will be higher than recommended by guidance even with a suggested relaxation where the development is supported by planning policy. Garden noise levels are on the upper limit of what is recommended by guidance, and it may not be the lowest practicable level in terms of design, layout etc.

North Northants Badger Group

No objection.

Community Services

No objection, but a S106 contribution of £33,886 will be required for improvements to offsite community services. This will be split as follows: - Public Open Space £699, Community Facilities £12,316 and Sports Facilities £20,872.

The standard of the open space provided will need to comply with the 2008 adopted Open Space Supplementary Planning Document. The provision of open space will involve the payment of a commuted maintenance sum to cover maintenance costs for 15 years. If Kettering Borough Council is not to maintain this land a comprehensive management plan will need to be included in the S106 agreement.

Natural Development (NIA)

Support the proposal following amendments to the landscaping plan.

Northamptonshire Police

No objection, but the development should be built to attain the 'Secured by Design' award. Parking courtyards should be protected by a gate. Doors and windows should be PAS 24 and all ground floor/vulnerable glazing should be tested to P1A. External lighting should be low level 'dusk till dawn' and not PIR. The edges/kerbs of public open space should be designed to prevent vehicle access. Internal fence panels should be 1.8m high for the length of rear gardens.

Anglian Water

No objection provided a condition relating to the proximity to the sewage pumping station is included in any permission.

Northamptonshire County Council (Archaeology)

No objection, however the application site is adjacent to an extensive area of late Iron Age or possibly Romano-British age. No archaeological investigation has taken place with the area of the site and therefore the extent and significance of the activity is currently unknown. In light of this potential a condition requiring an archaeological programme of works as required by Paragraph 141 of the National Planning Policy Framework is recommended.

Northamptonshire County Council – Development Infrastructure and Funding

Contributions required for:-

- Primary Education £82,277.00
- Fire £1,932.00
- Library Services £5,081.00
- One fire hydrant, to be required by condition, must be provided on site.

Natural England

No objection.

Health

A S106 contribution based on £621.00 per dwelling is sought.

Northamptonshire County Council (Waste)

Prior to development taking place the applicant should demonstrate how it meets Policy 30 and Policy 31 of the Northamptonshire Minerals and Waste Local Plan which seek to utilise the efficient use of resources during construction and operation as well as the integration of waste management facilities on areas of significant new development.

Neighbours

No response received.

5.0 Planning Policy

National Planning Policy Framework

Policy 4. Promoting sustainable transport

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

Policy 8. Promoting healthy communities

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

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1. Strengthening the Network of Settlements

Policy 4. Enhancing Local Connections

Policy 5. Green Infrastructure Policy

Policy 7. Delivering Housing

Policy 9. Distribution & Location of Development

Policy 10. Distribution of Housing

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Policy 15: Sustainable Housing Provision

Local Plan

7. Environment: Protection of the Open Countryside

35. Housing within Towns

39. Housing: Affordable Housing

RA5. Rural Area: Housing in the Open Countryside

Emerging Site Specific Proposals LDD (Options Paper March 2012)

Section 3.1 Location and scale of development

Section 4.1 Affordable housing thresholds

Section 4.2 Affordable housing tenure

Section 4.3 Housing mix

Section 7.1 Flood risk and sustainable water management

Section 7.2 Green infrastructure

Section 7.3 Biodiversity

Section 12.0.2 Preferred Option to meet housing requirement – Rothwell (RO/093)

SPGs

Open Space SPD

Sustainable Design SPD

Biodiversity SPD

6.0 Financial/Resource Implications

The following Section 106 Contributions have been requested and agreed. Additional requests were made but have been assessed against CIL regulations and were considered not to comply. The following agreed contributions are considered to be CIL compliant and therefore reasonable to request:

- 30% affordable housing
- Travel Plan
- £82,277 Primary Education
- £1,932.00 Fire & Rescue
- 5% monitoring fee

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Noise
3. Highway safety implications and connectivity
4. Design and layout and impact on character of area
5. Residential amenity
6. Contamination
7. Flood Risk
8. Sustainability
9. Ecology
10. S106 Infrastructure and Implications
11. Affordable Housing
12. Waste
13. Archaeology

1. Principle of development

The application site is located outside of the town boundary of Rothwell as defined by saved Policy 35 of the 1995 Local Plan for Kettering Borough and Policy 1 of the North Northamptonshire Core Spatial Strategy. However, as a result of the granting of planning permission for the neighbouring site to the immediate east (KET/2009/0474), from which this proposal will be accessed, this site will adjoin the built boundary of the town. It is considered to be a small infill site that will be an extension to the neighbouring housing site. The site is bounded by the A14 to the south, the A14/A6 roundabout to the west and Harrington Road to the north. The proposal is for 21 dwellings only and would constitute a small infill development of a part brownfield site as a result of the stopping up of the former Orton Road.

The extant permission to the east permitted 104 dwellings, of which only 91 have been approved and constructed under the Reserved Matters application. As such this proposal, which is for 21 dwellings, is only marginally more than the difference between the dwellings approved and constructed on the site to the east. This proposal therefore represents a net increase of 8 dwellings on the number originally approved under KET/2009/0474. It is therefore considered that whilst local planning policy, namely Policies 7, 35 and RA5 of the 1995 Local Plan for Kettering Borough and Policy 1 of the North Northamptonshire Core Spatial Strategy, do not support this proposal it is a modest extension to a previous permission which represents a small extension to the approved neighbouring site (KET/2009/0474).

Policies 1 and 10 of the North Northamptonshire Core Spatial Strategy identify Kettering as a 'Growth Town' where development will be principally directed, with the smaller towns (Burton Latimer, Rothwell and Desborough) providing a secondary focus for development. Policy 9 of the North Northamptonshire Core Spatial Strategy also states that preference for new development will be given to locations that are accessible by a choice of means of travel, which this site is given the proximity of the site to the A14, A6 and Harrington Road.

The emerging Site Specific Local Development Document (LDD) is a material planning consideration which can be afforded limited weight. However, this site does not score highly in the assessment and was discounted, primarily due to the impact of noise from the surrounding roads. However the applicant has submitted a detailed Noise Impact Assessment, which is discussed in further detail below, which demonstrates that the noise impact upon the occupants of these 21 dwellings would be no greater than the impact upon the residents of the 91 dwellings consented to the east (KET/2009/0474).

In addition, as will be detailed below, this proposal for 21 dwellings also includes a comprehensive drainage strategy link to the current development that will ensure that sustainable drainage can be provided for this site and the consented site to the east. As such this proposal will provide benefits greater than that which 21 dwellings would ordinarily bring. In conclusion the proposal is therefore considered to be a suitable development, given the context of the site and its limited size, and would not unduly conflict with Policies 1, 4, 5, 7, 9 and 10 of the North Northamptonshire Core Spatial Strategy.

2. Noise

Planning permission was granted for the site to the immediate east following an appeal against the decision for KET/2009/0474. Outline permission was granted and conditions were imposed establishing the noise parameters of the site to the east which, in summary, requires the noise level for external areas to not exceed 55dB(A) and that internal areas should conform to 'good standards' as required by BS8233:1999. It also states that there shall be no development within areas that exceed 63dB(A) (day) or 57dB(A) (night). The applicant has submitted a Noise Impact Assessment with the application and Environmental Health concur with the applicant's assessment that there will be no external amenity areas where the noise level is greater than 55dB(A). However, whilst this was accepted on the adjacent site it must be stated that this is on the upper limits of noise acceptability. In addition to this internal noise levels can only be ensured with closed windows and passive ventilation, which will be achieved through the use of a condition.

Guidance from Environmental Health states that this proposal is at the margins of acceptability in terms of the noise impact upon the future residents of the site. However, to mitigate the noise impact upon this development there are to be no dwellings to the south of the site closest to the A14 slip road, plots are located at least 20 metres from Harrington Road (with the exception of 110 that has a blank gable end elevation facing Harrington Road), the parking courtyard for plots 98-104 will be used to provide a buffer between Harrington Road and some plots and garden sizes have been increased to provide more amenity and increased distance between the roads surrounding the development. A 2 metre high acoustic fence will also be installed along the southern boundary of the site to mitigate the noise impact of the A14. This will provide noise attenuation to the public open space – see below.

The Planning Statement submitted by the applicant states that this latest development will provide additional noise screening for what they refer to as 'Phase 1' (The 91 dwellings approved under KET/2009/0474). The Noise Impact Assessment demonstrates that the areas of 'Phase 1' that do not lie directly behind the bund will be screened by some extent by this latest proposal. With regard to the garden noise levels this situation is identical to that reported and approved for 'Phase 1', where garden noise levels after mitigation were calculated as being up to 54 dB(A). Similarly with regard to internal noise levels and the use of passive acoustic ventilators, this situation is identical to that for 'Phase 1', which was approved on appeal. For the previous permission to the east internal noise standards would be exceeded when the windows are opened for ventilation and therefore the use of passive acoustic ventilation was recommended and approved. Therefore, it would be inappropriate and unreasonable to apply different criteria to this proposal than those that were found to be acceptable for 'Phase 1'.

Due to the latest proposal the existing approved noise bund will have to be modified. The applicant states in the Planning Statement that the alignment modifications of the bund and the additional screening measures proposed will not affect the ability of the bund to mitigate the noise impact upon 'Phase 1'. In addition a 2 metre high acoustic fence is proposed along the southern boundary of the application site that will link with the amended bund, thereby creating an acoustic barrier the full width of the southern boundary of both sites. Northamptonshire County Council Highways

Department have objected to this fence on the basis that it will have a detrimental impact upon the users of the footpath to the south as they will be walking along a path bounded on the north side by a blank fence. This path however is not an adopted footpath, byway or bridleway. In order to ensure the Public Open Space has an acceptable level of amenity and is not detrimentally affected by noise from the A14 it is considered that this acoustic fence is an appropriate means of mitigating the noise impact upon the Public Open Space.

Noise mitigation required for the proposed 21 dwellings is the same as that accepted on the adjoining site and includes passive acoustic ventilators within the windows of habitable rooms that have window facing local roads, in accordance with the informative of the reserved matters permission. It has been confirmed that no development, internally or externally, is subject to noise levels in excess of 55dB(A) and the applicant's report has been assessed by Environmental Health who confirm that this is indeed the case. Therefore whilst this site will have a perceptible background noise level it will be within the limits established as acceptable in Conditions 7 and 8 imposed under KET/2009/0474 on the adjacent site.

This proposal will help to reduce noise levels within the approved development as the 21 new dwellings, along with the acoustic fence, will provide further screening against the noise generated by traffic using the A6, A14 and Harrington Road. The proposed mitigation will therefore result in an environment that is visually acceptable and which will safeguard the amenity of future residents of the proposal site and the approved site next door. As such the proposal is considered to accord with Section 11 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy in respect of noise.

3. Highway Safety Implications and Connectivity

Policy 13 of the North Northamptonshire Core Spatial Strategy requires new development to have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards. The same policy also requires that development does not have an adverse impact upon the local highway network and will not prejudice highway safety.

The proposed layout plan shows that this development will be accessed from a previously approved road as part of the 91 dwellings approved under KET/2009/0474. This road then connects with Harrington Road and thus will utilise a junction that has been approved as part of the planning permission next door. As such the impact upon the local highway network is considered to be minimal as stated above.

Northamptonshire County Council Highways Department object to the proposal on the basis that the proposed 2 metre high acoustic fence near the southern boundary of the site will have a detrimental impact upon the users of the footpath to the south. The footpath is not a public right of way and the footpath it connected to, which went from the north side of the A14 in a northeast direction to Edinburgh Close (UH4), has been stopped-up by the applicants as approved by the reserved matters application for the site next door (KET/2013/0210). Therefore it is considered that this objection to the proposal is not overriding as the footpath that the Local Highways Authority refer to has no external connectivity. Their response that the

installation of a 2 metre high acoustic fence will lead to a detrimental impact upon the users of the footpath by creating an oppressive barrier has been assessed: the proposed planting will in fact improve the appearance of the area for future occupants of the development and users of the proposed Public Open Space, which will serve as an alternative space for local residents and walkers.

The Local Highways Authority also refer to certain amendments that are required to make the proposal acceptable, although they are not reasons that warrant refusal of the proposal. Concern had been raised regarding the ability of a refuse vehicle to be able to turn on site. This has been addressed by creating a shared private drive for plots 109-113 and by providing a turning head in amongst plots 94-95 to enable such a vehicle to turn.

In addition to the concerns raised regarding turning heads, which the applicant has satisfactorily addressed, the garages originally proposed did not satisfy the requirements of the Local Highways Authority, which require a single garage to be 3.2 metres wide and 6 metres long and a double garage to be 5.5 metres wide and 6 metres long. The garages proposed for this scheme will measure 3 metres by 6 metres for a single and 6 metres by 6 metres for a double. Whilst the single garage will be slightly narrower it will not result in an unusable garage.

Northamptonshire County Council Highways Department have not objected to the layout of the site or the proposed vehicular or pedestrian accesses. A highways verge or 1.5 metre footpath is required on the southern side of the southernmost road facing onto the area of Public Open Space. Due to the proposed use of the Public Open Space it is considered that creating a hard urban edge will be detrimental to the appearance of the area.

The proposal will provide two parking spaces for all of the dwellings except the 1 bedroom apartments (plots 98-101). This is considered to be an appropriate level of parking provision for this site given its location close to public transport and local services. Northamptonshire County Council Highways have raised no objections to the proposed level of car parking in respect of highway safety implications.

The Transport Statement and Addendum submitted with the application states that the development would generate an additional 62 vehicular trips in the morning peak period and 70 vehicular trips in the evening peak period. The impact of the development on the surrounding junctions is therefore considered to be acceptable and does not require any improvements based on the applicant's assessment. The Local Highways Authority has not disputed the conclusions of the Transport Statement and therefore the level of impact is considered to be acceptable.

A Travel Plan has been submitted along with the Transport Statement which both detail, in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy, how this development will encourage sustainable transport behaviour. The applicant's Travel includes targets to increase the amounts of walking and bicycle usage from the site to reduce the reliance on the private car. Based on the information submitted with the Travel Plan it is considered that the proposal will positively contribute to the 5% modal shift target within Policy 13 of the North Northamptonshire Core Spatial Strategy. This is to be included as part of the s106.

In summary the Local Highways Authority have lodged an objection to the proposal based on the installation of a 2 metre high acoustic fence close to the southern boundary of the site. This fence is necessary to minimise the noise impact upon future residents of the site and users of the proposed Public Open Space. There are no other concerns in respect of access, highway safety and connectivity with this site, as demonstrated above and it is therefore considered that this proposal accords with Policy 4 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy in respect of the scheme's impact upon the local highway network.

4. Design and layout and impact on character of area

Policy 13 of the North Northamptonshire Core Spatial Strategy requires that developments be of a high standard of design, architecture and landscaping and respect and enhance the character of its surroundings. No objections have been received relating to the proposed design and layout and it is considered to be an appropriately designed extension to the existing development to the east. The proposed density is considered to be low – 21 per hectare – but appropriate for this location which is on the edge of the built boundary of Rothwell. It also ensures plots will have a suitable level of amenity space along with a large area of Public Open Space close to the A14 slip road, thereby acting as an additional 'green' barrier between the dwellings and the surrounding roads.

Careful consideration has been given to the layout of the scheme with the proposed dwellings relating well to those previously approved to the east. As it is the same applicant behind both sites the house types proposed for this development are similar to those approved to the east. As a result this proposal will appear as part of that development and not an uncharacteristic development added at a later stage. It will therefore have a planned layout and will feel part of the existing settlement, rather than an edge-of-settlement infill development that could result were this land to be developed separately in future.

Due to the surrounding roads and the need for buffer zones between the roads the scheme is inward looking in its design. However, this is not to its detriment as a strong frontage facing onto the Public Open Space is proposed as is proposed for the cul-de-sac comprised of plots 93-107. There is a significant amount of amenity greenspace proposed along with large gardens and retention of significant areas of existing planting to the south and west. The proposed house types are all two storey which is considered appropriate within this location. Within the site the scheme provides for an acceptable layout with dwellings fronting the proposed area of Public Open Space providing for natural surveillance. Dwelling types within the site are of an acceptable design and subject to the use of appropriate materials which will be secured by condition. The site slopes downwards from north to south and therefore the dwellings will be set within the landscape thereby minimising the visual impact upon the surrounding area. Landscaping details have been submitted with the application and are considered to be appropriate. Conditions relating to materials will ensure that the development will integrate well with its surroundings and accords with the requirements of Section 7 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Residential amenity

Policy 13 of the North Northamptonshire Core Spatial Strategy requires that development should not result in an unacceptable impact on the amenities or neighbouring properties of the wider area, by reason of noise vibration, smell, light or other pollution, loss of light or overlooking. Due to the proposed location of this development the only dwellings that could be impacted are plots 77-79 on the existing approval to the east, which are currently being constructed. There is a 30 metre gap between the rear elevations of those dwellings approved under KET/2009/0474 and those on the east side of this proposal. The dwellings are separated by rear gardens and as such overlooking, loss of light or overbearing impact will not result from this proposal. It is considered that the proposed layout will ensure that none of the proposed dwellings within this application will have a detrimental impact upon any of the proposed neighbouring dwellings.

There is the issue of noise generated from the surrounding roads to have a detrimental impact upon the amenity of future occupiers of the site. However, this issue has been fully discussed and whilst the amount of noise from traffic will be at the boundary of acceptability in terms of Section 11 of the National Planning Policy Framework it is considered that there is sufficient mitigation proposed to ensure that no dwelling nor rear garden is exposed to noise levels greater than that considered to be acceptable on the neighbouring site to the east. The proposed development, which will act as a noise buffer for the neighbouring site, will actually improve the noise impact upon the neighbouring site. The proposal is therefore considered to accord with Policy 13 of the North Northamptonshire Core Spatial Strategy in respect of amenity.

6. Contamination

Policy 11 of the National Planning Policy Framework requires that developments should remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land. No reports have been submitted with the application that address the matter of contaminated land and therefore Environmental Health have advised that due to the underlying geology present throughout Northamptonshire, whereby levels of naturally occurring contaminants found throughout the borough frequently exceed the levels at which the risk to human health is considered acceptable for residential land use, a condition requiring investigation of and remediation to the land, in order to prevent any unacceptable risk to human health of the future occupiers of the site, should be imposed.

7. Flood Risk

The National Planning Policy Framework requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flooding, and where development is necessary, making it safe without increasing flood risk elsewhere. Policy 13 of the North Northamptonshire Core Spatial Strategy also requires that development does not cause a risk to the quality of the underlying groundwater or surface water, or increase the risk of flooding on the site or elsewhere. A Statement on Flood Risk and Drainage for the site has been submitted with the application. The site is in Flood Zone 1, which has a low risk of flooding, and the Environment Agency have been consulted and have raised no objections to the proposal although it is considered necessary to require the development to be carried out in accordance

with the submitted Statement on Floor Risk and for a surface water drainage scheme and a mains foul sewage infrastructure scheme to be submitted, to be secured via condition.

The Strategy states that surface water drainage will be implemented to be compliant with best practice and that surface water run-off will be collected by a gravity drainage system and a cellular underground storage chamber attenuated to a level of 5 litres per second with the installation of a vortex flow control will discharge the water into an existing ditch which passes through the east of the site and is then directed through a culvert underneath the A14 to the south. The Environment Agency has been consulted on this Statement and has raised no objections. The Highways Agency has not objected to the proposal, but has raised concerns about the surface water run-off pipe that will be diverted under the A14. A condition is therefore proposed requiring details of the pipe and pollution control measures associated with the pipe to ensure it does not have an adverse impact upon the safety of the A14.

Anglian Water has been consulted on the scheme and has raised no objections. The site falls within the Broadholme catchment area and at present there is sufficient available capacity for sewage flows from this site to be directed into the existing sewerage system. A condition is recommended requiring a scheme for the provision of surface and mains foul sewerage infrastructure to be submitted for approval.

8. Sustainability

Policy 14 of the North Northamptonshire Core Spatial Strategy requires that residential development involving 10 or more dwellings should demonstrate that at least 10% of the demand for energy will be met on site and renewably and/or from a decentralised renewable or low-carbon energy supply. Criteria b of the same policy requires development to incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/ recycling and provide for water efficiency and water recycling.

An Energy Statement has been submitted in support of the application and a condition will be imposed, should permission be granted, requiring the development to be accord with the energy statement. This document states that the development will adopt fabric efficiency measures along with the use of efficient gas boilers and mechanical ventilation with heat recovery to reduce energy consumption. Water recycling/reduction will be achieved through the provision of dual flush toilets, flow restrictors on taps and showers with a restricted flow level. Waste recycling/reduction will be conditioned as no information has been supplied by the applicant.

In terms of renewable energy and the requirement for 10% renewable this requirement was removed from the neighbouring development under planning permission KET/2013/0246 as the applicant instead demonstrated that the energy requirement of the development could be reduced by 10%. The intention here is the same and the report produced by Stroma Technology (05/02/2014) demonstrates that this is possible. Therefore the requirement to incorporate solar thermal or photovoltaic panels within the development in this particular case is considered to be

unnecessary. As such the scheme is considered to accord with Policy 14 of the North Northamptonshire Core Spatial Strategy as the dwellings are designed to use 10% less energy than equivalent, less energy-efficient dwellings, but as stated above, the proposal will be conditioned to accord with the details included in the submitted energy statement.

9. Ecology

The National Planning Policy Framework states that the planning system should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Significant harm from development should be avoided, mitigated or compensated for. This is reinforced in Kettering Borough Council's Biodiversity SPD, as it is in Policy 13 of the North Northamptonshire Core Spatial Strategy, which requires new development to conserve and enhance biodiversity. This site forms part of the Nene Valley Improvement Area. One of the key aims for this Improvement Area is to re-create and re-connect natural areas along the Nene and its tributaries from Daventry to Peterborough.

In support of the application a Biodiversity Management Plan has been submitted. The Natural Development Officer recommended that the landscaping be carried out with native plant species and following those comments the landscape plan has been amended to take these comments on board. Due to the native species proposed it is considered that the site would result in a net increase in biodiversity and therefore it is considered that the overall impact on ecology will be minimised.

10. S106 Infrastructure and Implications

Policy 6 (Infrastructure Delivery and Developer Contributions) of the North Northamptonshire Core Spatial Strategy requires that new development is supported by the timely delivery of infrastructure, service and facilities. Developers will either make direct provision or financial contributions towards the provision of local and strategic infrastructure required by the development alone or cumulatively or with other development.

The developer has agreed to the following S106 contributions requested, all of which meet the statutory tests set out in Regulation 122 of CIL; that they are necessary to make the development acceptable in planning terms; are directly related to the development and fairly and reasonably related in scale and kind to the development.

- 30% affordable housing
- Travel Plan
- £82,277.00 Primary Education
- £1,932.00 Fire & Rescue
- 5% monitoring fee

11. Affordable Housing

7 affordable units are proposed as part of this development. Policy 15 of the North Northamptonshire Core Spatial Strategy requires that developments provide for 30% affordable housing, which is precisely the figure proposed by the applicants. The plans provide for four 1 bedroom units as requested by KBC Housing. KBC Housing have been consulted on the revised scheme and confirmed it is acceptable. A S106 obligation will be required to secure the affordable housing provision and tenure

split.

12. Waste

Policies 30 and 31 of the Northamptonshire Minerals and Waste Local Plan (MWLP) are relevant to this application. The policies require that a Waste Audit and Waste Management Facilities Strategy are submitted with the application, to include details as set out in the Development and Implementation Principles SPD.

The policies and SPD require that a Waste Audit is submitted to cover the broad principles of waste minimisation and management for major development (over 10 dwellings). The waste management facilities strategy should address the broad principles of waste management and outline proposed facilities and design features for a medium development (less than 100 dwellings).

The County Waste Authority advises that a site specific Waste Audit and Waste Management Facilities Strategy are secured by condition. With the recommended condition, the application is considered to meet Policies 30 and 31 and the adopted SPD.

13. Archaeology

Policy 13 of the North Northamptonshire Core Spatial strategy requires that development conserves and enhances historic landscapes and designated heritage assets. The application site is adjacent to an area which was subject to archaeological evaluation in 2009 in conjunction with application KET/2009/0474. The evaluation identified that the area did not contain an extension of the extensive remains identified to the north of Harrington Road. This additional area is adjacent to an extensive area of late Iron Age or possibly Romano-British date. The activity from this area may extend into the application area.

In light of this potential an element of archaeological observation and recording should be undertaken within this western area and therefore a condition is proposed to achieve this. Providing that the requirements of this condition are followed the proposal will accord with Section 12 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

Conclusion

The principle of developing this site, albeit outside of the adopted settlement boundary of Rothwell, is considered to have been firmly established by the outline planning permission KET/2009/0474 for the neighbouring site. This proposal represents a modest extension of 21 dwellings to the existing 91 dwellings approved and will result in a small area of land being incorporated into the existing development. The surrounding road network acts as a physical barrier to future growth and therefore this proposal does not facilitate additional land to be developed. The quality of the land is such that it does not contribute to the wider rural/green network of agricultural fields surrounding Rothwell and is instead a small area of land left over from the construction of two major roads. As such this site does not form part of the green edge which surrounds Rothwell.

The proposal has been considered against the aims and objectives of the National Planning Policy Framework and the Government's priority for growth and to support appropriately located, well-designed housing proposals to satisfy that requirement. The Development Plan, the Northamptonshire Core Spatial Strategy, focuses growth in North Northamptonshire to the larger towns and smaller market towns, such as Rothwell, as the most appropriate locations. In addition to the provision of 21 dwellings, 7 of which will be affordable, the proposal will not only deliver additional Public Open Space that will benefit the future occupants of both the 21 proposed dwellings and the 91 approved, but will also deliver a drainage solution that provides an scheme for the proposed and approved developments that is preferable to that previously submitted.

Background Papers

Title of Document:

Date:

Contact Officer:

Alan Davies, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: