

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 21/02/2017</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Pritesh Shah Senior Development Officer</b>	<b>Application No: KET/2007/0461</b>
<b>Wards Affected</b>	<b>Rothwell</b>	
<b>Location</b>	<b>Rothwell North, Rothwell</b>	
<b>Proposal</b>	<b>Outline Application (EIA): 700 dwellings, 2.88 hectares of employment land (Classes B1 and B2), a local centre (Classes A1 - A5, B1a, C3 and D1), open space and green infrastructure and an extension to the Montsaye Academy's playing fields. Pedestrian and cycle routes, associated roads and other infrastructure, including sustainable drainage measures. Vehicular access junctions into the site from the A6 and B576; all other matters are to be reserved</b>	
<b>Applicant</b>	<b>Persimmon Homes Midlands</b>	

### 1. PURPOSE OF REPORT

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

### 2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED, subject to a S.106 OBLIGATION being completed, and to the following conditions:-

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced in respect of that part of the site to which the approval of reserved matters relates and the development shall not be carried out other than as approved.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and in order to secure a satisfactory development.

2. The first application for approval of reserved matters on any part of the site shall be submitted to the Local Planning Authority before the expiration of 3 years from the date of this permission and application for all reserved matters in respect of the site shall be submitted within 7 years of the date of this permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions

3. Any part of the development for which reserved matters have been approved shall be begun either before the expiration of 3 years from the date of this permission or before the expiration of 2 years from the date of approval of the first of the reserved matters to be approved, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions

4. Prior to the first submission of any reserved matters application, a phasing programme shall be submitted to and approved in writing by the Local Planning Authority. The phasing programme shall include:

- Phasing of the dwelling construction and predicted occupation;
- Timing of off-site highway works and all access points;
- Landscaping, Public Open Space (including NEAP's, LEAP's ) and Green corridors;
- Sustainable Urban Drainage Systems (SUDS);
- Local Centre (including recycling facilities)

The development shall not be carried out other than in accordance with the approved phasing programme, save that the phasing programme may be varied from time to time in accordance with revisions submitted to and approval in writing by the Local Planning Authority

REASON: In the interests of achieving a well-designed and laid out development which provides adequate access and public space phased in such a way to be commensurate with the delivery of housing, in accordance with the Core principles and parts 6, 7 and 8 of the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy.

5. The development shall not be carried out other than in accordance with the approved plans, namely those to be submitted as part of the design code and reserved matters.

REASON: To secure a satisfactory development in accordance with Policies 3, 4, 8 and 38 of the North Northamptonshire Joint Core Strategy.

6. Each reserved matters application shall accord with the approved Design Code and shall be accompanied by a written statement of conformity to the Design Code which demonstrates how this is the case.

REASON: To ensure a high quality design in accordance with the Core principles and parts 6, 7 and 8 of the NPPF and Policies 8 and 38 of the North Northamptonshire Joint Core Strategy

7. With each Reserved Matters Application there shall be submitted to and approved in writing by the Local Planning Authority an updated Transport Assessment which shall take into account highway safety and efficiency, highway capacity, and all identified environmental and residential impacts, together with full details of proposed measures and methods of impact mitigation. The development shall thereafter be carried out in accordance with the approved details and measures.

REASON: In the interests of road safety, efficiency, sustainability and amenity in accordance with Core Principles and part 7 of the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy.

8. No development shall take place within a phase (as defined by the phasing programme required by condition 4) until details of the existing and proposed site levels and finished floor levels for all buildings within that phase 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 interest of visual appearance of the development, residential amenity and to ensure a high quality design in accordance with Core Principles and parts 7 and 8 of the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy.

9. No development shall take place within a phase (as defined by the phasing programme required by condition 4) until samples of the materials to be used (as indicated in the approved Design Code), in the construction of the external surfaces of all the buildings (which include but are not limited to walls, roof, windows and guttering) within the phase to which they relate have been submitted to and approved in writing by the Local Planning Authority. The development shall not take place other than in accordance with the approved details and approved Design Code.

REASON: In the interests of the visual appearance of the development in accordance with Core Principles and parts 7 and 8 of the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy.

10. No dwelling shall be occupied until its designated car parking spaces and covered cycle store(s) have been provided and constructed ready for use in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The cycle stores shall thereafter be retained for the storage of cycles only.

REASON: In the interests of the transport requirements of the development in accordance with Core Principles and part 4 of the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy.

11. Within 6 months of occupation of the final dwelling within a development phase, evidence of how the residential elements of the development hereby approved shall achieve a maximum water use of no more than 110 litres per person per day in accordance with the optional standard 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition);

shall be submitted and approved in writing by the Local Planning Authority.

REASON: In the interests to provide a sustainable form of development in accordance with Section 10 of the NPPF and Policy 8 and 9 of the North Northamptonshire Joint Core Strategy.

12. Non-residential buildings shall achieve a minimum of Building Research Establishment Environment Assessment Method (BREEAM) level "very good" (or the equivalent standard which replaces BREEAM and is to be the assessment in force at the time when the non-residential unit or units concerned are registered for assessment purposes). In the event that the BREEAM standard achieved for the actual building falls short of the "very good" standard (or the equivalent standard which replaces BREEAM and is to be the assessment in force at the time when the non-residential unit or units concerned are registered for assessment purposes) achieved at design stage, a programme of remediation works shall be agreed in writing by the Local Planning Authority and carried out in accordance with a timetable to be agreed.

REASON: In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with Core Principles and parts 7 and 10 of the NPPF and Policy 14 (a) (ii) of the North Northamptonshire Joint Core Strategy.

13. Reserved matters applications for non-residential buildings shall be accompanied by a Sustainability Report that demonstrates how environmental sustainability issues have been addressed during the design process and sets out the way in which the credits under the relevant BREEAM Rating (or the equivalent standards which replace BREEAM and is to be the assessment in force at the time when the non-residential units concerned are registered for assessment purposes) will be achieved based on the actual design of the non-residential or residential units.

REASON: In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with Core Principles and parts 7 and 10 of the NPPF and Policy 9 of the North Northamptonshire Joint Core Strategy.

14. No development shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment (prepared by BWB, 24th July 2014, ref. BMH004/FRA/REV E) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The details of the scheme shall include:

a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins.

b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers hydraulic curves for all hydrobrakes and any other flow control devices

REASON: To prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

15. No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system, along with the timescales for the management of the system, proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

REASON: In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system site in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy

16. No development other than that required to be carried out as part of an approved scheme of remediation shall take place unless and until points A to E below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected

contamination to the extent specified by the Local Planning Authority in writing until point D has been complied with in relation to that contamination.

#### A. Site Characterisation

A (i) An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

A (ii) a survey of the extent, scale and nature of contamination;

A (iii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- ground waters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

A (iv) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in

accordance with the requirements of point A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with point C.

#### E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed in advance, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 the Core principles and part 11 of the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy

17. Before development commences an acoustic assessment together with a scheme to mitigate the impact of noise shall be submitted to the planning authority for approval. The scheme shall include proposals for ensuring that the guideline levels set out in British Standard 8233:2014 for residential accommodation are complied with, in addition to the World Health Organisation guideline for amenity spaces. Upon completion of all works a report shall be submitted to the local planning authority to verify the schemes effectiveness. The scheme approved by local planning authority shall be fully implemented in accordance with the approved details before the use, the subject of this consent, commences. The scheme and any required works shall thereafter be maintained in accordance with the approved details and no alterations shall be undertaken without the prior written approval of the local planning authority. An informative shall be placed on the property deeds outlining what the mitigation measures are and advising that no alterations are permitted without approval

REASON: In the interests of residential amenity in accordance with the NPPF and Policy 8 of the North Northamptonshire Joint Core strategy.

18. No external plant shall be installed until a noise mitigation scheme has been submitted to and approved by the Local Planning Authority. The scheme shall ensure that the background noise level at the boundary of the site or the nearest noise sensitive dwelling does not increase. For the avoidance of doubt calculated noise levels at the measurement point should be at least 3 dB below the existing level of background noise

REASON: In the interests of residential amenity in accordance with the NPPF and Policy 8 of the North Northamptonshire Joint Core strategy.

19. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority.

The approved plan shall be adhered to throughout the construction/demolition period unless otherwise agreed in writing by the Local Planning Authority.

The plan shall include the following:

- The proposed work schedule to include the working methods and plant to be used, which identifies key activities/site areas that may give rise to noise, dust or vibration impact on neighbouring properties
- Proposed working methods to reduce the impact of noise, dust and vibration on sensitive properties
- Arrangements for site inspections to ensure that approved working methods and controls are in place and the recording of such inspections
- Responsibilities and management control for key staff including contact details
- Emergency plans in the event of changing circumstances
- Communication with residents and other stakeholders who may be affected by the works

As a minimum it is expected that the CMP will include:

- the parking and turning of vehicles of site operatives and visitors;
- vehicle delivery routes;
- loading and unloading of plant and materials;
- storage of plant and materials;
- the erection and maintenance of fencing and security hoarding including decorative displays and facilities for public viewing, where appropriate;
- details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- wheel washing facilities;
- measures to control the emission of dust and dirt;
- a scheme for waste minimisation and recycling/disposing of waste
- design of construction access
- hours of work including staff access, deliveries and plant maintenance
- measures to control overspill of light from security lighting
- site inspections to audit compliance with the agreed methods/control measures in place
- recording of and response to weather conditions that may affect the generation and control of dust

REASON: In the interests of residential amenity in accordance with the NPPF and Policy 8 of the North Northamptonshire Joint Core strategy.

20. Prior to commencement of development on any phase (as defined by the phasing programme required by condition 4) arrangements for the ongoing management and maintenance (for 10 years from the completion of the approved landscaping scheme) of the public realm, landscape planting and areas of open space within that development parcel, street furniture and any unadopted roads shall 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: To ensure a continued high development in accordance with Core Principles and parts 7 and 8 of the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy.

21. No works shall take place on site including any tree felling, tree pruning demolition works, soil moving, temporary access construction/widening, or any operations involving the use of motorised vehicles or construction machinery shall take place on site unless and until a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the local planning authority. The development and all other operations shall not take place other than in accordance with the approved Method Statement. The Method Statement shall include details of the following:

- a) Tree protection measures, their implementation, supervision and monitoring
- b) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved tree protection measures outlined in i) above
- c) Timing and phasing of Arboricultural works in relation to the approved development.

REASON: To ensure the continued well-being of the trees in the interests of the visual appearance of the locality and the preservation of biodiversity in accordance with Core Principles and parts 7 and 11 of the NPPF and Policies 4 and 8 of the North Northamptonshire Joint Core Strategy.

22. Any existing hedgerows which are which are identified for retention shall be retained in perpetuity and shall not be cut down, grubbed out or otherwise removed, or topped or lopped so that the height of the hedge falls below 2 metres at any point, without the written consent of the Local Planning Authority. Any hedges removed without such consent or which die or become severely damaged shall be replaced with hedging plants of such size and species as approved in writing by the local planning authority.

REASON: To ensure the continued well being of hedgerows in the interests of the visual appearance of the locality and the preservation of biodiversity in accordance with Core Principles and parts 7 and 11 of the NPPF 4 and 8 of the North Northamptonshire Joint Core Strategy.

23. No works shall take place on site unless and until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority, the implementation of which should be overseen by a suitably experienced ecological clerk of works. The Ecological Management Plan shall be in accordance with the Environmental Statement (received August 2014) and the updated Species Surveys. The development shall not be carried out other than in accordance with the approved Ecological Management Plan.

REASON: To secure a net gain in biodiversity and enhancements to the Green Infrastructure network in accordance with Core Principles and part 11 of the NPPF and Policy 4 of the North Northamptonshire Core Joint Strategy

24. With each submitted Reserved Matters Application an updated species survey and mitigation proposal for all species surveyed in the Environmental Statement (received August 2014) shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved mitigation.

REASON: To secure a net gain in biodiversity and enhancements to biodiversity in accordance with Core Principles and part 11 of the NPPF and Policy 4 of the North Northamptonshire Core Joint Strategy.



25. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until August inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority.

REASON: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and Policy 4 of the North Northamptonshire Joint Core Strategy.

26. Prior to the submission of the first reserved matters application a geophysical survey and method statement for further trial trenching to assess the archaeological importance of the site shall be submitted to and approved in writing by the Local Planning Authority. The geophysical survey and trenching shall then be carried out in accordance with the approved details.

REASON: To safeguard any archaeological significance of the application site in accordance with the NPPF and Policy 2 of the North Northamptonshire Joint Core Strategy.

27. No development shall take place until a scheme and timetable detailing the provision of fire hydrants and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

REASON: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

## **Officers Report**

This application is reported for Committee as it requires an agreement under s.106.

### **3.0 Information**

This 2007 planning application for 700 dwellings, plus (as amended) 2.88 ha (gross) of employment uses (B1/B2) a local centre, open space, and extension to School playing fields, roads and other infrastructure relates to a strategic allocation in the recently (July 2016) Adopted Joint Core Strategy, (JCS).

Since the end of the last recession, work has been progressing to bring forward this important site. More recently some key aspects of this outline planning application have resulted in tangible outcomes including the production of a proposed Design Code; a strategy for delivery of the infrastructure including the main spine road, and the heads of terms for the S106 Obligation.

The site promoters, Persimmons, have recently said that this site fits well with their plans to deliver housing in the next few years. Their delivery of housing is anticipated in the Council's 5 year Housing Land supply and as a part of this delivery schedules are expected to be shared in due course (and covered as part of the proposed S106 Obligations see the relevant section of this report).

#### **Relevant Planning History**

The provision of a SUE in Rothwell was first identified in Policy SDA1 of the now obsolete Northamptonshire County Structure Plan (March 2001). The policy gave some broad parameters for four SDA's across the county, leaving the precise location, layout and form of development to be established in local plans.

A number of draft Local Plan Documents were prepared, but never proceeded to adoption including:

- Kettering Local Plan Review (2001 – 2004) which was not proceeded with as a result of the introduction of the Planning and Compulsory Purchase Act; and was subsequently taken forward through joint working in the adoption of the North Northamptonshire Core Spatial Strategy (2008);
- Rothwell and Desborough Urban Extension Area Action Plan (2006 – 2010); which was intended to set out the vision and detailed policies for Rothwell and Desborough SUEs including the identification of housing, employment, recreation and other land uses. The AAP's submission was delayed pending progress with the Kettering Town Centre AAP, which was adopted in July 2011. The Council had also received outline planning applications for both favored sites at Rothwell (the application currently before members) and Desborough (the development known as 'The Grange'. As both applications largely reflected the detail set out in the AAP any further work on the document was placed on hold pending determination of the applications.

The superseded North Northamptonshire Core Spatial Strategy continued to identify Rothwell as a location for 'smaller' SUE's, with Policy 16: Sustainable Urban Extensions detailing a range of requirements to be met by the SUE.

During the period since the original submission a number of changes to the extent and nature of the application have been made. The main ones being:

- Exclusion of the field to the east. This appeared to be a commercial decision by the applicants however, anticipating the possibility of future proposals on this site to the east, a means of access will be secured to the site boundary.
- The amount of proposed employment land (Classes B1 and B2) has been reduced from 11ha to 2.88ha (gross). The reasons for this change which occurred in 2014 and was a response to market conditions and the need for less employment land in the district.

### **Site Description**

The application site (as amended) is an area of 33.7 hectares to the north of Rothwell comprising of agricultural land with no buildings or structures within the application site. The application site extends from the A6 to the west and slightly beyond the B576 to the east which dissects the application site.

Adjacent to the north of the application site is Rothwell Gullet Nature Reserve which comprises of woodland and un-kept grassland, beyond which there is open countryside. To the south of the application site is the built up area of Rothwell, comprising of residential development, and Montsaye Academy. Where the B572 intersects the application site to the south there is also an existing medical centre. To the east and west of the application site is open countryside.

As stated elsewhere in this report the application site is fairly level or mainly gentle change in levels. The northern part of the application site is the highest point where it then slopes gently to the south towards Rothwell town. Beyond the north of the application site, the land drops significantly to the brook before rising again as you approach Desborough town.

It should be noted that the proposed application site has been significantly reduced in scale from its original submission in 2007 which originally comprised of 53.4 ha. As a result of the reduction in the scheme there has been a decrease in the amount of employment land provided and the primary school drop-off point has been deleted.

### **Proposed Development**

The proposal is for outline development comprising of 700 dwellings, 2.88 hectares (gross) of employment land (Classes B1 and B2), a local centre (Classes A1 – A5, B1a, C3 and D1), open space and green infrastructure and an extension to the Montsaye Academy's playing fields. The proposed development also includes pedestrian and cycle routes facilitating access into the surrounding area, together with associated roads and other infrastructure, including sustainable drainage measures.

Detailed proposals of the vehicular access junctions into the site from the A6 and B576 have been submitted as part of the application; all other matters are to be reserved for later approval.

An Illustrative Masterplan has been submitted which also links to the submitted Design Code which is to be considered for approval at this stage.

## **Delivery of the SUE**

There is a very positive message arising from the scheme promoters, Persimmon Homes Midlands. They have confirmed:

“Persimmon Homes Midlands has an ambitious development programme for 2017 onwards which necessitates some large sites coming forward if the rate of construction required to meet these housing targets is to be achieved. Of the sites in the pipeline, Rothwell North is the most advanced and will enable the greatest contribution to be made, particularly as the company does not have any development sites in the immediate area. Persimmon Homes is therefore in a position to be able to commit to commencing construction on site as soon as the requisite permissions have been issued.”

The housing delivery envisaged is compatible with the Borough’s 5 year supply of deliverable sites.

Their projection is as follows:

Affordable housing units located close to the junction with Desborough Road and the proposed local centre would be constructed as part of the first phase. On this basis it is considered that there could be 50 dwelling completions in 2018/19 (25 x market houses and 25 x affordable homes)

Development would then proceed at the rate of 100 dwellings per annum for the remainder of the construction programme:

2019/20	100	150
2020/21	100	250
2021/22	100	350* within this period the SLR would be completed.
2022/23	100	450
2023/24	100	550
2024/25	100	650
2025/26	50	700

## **Strategic Link Road**

The applicants have also confirmed willingness for a delivery programme that indicates the completion of the strategic link road by 2021/22, which is to be funded as part of the development cost (and tied to the S106 obligation). This assumes the grant of outline planning permission following the completion of s106 which is achievable in the near future were this outline application to be approved. This timetable has obvious important benefits for scheme as well as the area as a whole.

## **Any Constraints Affecting the Site**

Public right of way adjacent to the eastern boundary  
Nature Reserve adjacent to the northern boundary

#### **4.0 Consultation and Customer Impact**

**Rothwell Town Council:** The SLR between A6 bypass and B576 must be built first and construction traffic is required to access the site from the A6 and avoid the town centre. Employment land must be adjacent to the A6 for small business units not large warehouses. The land transfer to Monsaye Academy should be large enough to accommodate the relocation of Rothwell Junior School. Cycle provision should be made from the application site to the town centre and especially Well Lane Recreation Ground and Manor Park. With respect to S106 monies, some should be spent on traffic improvements in Rothwell such as the change of priorities at the High Street/ Fox Street junction. The S106 should also make provision for Corinthians Football Club to have adequate highways access and off-street parking.

**Desborough Town Council:** No objection, however concerns have been raised in relation to the roundabout at the junction of Greening Road and the B576 which the Town Council feel should be upgraded. The proposed junction of the SLR and B576 needs careful consideration due to stopping distances for vehicles especially in icy winter conditions. There are still concerns relating to views from Desborough and the height of buildings and screening. The Utilities Statement states that the foul water will not be available until 2015 which raises some concerns and the Health Statement does not provide for improvements for walking and cycling to the Ise Valley and no provision for dentists in the area.

*Officer comment: The concerns raised relate to highways and safety as well as visual concerns which are discussed in more detail later in this report.*

**KBC Environmental Health:** No objections subject to a condition for a phased contaminated land survey and a condition for an acoustic assessment to be submitted. There is also a requirement to submit a condition for a Construction Management Plan.

**KBC Housing Strategy:** No objections subject to the provision of 20% affordable housing and the proposed mix and tenure that has been put forward by the applicant.

**North Northants Joint Planning Unit:** No objections, however some concerns have been raised in relation to a car dominated frontage if too many terrace properties are allowed in CA4 (north of the site adjacent to Rothwell Gullet). Large car parking areas noted in the Design Code should be broken up with landscape strip planting. Bin stores should be provided to the front of properties and not to alley ways to the rear and some concerns with the use of weatherboarding as this is not considered to be drawn from the local context.

**NCC Highways:** No objection subject to some suggested changes to the wording of the Design Code. Concerns have been raised in relation to the Transport Assessment (TA) which was originally submitted in May 2007 and updated in 2014, and therefore it is felt that the TA is out of date and will need updating. With respect to the S106, it should include the provision for the A6 roundabout and link road to the B576; a shared cycleway linking Rothwell and Desborough; contributions to the highway improvement of Rothwell Town Centre; public transport provision and highways infrastructure improvements to Kettering to the sum of £414,695. A connection to adjacent public rights of ways is needed as well as triggers for the provision of the link road etc.

*Officer comment: NCC Highways have agreed that an updated TA can be submitted as part of the first reserved matters application which is discussed in further detail below. The contribution towards Highways Improvements to Kettering Town Centre is not considered to meet the Community Infrastructure Levy Regulations 2010 tests and therefore has been discounted from the S106. This is discussed in more detail below.*

**NCC Archaeology:** No objections subject to updates to the trenching and geophysical surveys.

**NCC Education:** No objection subject to the provision of Primary and Secondary School Contributions as well as contributions towards libraries as a result from the proposed development. Primary School contributions are dependent on the final mix of dwelling sizes and contributions towards education and libraries are discussed in greater detail below.

**Fire and Rescue:** Due to the increased risk on fire and rescue services a total of £64,400 is requested as well as 14 fire hydrants throughout the development site.

**English Heritage:** No objections, however the impact on nearby designated and non-designated heritage assets should be assessed. The Council should seek specialist conservation advice and be satisfied that the proposal does not adversely impact on designated heritage assets, especially the visual impacts of the development from designated heritage assets.

**Highways Agency:** No objection.

**Hertfordshire and South Midlands PCT:** The development has been calculated to give rise to 1 GP and an extra 167.16sqm of space. With the build out and fit of the additional space and GP this equates to a total required contribution of £434,616.

*Officer comment: Concerns are raised in relation to the PCTs requirement and whether this meets the Community Infrastructure Levy Regulations 2010 test. This is discussed in greater detail below.*

**Northants Police:** No objections, however concerns have been raised with respect to the applicant not building the site to achieve Secured by Design Accreditation. Walkways and cycleways need active surveillance to ensure anti-social behaviour does not become an issue. Concerns regarding courtyard parking has been raised where parking should be to the front of properties and not the rear; front boundary treatments must provide gates throughout; doors, windows and garages must comply with PAS24 or LPS1175 sr2 standards with ground floor windows laminated to p1a standard. Public open space should have measures to limit any unauthorised parking with boundary treatments to limit graffiti. Street furniture should also be placed where it won't be used as a climbing aide. A lighting scheme should be used to take to consideration of adopted and un-adopted streets and employment/ community centres should be designed to reduce the risk of anti-social behaviour.

*Officer comment: The concerns raised by Northamptonshire Police can be addressed at Reserved Matters Stage, with the proviso that principles of the mandatory elements of the design Code will be compatible with these considerations.*

**Natural England:** No objections raised as the proposal is unlikely to affect statutory protected sites or landscapes. Natural England has not assessed the application in relation to protected species and therefore the proposal should accord to the Standing Advice on protected species.

**Northants Badger Group:** Recommend conditions relating to: Landscaping scheme which should include appropriate planting of the landscape strip in the northern part of the site (e.g. badger friendly foraging); pre commencement badger survey and approval of a code of practice during the construction process to avoid harm to badgers.

**Wildlife Trust:** An objection has been raised in relation to bat surveys that have been produced, specifically in respect of the timings of the surveys and the way the surveys had been conducted. Details in relation to the 'Northern Green Corridor' also need to be submitted and assessed especially in relation to planting species as new vegetation will take 10-20 years to become established.

*Officer comment: This has been raised by KBC and discussed with the applicant who has produced a statement rebutting objections received which they feel has been done in accordance with all guidance and legislation. The applicant considers a condition for an Environmental Management Plan can overcome objections raised which is discussed in greater detail below.*

**Sport England:** Objections have been raised as there is no guarantee that the land transferred to Montsaye Academy will be used for public playing fields. Sport England also consider that the site will arise in a demand for sporting facilities and have requested contributions towards pools, halls, indoor bowls and artificial pitches.

*Officer comment: Concerns raised in regards of the land transfer are not considered to be objections and have been dealt with in greater detail below.*

**Neighbour comments:**

12 letters (two from the same address) were received in response to consultation on the original application in 2007.

Of these 12 letters 6 were received from addresses which, (again two from the same address) as a result of the reduction in the size of the application site no longer border the development. The letters are summarized below:

- Increase population by a third, change Rothwell detrimentally/not part of the community/significant impact on surrounding area
- Encroaches on crest of hill
- Loss of green spaces, hedgerows, trees, general effect on wildlife
- Water drainage not properly understood
- Lack of information on traffic impact,
- Traffic/pedestrian movements impact
- Impact on bungalows in Barlows Close
- Not agree with location of employment land
- Flooding concerns
- Access to Rothwell Corinthians Club needs to be assured

Comments on elements no longer within the application (included for the sake of completeness)

- Drop off points for children would be inadequate
- Not possible to judge height of buildings (application is in outline)
- Concern about the impact of development behind 54 Desborough Rd, especially the drop off point
- Problems with children throwing balls into garden

In response to consultation in 2014 two letters were received, these objected to the application on the following grounds: -

- Ecological Impact Assessment is inaccurate, the impact on ecology must be assessed before permission is granted;
- The application should make provision for car parking for Rothwell Corinthians Football Club

Three additional letters have been received, but these were not in response to a specific consultation carried out as part of the application process. For the sake of completeness the letters are summarized below: -

- Health and schools and transport infrastructure cannot cope with the additional people who will live in 700 dwellings

## **5.0 Planning Policy**

### **National Policies**

National Planning Policy Framework (NPPF) is a material planning consideration in the determination of planning applications. At the heart of the NPPF is the presumption in favour of sustainable development; which should be seen as a golden thread running through decision taking. This means that proposals that accord with Development Plan policies should be approved without delay.

Of particular reference to this application are the following parts of the NPPF : -

Core planning principles;

Part 4: Promoting sustainable transport;

Part 6: Delivering a wide choice of high quality homes;

Part 7: Requiring good design;

Part 8: Promoting healthy communities;

Part 10: Meeting the challenge of climate change, flooding and coastal change;

Part 11: Conserving and enhancing the natural environment; and

Part 12: Conserving and enhancing the historic environment.

### **Development Plan Policies**

North Northamptonshire Joint Core Spatial Strategy (JCS)

Policy 1: Presumption in favour of Sustainable Development

Policy 2: Historic Environment

Policy 4: Biodiversity and Geodiversity

Policy 5: Water Environment, Resources and Flood Management

Policy 7: Community Services and Facilities



Policy 8: North Northamptonshire Place Shaping Principles  
Policy 9: Sustainable Buildings  
Policy 10: Provision of Infrastructure  
Policy 22: Delivering Economic Prosperity  
Policy 28: Housing Requirements  
Policy 30: Housing Mix and Tenure  
Policy 38: Rothwell North

Saved Local Plan Policies

Policy 35: Housing within towns  
R2.Rothwell: Environmental Improvement

Supplementary Planning Documents

Open Space SPD  
Sustainable Design SPD  
Biodiversity SPD

## **6.0 Financial/Resource Implications**

There have been discussions with the applicant in relation to the provision of a S106 which the applicant has agreed. Whilst the final wording of the S106 Agreement is still to be agreed. The Heads of Terms are clearly identified below and have been assessed in conjunction with financial viability. The applicant has agreed to provide 20% affordable housing within the application site; the link road, a roundabout onto the A6 and signalised junction with the B576, off-site highways contributions; open space; contribution towards education, Fire and Rescue, Library, LEAPs, NEAPs, etc. and a land transfer to provide parking for Corinthians Football Club.

The S106 will be discussed in greater detail below.

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

- Principle of development:
- Impact on the character and appearance of the area
- Design code
- Residential amenity
- Highways and access
- Sustainable design
- Crime
- Flood risk and sewerage provision
- Impact on heritage assets
- Archaeology
- Landscape Visual Assessment
- Ecology
- Contamination
- S106 Agreement/ Financial Contributions

### Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. As detailed above, the Development Plan consists of the Saved Policies of the Local Plan and the recently adopted North Northamptonshire Joint Core Strategy, with the National Planning Policy Framework (NPPF) as a significant material consideration in planning applications. Other material considerations include the Planning Practice Guidance, Supplementary Planning Documents and Guidance, and supporting reports and strategies.

As identified above, the 2016 Adopted JCS provides the policy justification for this proposed sustainable urban extension (SUE). The relevant policies taken together have been applied to this outline application and in both a national and local context this can be described as sustainable development. The issue of supply of deliverable housing sites has been satisfactorily evidenced through the Adopted Plan. There is every reason to see the housing proposals being delivered which not only will satisfactorily contribute to the next 5 years but fulfil a long held vision for the site.

The primary focus for growth is in the Growth Towns with some growth in the Market Towns which are appropriate to the character and infrastructure of the town. The application site is allocated for a mixed use sustainable urban extension in the JCS. The JCS in Policy 29 (Distribution of new homes seeks the delivery housing target of 1,190 for Rothwell. This growth to Rothwell is to be delivered by Policy 38 of the JCS which identified the application site for a sustainable urban extension to the north of Rothwell and aims to deliver 700 dwellings together with employment land, shops and other community facilities.

The background work for the JCS also will have the benefit of the significant levels of consultation and responses that fed into the earlier work on the AAP identified earlier. The site was assessed as suitable within the Urban Extension Methodology background paper and other documents.

The outline proposal therefore accords with the provisions of the NPPF as it provides a sustainable urban extension which is in accordance with the JCS. The outline proposal does provide for 700 dwellings as well as 2.8ha of employment land. There is also a link road proposed from the A6 and B576 and an area of open land to the north of the application site adjacent to Rothwell Gullet which are all requirements of Policy 38 of the JCS.

In summary, the principle of what is proposed is acceptable.

### Impact on the character and appearance of the area

Paragraph 56 of the NPPF states:

*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*

Paragraph 59 of the NPPF states:

*Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.*

Paragraph 60 of the NPPF states:

*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*

In additional Policy 8 (d) of the JCS recognises the importance of integrating design in new development and states development should create a distinctive local character by:

- i) Responding to the sites immediate and wider context and local character to create new streets, spaces and buildings which draw on the best of that local character without stifling innovation*
- ii) Responding to the local topography and the overall form, character and landscape setting of the settlement; and*
- iii) The creative use of the public realm through the use of measures such as incidental play spaces, bespoke street furniture and memorable features.*

The nature of the site is relatively level with gentle changes in levels to what is agricultural land at the edge of Rothwell. Adjacent to the north of the site is the Rothwell Gullet an area of landscape, nature and wildlife interest and the site drops towards this landscape feature. The proposals at outline stage include an illustrative master plan and a Design code which recognise the relationship of any built form (including the infrastructure) with both the Gullet to the north as well as the existing town to the south, including the A6 and B576 to which primary connections will be made to the new development.

To the south east of the application site (to the south of the B576) is existing residential development, whilst the Montsaye Academy grounds neighbours the majority of the application site to the south. The agricultural fields that make up the application site are bounded by hedgerows whilst the mature trees generally form the boundary to the edges of the application site. Adjacent to the A6 carriageway there are bunds.

The proposed outline development, as envisaged, is to be planned to complement the town and surrounding area. Although the character and appearance of the area will change, the plan offers the prospect for good development that will connect with the existing town and will tie in well with existing built development such as the medical centre.

### Design Code

The Design Code that has been submitted as part of this planning application has gone through many reviews with Officers, design advisors on behalf of the applicants and Local Authority, Crime Prevention Design Advisors, the Highway Authority and landscape experts. It is important to note that the purpose of such a code is as a technical tool to

address strategic and common design themes.

The Design Code will give the applicant submitting Reserved Matters Applications (RMAs) the means to propose good design that will suit the best of Rothwell's character and design in the new streets, built form and connections to be proposed and otherwise enhance the area. The Design Code is therefore to be judged through the RMAs.

It is these RMAs that will be consulted upon allowing all interested parties to comment upon detailed aspects. The principles or mandatory elements of the Design code are evident in the Regulatory Plan and in the summaries to the different character areas highlighted below.

Elements of common application include matters that are always of particular interest such as bin storage and parking. These will be dealt with to ensure the size and location is sufficient for purpose. Other aspects such as garages useable for parking a vehicle will also be confirmed. A reference in the Design Code to garages not intended for parking is not to be endorsed and will be subject to discussion at Reserved Matters stage.

A proposal for some terracing of proposed dwellings to the northern part of the application site adjacent to Rothwell Gullet will be controlled.

The application site is divided up into a number of different character areas within the Design Code. A summary of the different character areas are below:

- North Street – the primary street running through the application site forming the 'Link Road' which comprises of a tree lined avenue which widens in strategic locations to form key spaces. The built development will be either side of the street and will be 2.5/ 3 storey in scale. The use of chimneys, low brick wall enclosures and a variation of building heights will be used. Materials such as stone, multi brick and red brick will be used in this character area.
- Principal Streets – this character area will mainly comprise of 2 storey dwellings with projecting gables which will add a variety to the street scene. The use of bay windows will be provided with the use of red brick and feature brick detailing, stone cills and chimneys. There will be direct access to dwellings from the carriageway.
- Village Streets – here the scale of residential development will be predominantly 2 storey in scale with the occasional 2.5 storey dwelling. There will be use of protruding gables in this area and soft landscaping to break up the hardstanding on the street. The use of brick banding will also be used which again is taken from the character of lower density development in Rothwell.
- Green Lanes – this character area denotes the edges of the development and its relationship with the wider countryside. Here dwellings will be predominately detached and 2 storey in scale fronting public open spaces. The arrangement of the dwellings will be more informal with generous front gardens to support the low density approach to this character area. Building materials will comprise of red multi-brick, red brick, sand/ white render, weatherboarding and stone.

- Desborough Road – this character area will be a transition between North Street and the Principal Streets and the settlement boundary of Rothwell. The buildings here will mainly be 2.5/ 3 storey in scale with landmark buildings at prominent locations. Dwellings will have bay windows and dormer windows to the roofscape to add variety. There is also no direct access to the dwellings from Desborough Road. Building materials will include red multi-brick and red brick as well as stone.
- Employment – the employment area will comprise of small office structures and starter units for smaller businesses. Attractive frontages should be provided to North Street with front doors onto the street for pedestrian access. Parking should be provided and there is provision for a landmark building with special design consideration. Building materials will comprise of brick, cladding and render especially to frontages.
- Local Centre – this will be located at the junction of North Street and Desborough Road and will have the potential for a 3 storey building that fronts North Street and Desborough Road.

The proposal which seeks to draw upon features in the local vernacular through the Design Code is envisaged to deliver a high quality outcome which is in-keeping with the character of Rothwell as a whole. The proposal is therefore considered to be in compliance with Policy 8 of the JCS and the NPPF especially paragraph 56, 59 and 60.

#### Residential amenity

Policy 8 (e) of the JCS seeks to ensure quality of life and healthier communities. Amongst other things this seeks to protect future occupiers and neighbouring properties from loss of light and loss of privacy and also harm from noise, smell and light.

The application site has been reduced since its original submission in 2007 as a result no part of the application site is adjacent to existing residential dwellings. The Indicative Masterplan shows there to be a sufficient separation distance between the proposed locations for the residential dwellings and existing residential dwellings forming the urban edge of Rothwell. As noted above the majority of the application site is adjacent to playing fields as part of Montsaye Academy.

Whilst the detailed design of residential development will be considered as part of the reserved matters applications, it is not considered that the proposed development will adversely impact on the residential amenity of nearby existing residents by way of overlooking. The residential amenity of future occupiers will be dealt with through the detailed design as part of the reserved matters applications.

Whilst disturbance during construction is an inevitable side effect of development, the proposal is accompanied by an acceptable Air Quality Assessment. Conditions are recommended which include a construction management plan and restrictions on working hours during construction and thereby safeguards residential amenity whilst the development is being built.

The A6 and to a lesser extent the B576 (Desborough Road), are both sources of noise that have the potential to adversely impact on future occupiers. As part of the 2014 Environmental Statement the impact of noise and vibration has been considered and no

objections have been raised by the Councils Environmental Protection Team. Given that a large part of the application site is adjacent to the A6 a condition for an updated noise assessment and mitigation should be submitted ahead of the reserved matters applications to ensure there are no adverse impacts to future residents, especially those adjacent to the A6. The proposed condition is on the advice of the Council's Environmental Protection officer.

#### Highways and access

Policy 8 (b) of the JCS states that new development should make safe and pleasant street by, amongst other ways, *ensuring a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards whilst also resisting developments that would prejudice highway safety.*

Access to the application site will be from a new roundabout junction from the A6 bypass and a signalised junction on the B576 (Desborough Road) which will be secured through the S106. Running through the site there is also a primary link road which links the A6 to the B57, which is planned by 2021/22. Within the Indicative Masterplan it shows side access roads adjacent to the main link road, therefore there will be no direct access for development off the primary link road ensuring a better flow of traffic through the development site. A revised Access and Linkages Report (August 2014) had also been submitted which provides for linkages (pedestrian and cycle). Given physical barriers of Montsaye Academy and Corinthians Football Club, linkages where possible, have been provided.

It has been considered that the development is EIA development due to the cumulative impact of development on the highway network. As such a full transport assessment as part of the Environmental Statement demonstrating that the highway network would not be adversely affected by the proposal, and providing details of any works required mitigating the development has been provided. An earlier Transport Assessment was also provided which was dated May 2007.

Consultation comments received from Highways England raise no objections to the scheme. Some concerns have been raised by NCC Highways which mainly relate to provisions within the Design Code and the reliance upon a Transport Assessment which is considered to be dated.

With respect to the comments made in relation to the Design Code it is considered that matters such as stagger distances, tree species, visibility splays, use of rumble strips, kerbing, etc. can be dealt with adequately at reserved matters stage without adversely affecting the proposed code. In respect of an updated Transport Assessment, it is considered that an update can be submitted with the reserved matters application to ensure that the most up to date transport figures can be assessed with proposed mitigation. This approach has been agreed with NCC Highways and the applicants.

NCC Highways have requested that the S106 should also provide for a shared cycle/footway linking Desborough and Rothwell as well as improvements to Rothwell Town Centre (in terms of traffic and highways), a public transport provision and highways infrastructure for improvements to Kettering in the sum of £414,695. Whilst these provisions are generally accepted, highways infrastructure improvements to Kettering to the terms of £414,695 is not considered appropriate as this development is not

considered to have a material impact on the highways infrastructure of Kettering Town and therefore fails the regulation 122 and 123 tests set out within Community Infrastructure Levy Regulations 2010.

It should also be noted that at the request of the LPA, the applicant has agreed to the transfer of land to Corinthians Football Club to provide for a designated parking area. Match day parking in the locality can cause congestion along Desborough Road and therefore the provision of a designated parking area will improve highway safety in the locality.

#### Sustainable design

Policy 9 of the JCS seeks to incorporate measures in all residential developments to limit water use to no more than 105 litres/ person/ day and external water use to more than 5 litres/ person/ day. Although information regarding water usage has not been provided as part of this outline application, a suitably worded condition can ensure that detailed reserved matters applications will incorporate these sustainability measures.

Policy 30 of the JCS also seeks new residential developments to be constructed to National Space Standards and meeting Category 2 of the National Accessibility Standards with a proportion meeting Category 3 of the National Accessibility Standards. The National Accessibility Standards was never formally adopted by the Government, however Category 2 and 3 equates to Part M4(2) and M4(3) of The Building Regulations respectively. The applicant has not submitted any information to suggest that the proposed development will not be built to current Building Regulations standards, however it is considered appropriate that a suitably worded condition is added to ensure detailed reserved matters applications are built to in accordance to Part M4(2) and M4(3).

On schemes of a comparable size, Northamptonshire County Council (NCC) – Minerals and Waste have required development to have regard to the 'Principles for development related waste minimisation'. Whilst a Waste Audit would ideally be required in these circumstances; a suitable condition can be applied to ensure approval of a Waste Audit and also effective implementation of that Audit. As such this is not considered to be a constraint to development.

In March 2015 a Written Ministerial Statement was issued which set out the conclusions to the government's Housing Standards Review. The Statement was timed to coincide with completion of the passage through Parliament of the Deregulation Bill 2015 which has received Royal Assent. As part of the Deregulation Bill, Code for Sustainable Homes (CSH) was abolished and unless existing developments had been registered as 'legacy cases', the LPA cannot apply CSH to housing developments. Residential schemes should therefore be built in accordance to Building Regulations.

At the time of submission of the original application in 2007, the submitted application did not make reference to construction of dwellings in accordance with a particular CSH level, and in accordance with the policies in place at that time. In 2007, the development would have had to comply with building regulations set out at that period. Building regulations have vastly improved since 2007 and this development would be currently in accordance to a CSH Level 3 plus. The basis of the proposal has been considered in relation to the most current Building regulations. Unlike other outline applications approved in recent years this proposal is not subject to the former Code for Sustainable

Homes.

For energy efficiency what is important to note is that the proposed development will be a vast improvement from building regulations that could have been applied if the development was granted approval in 2007/ 2008 and registered under the Building Regulations at that time.

#### Design out opportunities for crime

Policy 8 (d) of the JCS, amongst other things, seeks development to *design out crime and reduce the fear of crime...having regard to the principles of 'Secured by Design'*. This JCS approach is consistent with the NPPF where in paragraph 58 it aims to *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion*.

Whilst concerns have been raised by Northamptonshire Police Crime Protection Design Advisor (CPDA), it is considered that the concerns mainly relate to design considerations which can easily be addressed through the details submitted in any Reserved Matters Application. As there is a policy requirement to have regard to the principles of 'Secured by Design', it is considered that a condition requesting how each reserved matters application complies with Secured by Design should be added to any grant of approval.

#### Flood risk and sewerage provision

Whilst the proposal is not located within a flood sensitive area; by virtue of its size (over 1ha) the proposal, in accordance with Chapter 10 of the NPPF, should demonstrate that the proposal would not result in an increased chance of flooding on site or elsewhere. Policy 5 of the JCS, amongst other things, also seeks development to reduce flood risk and contribute toward flood risk management.

Drainage and flood risk is covered in the 2014 Environmental Assessment where the development proposal seeks to introduce attenuation basins and swales.

Consultation comments from the Lead Local Flood Authority (LLFA) does not raise any objections subject to conditions for a detailed water drainage and maintenance scheme to be submitted and approved by the LLFA.

The foul discharge from the proposed development will be to the public foul drainage system via a set of foul water pumping stations. Consultation with Anglian Water has taken place, however comments have not been received in relation to the consultation that has taken place in 2014 and therefore it is assumed that Anglian Water raise no objections.

#### Ecology

The Local Planning Authority has a duty under the Conservation of Habitats and Species Regulations 2010, the EU Habitats Directive and the Natural Environment and Rural Communities Act 2006 to take into account protected species when determining planning applications. Policy 4 of the JCS states that planning permission will not normally be granted for proposals that adversely affect a sites conservation value.



Paragraph 99 of Circular 06/05 states that *“it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”*

Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that *“every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity”*.

The ecological impacts of the proposal have been covered in the Environmental Statement in 2014 where the applicant has assessed the impacts on badgers, bats, great crested newts and breeding birds. Whilst some surveys may be close to expiration, the application site has not changed in character for at least 10 years and therefore the survey results can be assumed to be relatively reliable.

Evidence of nesting birds was found and it will be necessary to impose a condition relating to the timing of clearance works to avoid bird nesting season.

Strict statutory provisions apply where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation of Habitats and Species Regulations 2010. When determining a planning application that affects an EPS, local planning authorities must have regard to the requirements of the EC Habitats Directive which states that *“a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”*.

Under Regulation 41 of the Conservation Regulations 2010 it is a criminal offence to cause harm to an EPS and/or their habitats which includes damage or destruction of a breeding site or resting place. However, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:

- 1) Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature?
- 2) Is there any satisfactory alternative?
- 3) Is there adequate compensation being provided to maintain the favourable conservation status of the species?

In order for the local planning authority to discharge its legal duty under Reg 9(5) of the Conservation Regulations 2010 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing to authority has to consider itself the 3 derogation tests above.

In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether

Natural England will grant the licence then the Council may grant planning permission

Objections have been raised from the Local Wildlife Trust who have concerns in relation to the age, timings and conclusion of surveys undertaken, especially bat surveys and badger surveys. The Local Wildlife Trust therefore does not consider that the impacts on protected species and their habitats such as bats have been taken into account. A rebuttal statement from the applicants' ecological advisors (URS later to be known as AECOM) had been submitted to the Local Wildlife Trust, however KBC are still waiting for a response.

The applicant commissioned AECOM to produce an update to the existing badger survey which was conducted February 2017. The survey found evidence of a sett at the periphery of the application site which are not used continuously by badgers from a clan; can be left unused for periods of time and are not essential for the clan. The sett is sufficiently distant from any proposed works to be unaffected, however should circumstances change; there may be a requirement to close the sett under licence from Natural England. Should this be the case, based on the type and status of the sett, no measures other than closure would be required.

In any event taking into account the derogation tests above, the Rothwell North SUE is of over-riding public interest in delivering private and affordable housing, improvements to a school and a strategic link road from the A6 to B576. The site has also been noted as a deliverable site in the JCS which means alternative sites would have been sequentially assessed before its consideration in the JCS and furthermore the submitted Ecological Reports within the Environmental Statement conclude there is negligible harm to protected species and their habitats. Furthermore the application mainly comprises of intensive agricultural land and therefore the ecological value of the land is limited.

The Local Wildlife Trust has also raised concerns in regards to the Green Infrastructure Provision within the application. From discussions with the Local Wildlife Trust and the applicant, the Wildlife Trust were asking for a larger buffer to the north of the site adjacent to Rothwell Gullet. The Indicative Masterplan set out in the Design Code shows a buffer of approximately 50m, whilst the Local Wildlife Trust wants a buffer closer to 100m. There has been no convincing evidence provided by the Local Wildlife Trust to demonstrate the benefits that a larger buffer zone would have on the adjacent Rothwell Gullet. Sufficient information has been provided that assesses the ecological impacts of the site as a whole which has concluded that there will be no negative ecological impacts. Furthermore the social and economic benefits that the proposed development will deliver, outweighs the limited ecological impacts.

It is considered appropriate to add a condition to any grant of permission requiring the applicant to provide an update to the ecological assessment include mitigation measures proposed with each submitted reserved matters application. This way the Local Planning Authority always has the most up-to date information relating to ecology on the application site to ensure there are no adverse impacts on protected species and their habitats.

Having considered the 3 derogation tests above it is concluded that Natural England would be likely/or it would be uncertain to grant a licence and on that basis the application is recommended for approval.

### Impact on heritage assets

Policy 2 of the JCS discusses the importance of protecting designated heritage assets and states:

*Proposals should conserve and, where possible, enhance the heritage significance and setting of an asset or group of heritage assets in a manner commensurate to its significance ... Proposals should protect and, where possible, enhance key views and vistas of heritage assets... Proposals should demonstrate an appreciation and understanding of the impacts of development on heritage assets and their setting in order to minimise harm to these asset and their setting.*

Paragraph 134 of the NPPF states:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

Whilst there have been no objections made by English Heritage on the impact of the proposed development on known designated heritage assets, some concerns have been raised in relation to the assessments made of the proposed development on known heritage assets such as Rothwell Conservation Area, Triangular Lodge and Rushton Hall. English Heritage have stated in relation to photographs contained in the submitted visual assessment, that the Council '*must be convinced that the locations from which the photographs have been taken offer the most representative viewpoints in respect of demonstrating the likely impact of the proposal*'.

In response to comments from English Heritage, the applicant had submitted a further review of the proposal and its impact on Rushton Hall and Triangular Lodge. Photographs taken from upper floor windows looking towards the application site from Rushton Hall and Triangular Lodge show there is dense vegetation at the boundaries of the Rushton Hall and Triangular Lodge which would limit any visual impact of the proposed development on these designated heritage assets. Any views from Rushton Hall and Triangular Lodge of housing development within the application site will be negligible. The public benefits of the proposal providing housing, social housing and a much needed strategic link road between the A6 and B576 outweigh the less than substantial harm that may be caused to these designated heritage assets.

Regarding the Rothwell Conservation Area, given the topography of the land the majority of the development will not be seen from the centre of Rothwell Conservation Area. However some restricted views of the development may be seen from the edge of the conservation area but these are judged to have no great detrimental impact. The substantial public benefits provided by this development outweigh any less than substantial harm caused to Rothwell Conservation Area. Furthermore there is a provision in the S106 for funding environmental improvements in Rothwell town centre.

The impacts of the proposal on other known designated heritage assets within Rothwell, such as Church of the Holy Trinity, Market House, Jesus Hospital and the United Reformed Church have been assessed through the submitted Environmental Statement and the Council is satisfied that the proposed housing development will not cause substantial harm to these heritage assets.

### Archaeology

Paragraph 128 of the NPPF states:

*Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*

The above is reinforced by Policy 2 of the JCS where development proposal should conserve the heritage significance.

The application site has the potential to contain archaeological remains and the submitted ES aims to identify archaeological potential of the site. The ES and Planning Statement of 2007 and its further amendment in 2014 unfortunately did not provide adequate information to fully assess the archaeological presence within the application site. Comments from NCC Archaeology have however suggested that further trenching and a geophysical survey is required to inform the original ES and to establish the archaeological significance of the site. NCC Archaeology have confirmed that this can be done via a condition to submit the additional surveys prior to the submission of the first reserved matters application which will identify the most archaeological sensitive part of the application site.

### Landscape Visual Impact

Policy 8 (d) of the JCS states development should create a distinctive local character by:

*Responding to the local topography and the overall form, character and landscape setting of the settlement.*

As stated above the application site is fairly level. The northern part of the application site is the highest point where it then slopes gently to the south towards Rothwell town. Beyond the north of the application site, the land drops significantly to the brook before rising again as you approach Desborough town.

Concerns have been raised by Desborough Town Council who want to ensure the proposed development does not have an adverse visual impact on the setting of Desborough. This has been mitigated against by the applicant by providing the green infrastructure towards the northern part of the application site which is the highest part of the application site. Views towards the application site and proposed development from Desborough will therefore largely be of the green infrastructure and any views of houses will be limited. This can further be mitigated against through appropriate conditions for a landscape management plan, although it is acknowledged that any new boundary landscaping will take time to become established. Rothwell Gullet and mature field boundary trees should as far as possible be retained to limit any visual impact of the proposed development and this can be done via an appropriate condition.

Subject to an appropriately worded condition the proposed development is not considered to adversely impact on the visual amenities of the surrounding area and is in accordance with Policy 8 (d) of the JCS.

### Contamination

The application was accompanied by a ground conditions report which was contained within the ES. The ground condition is not considered to be a barrier to prevent development, however it is concluded that further surveys and soil sampling will be necessary. Comments received from the Councils Environmental Protection request a phased environmental survey to be submitted which can be done via a condition ahead of submitting a reserved matters application.

### S106 requirements

Paragraph 205 of the NPPF is a material consideration which advises:

*Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.*

A Section 106 Obligation is under negotiation with the applicant to ensure that the impacts of the development are appropriately mitigated. The areas that will be contained in the S106 include provision of significant infrastructure. These are detailed in the table below:

Link Road between A6 and B576
A6 Roundabout
B576 junction works (traffic lights & widening)
Service Diversions (works needed in connection with S278 works on Desborough Rd)
Montsaye Academy Land Site – Land transfer of 2.13ha
Affordable Housing provision of 20% with a mix type and tenure agreed by KBC Housing
Primary School Contribution
Secondary School Contribution
Rothwell High St/Bridge St Improvements
Bus Service Contribution
Public Open Space Management Agreement
Health Centre Improvements
Strategic Travel Plan
Travel Plan Co-ordinator
LEAP
NEAP
Footways/cycleway link
Schedule of Delivery and updates during the development
Fire Hydrants
Libraries
Land transfer to Corinthians FC
Contribution towards the health surgery
Contribution towards sport

With respect to the provisions of the S106 as detailed above, these have been agreed in principle with the applicant. It should also be noted that the applicants' intention in relation to the open space management is to manage the open space through a private management company and not to transfer the land to the Council for management.

Through any S106 discussions that will be taking place, the Council will ensure that if the management company intentions were to change there will be suitable alternative provisions with a suitably commuted sum (to be agreed) if open space is put forward for adoption by the Local Authority. If an alternative management company provider is nominated this is to be agreed.

Although the S106 is yet to be completed there have been positive discussions where the provisions listed in the table above have been agreed in principle. As such this application is recommended for approval subject to the signing of the S106 Agreement which will be taken back to Committee for final approval.

#### Delivery schedule

It will be noted that the above table indicates a willingness by the site promoter to update the LPA on delivery of the housing and in particular the construction of the strategic link road. Reserved matters are to be submitted for approval this year and house building would start in 2018 with access taken from the B572. As stated elsewhere by or within 2021/22 the Strategic link road would be completed.

The applicant's recent projection of delivery, referred to earlier, provides a basis for the Council's further monitoring. Completion of house building as projected by the applicant is very close to the Council's own monitoring of supply and delivery.

#### Other commentary on s106

Sport England have requested a commuted sum to go towards the provision of open space due to transfer of 2.13ha to Montsaye Academy. Sport England consider the land transfer cannot guarantee that the transferred land will be used as open playing fields, and therefore request monies to go towards open space provision. It is considered that the comments from Sport England do not take into account open space being provided by the applicant to the north of the application site. Furthermore even if the land transferred to Montsaye Academy is used as playing field, the land is private and there is no guarantee that the land will remain open for public use. Given that the applicant is providing on-site open space it is considered that the requests of Sport England do not meet the CIL Regulations Tests to be considered as part of the S106, as they are not necessary.

The applicant has indicated a willingness towards Health Centre Improvements.

In the consultation comments received back from the PCT, they have requested a total of £434,616 for the build out and fit of a GP practice. Adjacent to the application site is an existing GP practice which was purposely built to serve the proposed development. The applicant has acknowledged that the proposal will have an impact on health provision in the area, but this was anticipated when the new health centre was planned. Therefore it is considered that the amount of contribution requested by PCT is of the scale that is not a priority for S106 contributions which have been determined after an independent assessment of viability. Nevertheless, a contribution for the medical centre will be included in the S106.

### Travel Plan

The cost of implementing a travel plan will fall to the applicants who will also have control on a travel plan co-ordinator. The costs of this have been estimated though it is possible that efficiencies on the plan could be achieved with the right approach. The S106 specify the key principles that will include early co-ordination with bus operators on route provision and services and at the point of offering houses for sale there will be a travel plan offer for prospective residents.

### Conclusion

The principle of development of a sustainable urban extension in Rothwell is supported by Development Plan policy, in particular the Core principles and parts 4, 6, 7, 8, 10, 11 and 12 of the NPPF, and policies 1, 2, 4, 5, 7, 8, 9, 10, 22, 28, 30 and 38 of the North Northamptonshire Joint Core Strategy, policies 35 and D2 of the Local Plan for Kettering Borough and the Rothwell and Desborough AAP Submission Document and supporting evidence base.

Assessment of the application and Environmental Statement described above has led to the recommendation set out at section 2 of the report that the application be approved subject to conditions and the S106 Obligation being completed.

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