

BOROUGH OF KETTERING

Committee	Full Planning Committee - 31/10/2019	Item No: 5.2
Report Originator	Christina Riley Senior Development Officer	Application No: KET/2018/0960
Wards Affected	Rothwell	
Location	Rothwell North, Rothwell	
Proposal	Approval of Reserved Matters (EIA): Utility compound and associated infrastructure in relation to KET/2007/0461	
Applicant	Miss E Sanders Persimmon 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 the following Condition(s):-

1. The development hereby permitted shall not be carried out other than in accordance with the amended drawings i) Utility Compound Layout Drawing Number RN-UC-001 rev J; ii)

Utility Compound Location Plan Drawing Number RN-UC-003 rev B; iii) Utility Compound Elevations Drawing Number RN-UC-004 rev C; iv) Utility Compound Block Plan Drawing Number RN-UC-005 rev B; and v) Preferred Arrangement Details Drawing Number SEW-10480-BROASC-2A-PLG-0002 Rev 2.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 38 of the North Northamptonshire Joint Core Strategy.

2. No development above slab level shall take place on site until a scheme for boundary treatment, including the buffer shown on Drawing Utility Compound Elevations RN-UC-004 rev C and Utility Compound Layout Drawing Number RN-UC-001 rev J has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenity in accordance with Policy 8 and 38 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0960

This application is reported for Committee decision because there are unresolved, material objections to the proposal which, in the opinion of the Head of Development Services, is a matter for the decision of the Committee.

3.0 Information

Relevant Planning History

KET/2018/0162 – Request a screening opinion pursuant to Regulation 6(1) of the Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 for the submission of a Full Planning Application for the construction of Strategic Link Road at Rothwell North. Decision - In the event of a Full Planning Application being submitted for the construction of the Strategic Link Road at Rothwell North and Environmental Statement is required.

KET/2007/0461 - 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 land for education adjacent 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. Approved 05.11.2018.

Discharge Condition Applications against KET/2007/0461

- AOC/0461/0701 - Condition no. 9 (Phasing programme) of KET/2007/0461 - Pending
- AOC/0461/0702 – Condition no. 12 (Transport Assessment) of KET/2007/0461 - Pending
- AOC/0461/0703 - Condition nos. 17 (Contamination), 19 (Construction management plan), 22 (Detail of B576 junction), 24 (Arboricultural method statement) and 25 (Ecological management plan) of KET/2007/0461 - Pending
- AOC/0461/0704 - Condition Nos. 18 (archaeological programme required), 20 (full details of surface water drainage scheme required), 21 (detailed scheme for the maintenance and upkeep of surface water drainage system), 23 (noise assessment) and 26 (fire hydrants) of KET/2007/0461 - Pending
- AOC/0461/0705 - Condition Nos. 27 (Finished Floor Levels), 28 (Materials) and 29 (Scheme for management and maintenance of the public realm) of KET/2007/0461 - Pending

Two further Reserved Matters applications have been submitted for development on the site.

KET/2018/0950 - Appearance, landscaping, layout and scale in relation to Phase 1 of KET/2007/0461 for 227 dwellings, public open space and associated infrastructure.

KET/2018/0961 - Reserved Matters in connection with the strategic link road between the A6 and B576

These are the subject of additional reports to this Planning Committee.

Site Description

The application site for this Reserved Matters application is situated within the northern part of a wider site known as Rothwell North, an area of land with outline approval for a SUE located to the north of Rothwell.

The Reserved Matters site for Phase 1 of the development consists of 10.1 hectares of agricultural land which contains no buildings or structures. The application site lies between the B576 (to the east) and extends some 520m towards the A6 (to the west) and does not fill the entire area of land between the B576 and the A6. The 2.88 ha of land between the western most extent of this application and the A6 is included in the outline permission. for employment land. Further applications for this area of land are expected in due course.

The proposed utility compound is situated between Rothwell Medical Centre (to the south) and the location of the proposed Local Centre (to the north). The B576 runs along the eastern boundary of the site, and beyond the B576 are open fields, and the training pitch and football pitch of the Corinthians Football Club. To the western boundary is open countryside that is part of the wider Rothwell North site. Residential development on this adjacent part of the Rothwell North site is expected to come forward in due course.

Proposed Development

The application is a Reserved Matters application for the provision of a Utility Compound.

The compound comprises a Water Pumping Station and associated infrastructure such as an MCC Kiosk (Motor Control Centre) and Telemetry Aerial (which sends a signal to the control centre if there is an issue with the working of the pumping station). The Water Pumping Station and its associated infrastructure is enclosed by a 1.8m wall (to the north and west boundaries) and 1.8m high mesh fence to the south and east boundaries.

Also included in this application is a brick built Electrical Substation and Gas Converter. As these are both secure in their own right (the Substation is a locked building and the Gas Converter is underground) neither is surrounded by walls/fencing, however the wider compound does have boundary treatment separating it from the wider Rothwell North site.

The proposed compound drawing (revision J) was amended to omit car parking spaces that appeared to be conflicting with the access point leading to the compound. Instead, parking for workers servicing the compound would be within the main area

NB This application is not for the compound that will be needed to store building materials, and the location for the site office and welfare facilities and parking for construction workers

Any Constraints Affecting the Site

Nature Reserve adjacent to the northern boundary.

4.0 Consultation and Customer Impact

Rothwell Town Council

Object to this application and consider it to be premature. No further application should be considered until such time as a satisfactory Traffic Management Plan is in place. The preferred location for a utility compound is off the roundabout on the A6 bypass. The Town Council reiterate that the link road should be built first with no construction traffic coming through Rothwell and Desborough towns and no disruption to the residents of these towns.

KBC Environmental Health

Based on current policies and guidance we have no comments.

Highway Authority

In their earlier response the LHA could not support the application and required further information to fully assess the proposals.

Observations:

It is noted that the red line plan encompasses the roads from the signalised junction of the B576 to the compound. It is only the signalised junction that has gained approval at reserved matters so far, however the application does not detail that it seeks to gain reserved matters for the roads from the approved layout to the utility compound.

They pointed out that none of the local centre or the access roads have yet gained permission so there is no previously approved access to the utility compound that this application seeks to emplace.

It is strongly suggested that the application takes into account the process of other applications on the site and ensures that their application is submitted when access to the plot has been approved, or it includes access to the plot from what has already been approved.

Northamptonshire Police

The wire-mesh fencing and gate meet the requirements of LPS 1175 SR1

Natural England

No comment to make on the application, which we have not assessed for its impact on protected species. You should refer to your own ecology services for advice or assess using our Standing Advice.

NCC Biodiversity

Satisfied that biodiversity impacts should be adequately mitigated provided the proposed landscape buffer (drawing RN-UC-001 rev I) consists of the appropriate native species.

Northants Badger Group – no further comments except to reiterate the importance of the measures outlined in the Ecological Report and Mitigation in relation to badgers being carried out.

Other Representation

1 letter has been received specifically objecting to this application. The objections are summarised below: -

The secure compound is adjacent to Rothwell Medical Centre which means that it could potentially lead to dust and engine fumes being blown into the centres premises where vulnerable people (including those with breathing difficulties) may be attending consultations.

Siting is between the Phase of development and Montsaye Academy, The Medical Centre and Rothwell facilities so all new residents in the development will have to cross the haul road or B576 to access these services. The compound will be taking large vehicles delivering plant and machinery and so cause a hazard to these residents.

If the haul road were installed up front then the compound could be sited near to the A6 and not be a hazard to the local population.

One letter has been received objecting to all the applications, the objections are summarised below: -

- The Strategic Link Road (SLR) should be constructed before the commencement of development
- The SLR would be better located to the north of the development, this will prevent the development being split in half, and pedestrians having to cross a busy road.
- Air pollution would be minimised at all stages with the alternative suggestion for the SLR.

Rothwell North Working Party (local action group)

State that it is important to note that they are not against the development at Rothwell North. Consider the main priority for the development is the well-being, health and safety of all the residents of Rothwell and Desborough. This should be paramount in any decisions by councillors regarding the time scale, location and access of the SLR.

The minutes of the 21.02.17 Planning Committee recorded "Members heard that the routes and management of construction traffic was a condition of the application and that consultations will take place to ensure that there was no impact on amenities". The promise of "no impact on amenities" cannot be fulfilled based on the present proposals.

Construction traffic. The construction of a temporary haul road is preferred option to route HGV's away from Desborough and Rothwell. We know of an option to achieve this and fully support it. This is to alleviate the mixing of construction traffic, school children and vulnerable adults which is an unacceptable risk. The only viable alternative is to construct a roundabout on the A6 at the beginning of the development.

Access to the SLR. The roundabout from the SLR to the A6 should be constructed prior to the commencement of the Development, plus a roundabout to the SLR from the B576 with construction traffic using the haul road.

The traffic light-controlled junction at the B576, will at peak times cause traffic build up raising pollution levels over and above that caused by a roundabout.

Due to pedestrian crossings, bus stops, delivery vehicles and vehicular access to and from the SLR and estate's side roads it is obvious that the SLR cannot perform its dual function of taking traffic away from the centre of Rothwell onto the bypass as well as being a safe residential road.

Residents well-being and health and safety. The B576 is a busy road carrying over 12,000 vehicles per day through Rothwell and Desborough, more traffic than predicted in the building of the bypass. This development and Desborough South development will increase traffic. Students travel between the two towns to attend Montsaye Secondary school, many walking, and some on busses. Small children and mothers with buggies will need to cross the SLR to access Rothwell Infants and junior schools and the medical centre.

Air pollution. The current route of the SLR is through the centre of a housing estate with air pollution and noise being very close to residential homes and is in conflict with Kettering Borough Council and National Government guidelines and policies. Pollution level (NO² at monitor RW) in Rothwell already shows the second highest level in the whole of Kettering Borough. Clear government legislation states that "New developments should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design". The current plans mean that children and families will be subjected to unnecessary air pollution in their homes and immediate environment.

The National Institute for Health and Care Excellence (NICE) strongly recommend the following criteria to consider in "plan-making". Current plans conflict with all these criteria.

1. Design and site new developments such that the need for motorised travel is reduced
2. Minimise exposure to vulnerable groups
3. Site residences away from roadsides
4. Avoid street and building configurations that may enhance pollution.

Phase 1 - The wrong start point. Phase 1 is to the north of the SLR so the first 200 + residents will have to cross the SLR to access the town and put up with construction traffic, air pollution and the risks of being close to the ongoing construction. The first phase should be between the SLR and Montsaye School.

Not too late to revise plans. Para 212 of the NPPF states "The policies in this framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement framework has made."

Public Health England – Review of interventions to improve outdoor air quality and public health.

Nothing has been started on the ground so there is time to reflect on, and reconsider the impact judged by today's environmental standards and create something much more realistic to be proud of, participating with local people whose lives it will most seriously affect.

Future development after 2031. Existing plans show “future development” over and above the 700 homes. More is likely to be approved in future which further makes the road infrastructure inadequate for future residents.

SLR should be on the north of development. It is far more environmentally acceptable to separate the SLR from the estate to provide a faster, less congested route to the A6 and onwards. Particularly as the County and Borough Councils have passed climate emergency resolutions to get to a zero-carbon position by 2030.

5.0 Planning Policy

National Policies

National Planning Policy Framework 2019 (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. This means that proposals that accord with Development Plan policies should be approved without delay.

Relevant to this application are the following parts of the NPPF: -

Part 5: Delivering a sufficient supply of homes;
Part 8: Promoting healthy and safe communities;
Part 9: Promoting sustainable transport;
Part 12: Achieving well-designed places;
Part 14: Meeting the challenge of climate change, flooding and coastal change;
Part 15: Conserving and enhancing the natural environment; and
Part 16: 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 28: Housing Requirements

Policy 30: Housing Mix and Tenure

Policy 38: Rothwell North

6.0 Financial/Resource Implications

The outline permission secured a S106 agreement with contributions against a variety of impacts generated by the development.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Accordance with the Design Code
3. Highways and access
4. Residential amenity
5. Impact on Biodiversity
6. Comments on other issues raised by this proposal

7.1. Principle of Development

The application site has extant outline permission for a SUE that includes 700 dwellings, employment land, a local centre, open space, green infrastructure and other associated infrastructure. This reserved matters application for a compound to house utilities equipment such as a Water Pumping Station, Septicity Dosing Plant and Electricity Sub Station on part of the site accords with that outline approval and its conditions and is submitted within the timescales prescribed (first reserved matters application to be submitted to the Local Planning Authority prior to 5 November 2021).

The principle of residential development the Utility Compound is therefore established. The following report covers/focusses/concentrates on the impacts of the reserved matters of appearance, landscaping, layout and scale and any other relevant matters and in the context of the existing extant outline approval.

7.2. Accordance with the Design Code

The Design Code does not have any specific requirements for the Utility Compound, however the location proposed in this application accords with that shown on the Indicative Masterplan contained within the Design Code. The proposal is therefore considered to accord with the Approved Design Code.

The equipment and substation contained within the compound are typical examples of their type and as such considered to be acceptable.

The Utility compound will be screened from the B576 and Rothwell Medical Centre by planting, details of which will be required by condition. It will eventually be screened from the SLR by the Local Centre, but until then by a 1.8m brick wall which is acceptable. The exact brick will need to be agreed under Condition ??? of the outline application KET/2007/0461. The boundary between the compound and possible future housing is also a 1.8 m brick wall and it is considered that this is of sufficient height and materials to protect the residential amenity of possible future occupiers.

7.3. Highways and Access

The description of the development has been amended to make it clear that the application includes access details from the SLR to the Utility Compound.

The Compound is accessed from a road that is designated as a Secondary Street in the Approved Design Code. The Design Code requires such streets to be 5.5m wide with a 2m wide footway. The submitted plan (insert drawing number) shows a road with a width of 5.5m and footway either side of 2m, according with the requirements of the Design Code.

There is space within the wider compound area for service vehicles for various utilities to park.

It should be noted that whilst the submitted plans show the local centre this is indicative only and does not form part of this application. No application has been received for the Local Centre. The applicant is that changes to the access road to may be required depending on the detail of the Local Centre.

As a result of the above the scheme is considered to be acceptable in highway terms.

7.4. Residential amenity

The proposed utility compound is situated between Rothwell Medical Centre (to the south) and the location of the proposed Local Centre (to the north). The B576 runs along the eastern boundary of the site, and beyond the B576 are open fields, and the training pitch and football pitch of the Corinthians Football Club. To the western boundary is open countryside that is part of the wider Rothwell North site. Residential development on this part of the Rothwell North site will come forward in future.

As a result of its location and the nature of the surrounding land uses the Utility Compound will have no adverse impact on existing residential amenity. The precise impact on future residential amenity will be assessed when the Reserved Matters application for the land to the west is submitted, as it is not until then that the exact details of the form of development proposed for the neighbouring land will be known. In the meantime the details proposed are not considered to jeopardise ensuring a satisfactory physical relationship with future housing proposals.

However, the nearest possible residential development could be adjacent to the western boundary of the current site (albeit that the distance from the utility compound is to be determined. As such the boundary treatment of the western elevation is considered accordingly. The application proposes a 1.8m high brick wall along the western elevation. Based on the information currently before the Local Planning Authority it is considered that this is of sufficient height and materials to protect the residential amenity of future occupiers.

7.5. Impact on Biodiversity

Section 15 of the NPPF requires planning decisions to contribute to and enhance the nature and local environment.

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

The impacts of the development on ecology were considered during the allocation of the site and determination of the outline consent. Policy 38 of the NNJCS requires an enhancement of green infrastructure on the site.

Conditions 7 (protection of hedgerows), 8 (protection of nesting birds), 24 (Arboricultural method statement) and 25 (Ecological management plan) of the outline approval ensure that the proposal is implemented in manner which will result in an acceptable impact on biodiversity. This matter is currently being dealt with in relation to a discharge of condition application AOC/0461/0703 and the relevant ecological bodies have been consulted as part of this process.

In addition to the above conditions Condition 15 requires each Reserved Matters application to be submitted with an updated species survey and mitigation proposal (based on the Environmental Statement of August 2014). This information was submitted as part of the application and has been consulted upon.

Subject to the proposed landscape buffer (as shown on drawing RN-UC-001 rev I) consisting of the appropriate native species it is considered that the biodiversity impacts of the proposal would be adequately mitigated. A condition will be added to this permission requiring detail of the buffer and other boundary treatment to be submitted, approved and in place.

7.6. Comments on other points raised by consultees/third parties

Response to relating to Construction Traffic

As reported under officer reports to the other proposals presented to this Committee, Condition 19 of the outline permission requires the submission and approval of a Construction Management Plan (CMP) prior to the commencement of development on site, not before Reserved Matters applications on the site are agreed. An initial CMP has been submitted to the Council and an amended CMP has been subject to further consultation with statutory consultees and Rothwell and Desborough Town Council.

Options under discussion include the provision of a haul road accessed from the A6. In the event a suitable haul road cannot be agreed Persimmon has also offered to amend the S106 agreement so that the SLR will be open to the public to use before the 150th dwelling on site is occupied. This would be a more beneficial position and will result in a better solution than is currently agreed.

The principle of development was established through the planning permission granted for the outline development KET/2007/0461 and the Council is required to determine this utility compound proposal on its merit.

A decision on the Construction Management Plan will be made in the normal manner in due course, recognising the engagement taking place between the LHA, the applicant's Highways advisors and Council Officers.

Conclusion:

The proposal complies with Development Plan policy and the principles of the NPPF, and subject to relevant conditions, is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Christina Riley, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: