

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 31/10/2019</b>	<b>Item No: 5.3</b>
<b>Report Originator</b>	<b>Christina Riley Senior Development Officer</b>	<b>Application No: KET/2018/0961</b>
<b>Wards Affected</b>	<b>Rothwell</b>	
<b>Location</b>	<b>Land North of Rothwell between A6 and B576, Rothwell</b>	
<b>Proposal</b>	<b>Approval of Reserved Matters (EIA): Reserved Matters in connection with the strategic link road between the A6 and B576</b>	
<b>Applicant</b>	<b>Mr A Davies Persimmon Homes</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 the following Condition(s):-

1. The development hereby permitted shall not be carried out other than in accordance with the amended plan 'General Arrangement and S.38 Coloured Plan, Drawing number 873-02-01 revision 7 dated 08.05.19 and Landscaping Plans namely Rothwell North Spine Road Landscape Proposals Drawing No 15925 Rev C Sheet 1 of 3, Rothwell North Spine Road Landscape Proposals Drawing No 15925 Rev C Sheet 2 of 3, and Rothwell North Spine Road Landscape Proposals Drawing No 15925 Rev C Sheet 1 of 3.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 and 38 of the North Northamptonshire Joint Core Strategy.

## Officers Report for KET/2018/0961

This application is reported for Committee decision because there are unresolved, material objections to the proposal, and the proposal is a contentious application 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 an 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 Reseerved Matters applications have been submitted for development on the site.

KET/2018/0960 - Utility compound in relation to KET/2007/0461 - Pending

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 – Pending

These two Reserved Matters applications 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 consists of 1.37 hectares of agricultural land which contains no buildings or structures. The application site follows the route of the proposed details for a Strategic Link Road, the alignment of which has been accepted at outline stage. It runs between the B576 (to the east) and the A6 (to the west). This application is for the Strategic Link Road only, and does not include any housing or open space, or details of works required to the B576 or A6.

An application for housing (and associated infrastructure including open space) on the land to the north of the Strategic Link Road has been submitted under the reference KET/2018/0950 and is the subject of a separate report to this committee. To the north of the outline application site is Rothwell Gullet Nature Reserve which comprises of woodland and un-kept grassland, beyond which is open countryside.

The details of the signalised junction to the B576 and roundabout to the A6 were approved under the outline planning permission KET/2007/0461.

Land to the south of this Reserved Matters application site is agricultural land which has extant outline planning permission as part of the wider SUE. Reserved Matters applications for housing, employment, a local centre and an access to extra school land are expected in future.

To the south of the outline application site is the built-up area of Rothwell, comprising residential development, Montsaye Academy and Rothwell medical centre.

### **Proposed Development**

The application covers the route of the Strategic Link Road (SLR) between the A6 and B576. The A6 roundabout and the changes to the B576 were considered at the outline stage, so are not part of this application.

The detailed plan for this spine road (drawing 837-02-01 Rev 7) shows the road up to the extent of the (previously approved A6 roundabout drawing).

The Strategic Link Road is the main vehicular route through the site and connects Desborough Road with the A6. The SLR runs east-west through the site, from the B576 and the proposed A6 roundabout. The SLR is 7.3m wide, with a 2.4m verge and 3m wide Combined Foot and Cycleway to its northern side and a 2.4m wide verge and 2m wide footpath on the southern side. A four-arm roundabout lies approx. three quarters of the way along the SLR and acts to separate the residential areas of development from the employment land.

Four bus stops are proposed within the site, two on each side of the SLR. On the northern side of the SLR one bus stop is located between the proposed A6 junction and the SLR roundabout, with the second approximately 165m from the junction with the B576 on the eastern side of the area of Public Open Space known as 'North Green'.

On the southern side of the SLR one of the bus stops is located 95m from the B576, close to the entrance to the Local Centre. The second is located approximately 55m to the east of the SLR roundabout, close to 'The Green' Public Open Space. (Members should note that the areas of Public Open Space referred to here are not included within this application, but their location and provision is controlled by the Outline consent and the associated S106 agreement).

Four pedestrian refuge islands and one pedestrian crossing are also provided along the SLR.

#### **Any Constraints Affecting the Site**

Nature Reserve adjacent to the northern boundary.

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

The application has been subject to two rounds of consultation. The responses summarised and reported below represent the most up-to-date view received from the particular consultee or third party.

**Rothwell Town Council** – Comments on the application not received

**KBC Environmental Health** – Based on current policies and guidance we have no comments.

#### **Highway Authority -**

No objection subject to the following conditions:

A condition requiring that the site is to be laid out in accordance with General Arrangement Plan 873-02-01 revision 7 by iDLTD dated 08/05/2019.

A suitable condition to ensure that this section of the link road is completed to an adoptable standard and open to the public at a suitable point to serve the amenity of the residents and facilitate the ongoing future development and connection to the A6.

The LHA also suggest that the LPA may consider a condition requiring full engineering drainage and constructional details and drawings of the SLR to be approved, as it is understood the link road is intended to be offered for adoption but this cannot not be legally confirmed until a Section 38 Agreement is in place and whilst the layout now appears acceptable, in layout terms, further details would be required to facilitate an adoption agreement.

If any of the streets associated with the residential element of this proposed development are not being proposed for adoption as public highway, the LHA request conditions relating to a) Details of a site management company and

associated management and maintenance methodology of the streets to operate in perpetuity, b) The streets to be laid out and constructed to adoptable standards c) prior to first occupation of any dwelling a legal undertaking is provided by the developer that the streets will not be put forward for adoption and will remain private in perpetuity; d) That the streets will be identified as private through the use of appropriate private street name plates on the entrances to the development from the public highway (to be placed within the site) and e) Prior to commencement of development any vehicular access to the site from the public highway shall be implemented as standard vehicle cross-overs.

**NCC Archaeology** - No objection to application as it relates to the Strategic Link Road only.

### **Stagecoach**

Without the Strategic Link Road the western extent of the development could not be reasonably served by public transport in the future.

The tracking demonstrates that buses will be able to use the road, subject to there being limited on-carriageway parking. Ideally wish to see this formally controlled.

There are two pairs of bus stops proposed about 500m apart, the proximity of the proposed bus stops to existing bus stop means most residents would be little better served by bus than if the service along the current route was retained and did not directly serve the development.

Typically, Stagecoach recommend stops be provided about every 250-320m within major developments. As the length of road involved is about 600m thus this might close up the distances, however the applicant is urged to consider a third bus stop.

Express significant safety concerns about the proposed siting of the bus stops. Stagecoach recommend that buses leave bus stops departing away from each other at opposing stops. A bus stop should not be located where it results in a departing bus immediately passing a central island, especially when there is a gentle inside bend, means vehicles passing a stopped bus cannot see the island, or a bus driver may not see a car approaching from the rear.

Recommend that the eastern pair of stops are positioned so that the eastbound stop is sited at Ch 570m (immediately downstream of the side road arm) and the westbound is sited at or close to Ch 490m. The western pair of stops, if a third pair is considered inappropriate, could be adjusted so that both are east of the roundabout with the eastbound at about Ch 310 and the westbound at about Ch 210. Note the crossovers marked which is assumed are for shared driveways. In fact, this would position stops at a much more optimal distance apart and in addition make it possible to run a bus as far as the roundabout and then return on itself, offering further routing flexibility.

**Lead Local Flood Authority** –The submitted surface water drainage information does not contain sufficient information to allow the LLFA to comment.

**Sport England** - Development does not fall within statutory remit for response.

**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** - No comment to make on this application.

**Northants Badger Group** - Ecological Appraisal and Badger Survey shows that Badger activity may extend into the site. The applicant will require a licence from Natural England to proceed or to show mitigation in reports.

### **Other Representation**

4 letters have been received objecting to the application on the following grounds:

- The SLR should be routed from the A6 and constructed before the commencement of development
- Proposed use of roads through Desborough and Rothwell is not acceptable due to extra pollution, wear and tear on local roads and congestion.
- The existing infrastructure of Desborough and Rothwell was never designed for such traffic
- Both towns have a weight limit for a reason which is why the A6 was built
- A haul road should be built from the A6 before works starts
- A lot of people walk between Desborough and Rothwell, including students attending Montsaye Academy, and they could be put at risk by the extra traffic especially vehicles over the 7.5 tonne limit.
- Persimmon have given no thought to the opinions of the local community and the effects on the local environment
- The Strategic Link Road would be better located to the north of the development and to allow a safer route for construction traffic to enter and leave the site

### **Rothwell North Working Party (a 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 (NO<sub>2</sub> 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 – March 2019.

*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 (NPPF) 2019 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 8: North Northamptonshire Place Shaping Principles  
Policy 10: Provision of Infrastructure  
Policy 38: Rothwell North



## **6.0 Financial/Resource Implications**

The outline permission secured a S106 agreement which included obligations for delivery of the SLR and bus stops with Real Time Information (RTI) along the SLR.

## **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. Flood risk and drainage
5. Impact on Archaeology
6. Impact on Biodiversity
7. Conditions
8. Comments on other points raised by proposal/consultation responses

### **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.

The outline application was reported to Planning Committee on 21.02.2017 with a recommendation for approval, subject to conditions and the signing of a S106 agreement. In line with the officer recommendation the Planning Committee resolved to grant outline planning permission subject to conditions and the signing of a S106 agreement.

After subsequent discussions relating to the S106 agreement, and the signing of said agreement, outline approval was granted on 05.11.2018.

The granting of outline planning permission followed the identification of a SUE in Rothwell in Policy SDA1 of the now obsolete Northamptonshire County Structure Plan (March 2001).

Several draft Local Plan Documents were prepared, but these never proceeded to adoption. The documents included;

- 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

avored 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.

Policy 9 of the now superseded North Northamptonshire Core Spatial Strategy continued to identify Rothwell (along with Desborough) as a location for 'smaller' SUE's, with Policy 16: Sustainable Urban Extensions detailing a range of requirements to be met by the various SUE's. The exact location of the SUE was not identified in these policies.

The current (2016 Adopted) North Northamptonshire Joint Core Strategy reflected progress on the application and identified the application site approved under KET/2007/0461 as a Proposed Sustainable Urban Extension. Policy 38 – Rothwell North Sustainable Urban Extension detailed the scope (number of dwellings etc) of the proposal and a range of specific requirements, including the route of the Strategic Link Road, a new roundabout for the A6 bypass, a buffer zone between dwellings and Rothwell Gullet Nature Reserve) to be met by the SUE.

This subsequent reserved matter application for the Strategic Link Road between the B576 and the A6 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 which the Strategic Link Road will serve and thus the need for the SLR is therefore established.

The following report covers the impacts of the reserved matters on 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 Approved Design Code

The Rothwell North outline application benefits from an approved Design Code, which is a form of detailed design guidance often used to guide the development of large-scale sites.

A Design Code is intended to set design parameters to guide the planning process on matters of design principles without being overly prescriptive. The Approved Design Code for Rothwell North has helped to inform the access requirements, design principles (including appearance, scale and layout) and landscaping proposals for subsequent applications.

The Design Code contains mandatory items e.g. the Regulating Plan which shows the SLR through the development which as well as a key vehicular route should function as a place, with its character towards the east (part) a residential boulevard and the carriage width of 7.3m and footpath (2m wide) and cycleway (3m wide) are mandatory elements of the Design Code.

Any subsequent application on the site is expected to adhere to these. The Design Code also contains discretionary items, which are more flexible. The role and broad location of the SLR, including the access/egress points off the B576 and the A6 are a mandatory part of the Design Code.

In addition to being mandatory requirements within the Design Code, the general route of the Strategic Link Road, and the location of the junctions with the B576 and A6 were considered during the outline planning application process. As these matters were not reserved for future consideration, the route and the location and nature of the accesses are fixed by that planning permission. Although small changes (for example the location of bus stops) can and have occurred, significant alterations cannot be made.

The comments of local residents and action groups/RNWP stating that the SLR should be moved to the northern most edge of the wider SUE site have been noted, however, it is not possible or required at this stage in the process of the SUE to make such significant changes to the layout. As explained above the location of the SLR has been set by the outline application (KET/2007/0461), the approved Design Code and policy 38 of the North Northamptonshire Joint Core Strategy. For the same reasons it is not possible to change the traffic light-controlled junction at the B576 to a roundabout. It should also be noted that to the north of the wider SUE is Rothwell Gullet a nature reserve, in order to protect the biodiversity of this site a landscaped buffer zone between Rothwell Gullet and any built development was required. Moving the SLR would conflict with this requirement (which is also set out in Policy 38 of the NNJCS).

Since the initial proposals in 2007, the role of Strategic Link Road has been multifunctional, it is both a route for traffic to use between the A6 and A576, a road to provide access to new residential development and a place in its own right. In effect the SLR should be more than just a road to take traffic from one location to another.

For vehicular traffic the road will act as the main distributor route through the site and as a route to take traffic away from Rothwell Town Centre. This element of the design has been determined by Highway Authority requirements to ensure that the route will be safe for pedestrians, cyclists and motorists.

To ensure the equally important need for the Strategic Link Road to function as *more* than a road, it has been designed to have its own sense of place. Key to this sense of place is the planting of trees in the 2.4m verge to either side of the road, that will, in time create a substantial tree lined avenue. To enhance this role the Strategic Link Road will curve around the southern edge of 'North Green' an area of open space that will lie between part of the Phase 1 residential development and the Strategic Link Road. A larger area of open space known as 'The Green' is proposed to the south of the SLR. The details of North Green are included in the application KET/2018/0950 also before this committee. The exact details of 'The Green' will be submitted later.

The design is that the Strategic Link Road will be a part of Rothwell, not something which acts to separate one portion of the town from another. The design principles of the road are similar to many other SUEs within the County and Country as a whole which require them to provide access to new residential areas but also to operate in a more strategic manner to link into the major road network.

The Design Code contains mandatory elements to ensure that the completed Strategic Link Road is a multifunctional space. These are as follows: -

- i) Entrance/exits points on the A6 and the B576 (Regulating Plan)
- ii) Route through the site, although the possibility of *minor* changes exists
- iii) Tree lined avenue along the SLR with tree planting in the verge and areas of public open space,
- iv) No direct access to dwellings along the SLR,
- v) Access to dwellings is via a shared private drive
- vi) 7.3m carriageway
- vii) 2.4m landscaped avenue
- viii) 2m footway to one side
- ix) 3m footway cycleway to one side

An examination of the amended submitted plans (for example General Arrangement and S38 Coloured Plan, Drawing Number 873-02-01 Rev 7 show that the requirements i) – ix) listed above have been met. It is therefore considered that the application accords with the relevant parts of the Design Code, Part 9 and 12 of the NPPF and Policy 8 and Policy 38 of the NNJCS and is acceptable in this respect.

### 7.3 Highways

As a result of objections to the initial plans amended plans have been submitted. After consideration of the amended plans, the Local Highway Authority has no objection to the proposal subject to the imposition of conditions relating to approved plans, the completion of the SLR to an adoptable standard, and conditions covering any streets which might not be proposed for adoption. The LHA also commented that the LPA may wish to consider a condition requiring full engineering, construction and drainage details.

It is considered that a condition detailing the approved plans and requiring the development to be carried out in accordance with those plans is acceptable and will clarify the terms of this consent.

The extant S106 requires the SLR to be constructed to an adoptable standard and made available for use as a public highway prior to the first occupation of the 250th dwelling, as a result of this it is not considered that the third condition recommended by the LPA is necessary, as it is covered by the S106 agreement.

Full engineering, construction and drainage details are required for the SLR to be adopted/by other highway legislation and the S.106 requires the SLR to be offered up for adoption. It is therefore considered that such a condition is not necessary for this application.

It is understood that all of the roads within the site will be offered up for adoption to the Local Highway Authority. To cover the possibility that the roads may not be it is considered expedient to impose a condition which will ensure that the construction, ongoing maintenance of the roads etc will be satisfactory is imposed. It is considered however that this would be better placed on the residential element of the development, rather than this application for the Strategic Link Road.

Local Residents and the RNWP Action Group consider that the SLR will not be multifunctional in nature. In response to these concerns the following comments are made.

Care was taken at the outline stage to ensure the road performed these functions at a strategic level, and the exact detail of this has been discussed during the consideration of this Reserved Matters application. The number and location of bus stops, pedestrian refuge islands and pedestrian crossing along the SLR have been designed to reduce traffic congestion from Rothwell town centre by diverting traffic through the site to the A6, whilst still making it a safe and attractive place for pedestrians and cyclists as demonstrated by the provision of a 3m wide Combined Foot and Cycleway adjacent to its northern side and a 2m wide footpath on the southern side

The use a traffic light-controlled junction at the B576 rather than a roundabout (as has been suggested by a number of respondents) will allow the sequencing of the lights to be set up in a such a manner that it will be more attractive for traffic wishing to reach the A6 or A14 to travel via the SLR rather than through Rothwell Town Centre.

It is therefore considered the SLR for the Rothwell North development, as shown in the plans and documents that form this application, is appropriate for the scale of the development, is in accordance with the relevant highway requirements, and will act as a multifunction route within the highway network to serve the both the development and the wider needs of local area.

Objectors to the application have also stated that the Strategic Link Road should be open to traffic ahead of any other development on the site. This suggestion was considered at the outline application stage and discounted for reasons of viability of the development which was tested at that time. This concluded that it would be unviable for the developer to deliver the Strategic Link Road before any houses were built. Viability is restricted to looking at each site on a case by case basis and, on this site, the construction of the SLR before any of the dwellings are lived in would have made the development unviable, or, to make it viable resulted in the loss of the usual S106 contributions towards infrastructure such as education, affordable housing, and Rothwell Medical Centre. It was considered that the long-term benefits of ensuring contributions to education, affordable housing etc outweighed the shorter-term impact of Construction Traffic.

The [section 106](#) requires the SLR to be open to the public to use before the 250th house on the site is occupied, or within 4 years of work first starting on the site regardless of how many dwellings have been constructed on site. This means

that if the construction of dwellings on site stops for some reason, the obligation on the road's construction remains.

As part of the CMP required by Condition 19 of the outline permission the developer must investigate options for a haul road. (see 'Comments on other points raised by proposal' for further discussion on the CMP). In the event a suitable haul road cannot be agreed Persimmon have also offered to amend the S106 agreement so that the SLR will be open to the public to use before the 150 dwelling on site is occupied. This will enhance the delivery of this piece of infrastructure and the mitigation it will provide.

It is considered that the application accords with the relevant highway safety requirements for all users (pedestrian, cyclist and vehicular) the relevant parts of the Design Code, Part 9 and 12 of the NPPF and Policy 8 and Policy 38 of the NNJCS and is acceptable in this respect.

#### 7.4 Flood Risk and drainage

The Lead Local Flood Authority (LLFA) responded that they cannot comment on the reserved matters submitted, as the surface water drainage information does not contain sufficient information. Conditions 20 and 21 of the outline planning permission require full details of the surface water drainage scheme for the site and a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system to be submitted to and approved by the Local Planning Authority prior to commencement of development. This matter is currently being dealt with in relation to a discharge of condition application AOC/0461/0704 and the LLFA were consulted as part of this process.

In fact as a response to this the LLFA advised on 16 October 2019 that "sufficient information has been received" to partially discharge (drainage conditions) The requirements of the LLFA will be dealt with under the outline conditions.

For the purposes of this application the proposal is considered to be acceptable in these regards as the requirements of the LLFA.

#### 7.5 Impact on Archaeology

Archaeology was a material consideration assessed at the outline stage of the application process. The outline permission included a condition in respect of archaeological works for the overall Rothwell North site. These matters are currently being dealt with in relation to a discharge of condition application AOC/0461/0704. The County Archaeology team confirm they have no comments as this application relates to appearance, layout and scale only. It is therefore considered that this application is acceptable with respect to archaeological matters and as such accords with the National Planning Policy Framework and Policy 2 of the North Northamptonshire Joint Core Strategy.

#### 7.6 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 planning consent. 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. No objections were received.

It is therefore considered that the application accords with the relevant parts of the Design Code, Part 15 of the NPPF and Policy 4 of the NNJCS and as a result the application is considered to be acceptable in this respect.

#### 7.7 Conditions

A number of applications, (as detailed in section 3 and 7 above) to discharge these conditions have been submitted and are currently being considered by the Local Planning Authority.

A condition has been added to ensure that the application is carried out in accordance with the approved plans. Informatives will also be included advising the developer to comply with the outline conditions and its associated Section 106 Agreement and to remind the developer of the need to obtain the necessary consents from the Local Highway Authority.

#### 7.8 Comments on other points raised by proposal

##### **Air Quality**

Concerns have been expressed about possible impact on the health of future residents of Rothwell North due to the SLR being routed through the centre of the development and lowering of air quality in Rothwell as a whole due to additional traffic. As has been explained above (see section on 'Design Code) it is not possible to alter the route of the SLR at this stage in the development process.

The impact of the application on air quality was considered during the outline application process and a Health Impact Assessment was submitted in support of the application. This concluded that the likely impact on health was considered to be negligible, *'as the air quality is not anticipated to deteriorate or become significantly different from what is experienced by Rothwell residents at the present time.'* No objections were raised in relation to air quality or health issues during the consultation on the outline application. Levels of NO<sup>2</sup> and particulates

have subsequently been monitored in Rothwell Town Centre, however, this has not required the Council to establish an Air Quality Management Area (AQMA) as a result. It is not considered that the design of the road or volume of traffic along it will have a material impact on the health of future residents or existing residents (any greater than other development that is approved) To ensure receptors to any air pollution are minimised dwellings fronting the SLR are set back from the road at least 7m as required by the Design Code.

It is considered that the proposals are compliant with paragraph 181 of the NPPF and policy 8e) of the North Northamptonshire Joint Core Strategy and that the NPPF is very clear in Paragraph 183 that *'the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes).'* It goes on to state that *'Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities'*. Therefore, it is clear that this reserved matters application cannot be refused on these grounds.

### **Route of Construction Traffic and haul road**

In response to comments made in relation to construction traffic and a haul road Condition 19 of KET/2007/0461 requires the submission and approval of a Construction Management Plan before any development starts on site. Members resolved at the Planning Committee meeting of 21.02.2017 that in addition to the normal consultees (e.g. the Local Highway Authority and Environmental Health) Rothwell and Desborough Town Councils would be consulted on the CMP. An initial CMP was received on 12.12.18 and, as agreed, Rothwell and Desborough Town Council were consulted. The town councils and many local residents commented on the initial CMP and as a result a revised CMP has been submitted and subject to a further round of consultation with the Town Councils. The CMP provides for two options for accessing the site for construction traffic. A haul road from the A6 is still under consideration by the Highways Authority at the time of writing this report. Both options could be delivered if agreement is provided by the Highways Authority. The process for agreeing the CMP is through the discharge of condition application and is not a consideration for this application.

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 these applications. A decision on the Construction Management Plan will be made in the normal manner as quickly as possible.

### **Conclusion**

In light of the above the proposal complies with Development Plan policy and the principles of the NPPF. As such and with no other material considerations that would justify a different view the application is recommended for approved subject to a condition confirming the approved plans for the development.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

#### **Previous Reports/Minutes**

Ref:

Date:

Christina Riley, Senior Development Officer on 01536 534316



