

North Northamptonshire Area Planning (Kettering) Committee 17/05/2023

Application Reference	NK/2022/0372
Case Officer	Natalie Westgate
Location	Rothwell Central (land to west), Rothwell
Development	Outline Application: Residential development of up to 220 dwellings with access only considered
Applicant	L Walden, Persimmon Homes Midlands
Agent	Mr R Riding Pegasus Group
Ward	Rothwell
Overall Expiry Date	21/09/2022
Agreed Extension of Time	19/05/2023

All plans and documents can be viewed using the application reference number at <https://www.kettering.gov.uk/planningApplication/search>

Scheme of Delegation

This application is brought to committee because the application has been the subject of five written material planning objections and the application requires an agreement under s.106.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions and the completion of a Section 106 Legal Agreement by 17 November 2023.

2. The Proposal

- 2.1 Outline Application: Residential development of up to 220 dwellings with access only considered

3. Site Description

- 3.1.1 The site is an open field on the south-western side of Rothwell.
- 3.1.2 The application site is situated south of open fields which form a wider site known as Rothwell North, an area of land with outline and reserved matters approval for a Sustainable Urban Extension (SUE) located to the north of Rothwell. There is a very small part to north within the Rothwell North site which would link vehicular access from Rothwell North to Rothwell Central.
- 3.1.3 The site is surrounded by open fields in south. The site is surrounded by residential development within Desborough to the east. To the west is dense landscaping in front of the A6 main road.

4. Relevant Planning History

- 4.1 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.
- 4.2 NK/2021/0904 - Approval of Reserved Matters (EIA): All details in respect of Phase 2 of KET/2007/0461 for 153 dwellings, public open space, and associated infrastructure – Approved – 25.07.2022

5. Consultation Responses

A full copy of all comments received can be found on the Council's website at: <https://www.kettering.gov.uk/planningApplication/search>

- 5.1 Town Council
No objection. Rothwell Town Council agree to outline planning for the proposed Rothwell Central development but wish to stress that consideration must be given to traffic flow / volume of traffic at Junction 3, A14. This junction, because of additional developments in Desborough plus the creation of the lorry park already sees severe congestion at rush hours and this is without feeling the impact of Rothwell North. Any additional development, such as Rothwell Central only adds a greater concern.

Rothwell Town Council strongly echo the concerns raised regarding access to medical facilities within the town and advise that adequate space be considered to allow for the proposed additional growth in population. Rothwell Town Council will work with the developers to ensure that Healthcare / Welfare and Education facilities continue to be considered as a matter of priority for the people of Rothwell.

5.2 Neighbours / Responses to Publicity

10 number of letters have been received from 8 properties. The issues raised are summarised below:

- Phase 2 has 153 properties in a similar acreage of land to phase 3 (Central) which is planned to have 220. How is this correct?
- The new homes put strain on town. Concern on pressure on Kettering hospital, doctors, nurseries, schools etc. The development should give more money to CCG for local healthcare services. New housing should be deferred until the local infrastructure is improved.
- Access into the town centre along Harrington Road and the surrounding minor roads is a major problem because of street parking on both sides of the roads. Vehicle parking in the town centre is extremely limited.
- Traffic noise and pollution from A6 and A14 is already at excessive levels at certain times of the day. There will be additional traffic from the Rothwell North development as well as the major truckstop at junction 3 on A14.
- No details of the proposed emergency access from Adams Drive which was planned for pedestrian access only and lacks lighting. Maunsell Rise was constructed for access to this land, so you may wish to advise consideration for the emergency access there.
- How will the council prevent other drivers (car and motorbike) using Adams Drive as a thorough fair and short cut from the estate?
- If new lighting is put up on Adams Drive it will be an invasion and intrusion of residents privacy.
- Are the developers going to adhere to a construction management plan on phase 3 (central) as they don't appear to have complied with the construction management plan of phase 1 with respect to working hours.
- The same consideration should be given in phase 3 (Central) to open spaces i.e. either road or open space between new and the existing residential properties of Butlin Close and Adams Drive as has been planned into phase 1 and phase 2 of the development.
- Recently, Moorfield Road suffered severe flooding from the planning site during excessive rainfall and Anglian Water were unable to cope with the demand for assistance from the area resulting in householders themselves having to cope with pumping flood water from their homes and gardens.

5.3 Local Highway Authority (LHA)

Travel Plan is acceptable.

A Construction Traffic Management Plan should be conditioned.

The site is around 1km from the centre of Rothwell, well within walking and cycling distance. Appropriate active travel links connecting into Phase 2's will be provided as well as to the east via Maunsell Rise and Adams Drive for more direct connectivity. With the amenities of the new SUE also, the site is well located to reduce the need to travel by car.

It is noted through the bus stop provisions as part of Rothwell North, effectively all of the site would fall within 500m of stops and a significant proportion within the required 400m. The LHA require via s106 contribution a 4-week or one month

Megarider ticket for the local area, one per unit on first occupation to be supplied to further encourage the usage of buses.

All new traffic data collected should be forward for analysis using the attached templates.

There is concern with Arm D/Lamport Road during the PM peak which sees 102% in the 2031 DN scenario. The proposed mitigation i.e. extension to the flare be dealt with as a pre-commencement condition and informatives.

The pathways through the green areas on either side of the units should be a minimum 3m wide to enable combined walking and cycling use and to provide better direct connectivity to the two active travel accesses on the eastern site boundary.

The Fire Officer has provided support for the emergency access.

Vehicle tracking for the 4-axle refuse truck opposed by a large car on the proposed estate roads to be adopted should be provided.

5.4 NCC Environmental Health Officer

The Noise Assessment has been reviewed. It is a preliminary (Stage 1) risk assessment and advises that a detailed noise assessment would be prepared at a later stage to accompany a reserved matters planning application once the layout for the proposed development has been finalised. The A6 forms the western boundary of the site and traffic noise from it is the dominant noise source. The assessment has been based on noise survey data from previous proposals for two adjacent sites made in 2007 and 2014 and an adjustment has been applied for increased traffic flows to 2021, but confirmation of the current noise levels by measurement on the site and consideration of future traffic flows should also be accounted for in the final acoustic design.

It is noted that a Stage 2 assessment, which would be prepared at a later stage, will additionally refers to BS 8233 with respect of achieving an acceptable internal noise environment and within gardens. Initially the acoustic design for the development should aim to achieve the desired internal noise levels with windows open for ventilation and use the site layout to achieve acceptable external noise levels. LF Acoustics are assuming that external noise levels will be achieved, at least in part, by having private amenity spaces on the eastern sides of houses on the western / A6 boundary. This appears to be reflected in the indicative site layout plan. The report suggests that windows will need to be kept closed to achieve good internal noise levels, for at least part of the development, in which case an overheating assessment will be required, and consideration will need to be given to providing alternative means of cooling ventilation to the affected properties. The assessment does not consider any adverse noise impacts associated with the construction phase of the development.

Air Quality Assessment assesses potential impacts from both the construction and operational phases of the development.

An assessment of potential construction dust impacts has been carried out in accordance with the IAQM guidance. The assessment indicates that there is a high risk of dust soiling occurring because of the earthworks and construction phases of the development and a programme of mitigation measures is recommended for future incorporation into a construction environmental management plan (CEMP). Implementation of the proposed mitigation should ensure that the residual dust emissions are not significant.

Operational phase impacts has assessed the impact of exhaust emissions such as NO₂ and PM₁₀ because of the additional traffic generated by the development. Future residents of the site are not predicted to be exposed to NO₂ or PM₁₀ concentrations above the annual mean AQOs. The increased impact of emissions from the new development (off-site) are assessed to be negligible. However, recommendations are made for techniques that can be incorporated into the development to minimise emissions and adverse impacts on air quality. The air quality assessment by Noise Air indicates that the site meets the air quality objectives and that the operation of the site will have a negligible impact on air quality. However, the report makes recommendations for measures that can be implemented to minimise any adverse impacts, and these should be implemented as far as they are applicable to this development.

Recommend condition on Land Contamination, Protection from Noise (all residential in close proximity to road, rail, and non-domestic uses)

Recommend informatives on air quality and on the noise scheme condition has regard to both internal and external amenity space noise levels.

5.5 NCC Archaeological Advisor

The application site is located to the north west of Rothwell town centre, and to the south of recent residential development; archaeological work in advance of the development investigated Iron Age settlement and burial activity which was first identified by geophysical reconnaissance and detailed survey in 2006. The reconnaissance survey also covered the northern part of this pre-application area but it was not subject to any detailed survey. Geophysical technology and techniques have improved in the intervening years and it is likely that clearer results could now be achieved.

A further site was identified by archaeological evaluation in 2014 to the south of the pre-application area; it comprises a late Iron Age to early Roman settlement. Cropmarks of possible enclosures recorded to the west of the A6 may also extend into the site.

The geophysical survey demonstrated that while there are features of probably archaeological origin present, they do not represent the density and complexity of settlement seen to the north and to the south. It must of course be borne in mind that some features do not respond to geophysical survey and there may be activity present which the survey has not detected; however, on balance I consider that the potential of the site can now be addressed by the use of a suitable condition for a programme of archaeological work. The programme of work shall comprise trial trenching in the first instance, followed by mitigation as necessary depending

on the results of the trenching. Condition on a programme of archaeological work in accordance with a written scheme of investigation.

5.6 NCC Ecological Advisor

Following further information to include more meadows, there would be biodiversity net gain. The detailed soft landscaping would need to be formally linked to the delivery of the biodiversity net gain and secured by condition. There should be conditions on badgers, construction environmental management plan, and landscape and ecological management plan.

5.7 NCC Development Contributions Officer

Based on an average of 3-bed dwelling mix, a s106 contributions for Libraries of £52,580, an Early Years contribution of £614,020, a Primary Education contribution of £959,200, Secondary Education of £1,003,860 and £167,640 will be required towards provision of additional SEND facilities and capacity in Kettering. Recommend informative on broadband.

5.8 NCC Housing Officer

I am pleased to see a 30% affordable provision on this site. I am also satisfied with the 75% rented / 25 % affordable home ownership split.

In terms of property type mix our starting point would be as follows: 1 beds- 30-35%, 2 beds- 35-40%, 3 beds 20-25%, 4+ beds 5-10%.

I am pleased there will be 10% of all homes meeting M4(3)(b) accessibility under Building Regs. Bungalows can make up any proportion of the above but we would also welcome ground floor flats which are accessible for people with disabilities.

We have a preference for 1/2 bed maisonettes or houses as opposed to blocks of flats with communal areas. I would expect affordable home ownership units to be predominately 2/3 bed houses but we would welcome a small number of 1/4 beds for affordable home ownership if this works from a marketing perspective.

The above is based on evidence of the make-up of households on our housing waiting list but has been adjusted to account for the turnover of existing stock. 50% of our register require one bed properties however we know the turnover is much higher than with larger house types, hence the lower percentage included above.

5.9 NHS Northamptonshire CCG

Request a financial s106 contribution to healthcare of £111,849.01.

5.10 Local Lead Flood Authority

The applicant has provided an overland exceedance flow route plan for the proposed development. Surface water will flow to the south of the development towards the proposed detention basin and landscaping areas to the east, avoiding the proposed built development.

Recommend approval subject to conditions on full details of the surface water drainage scheme for the site, detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed, Verification

Report for the installed surface water drainage system for the site and all subsequent reserved matters applications for the development plots shall make reference to the original approved Flood Risk Assessment and Drainage Strategy, ADC2790-RP-B and revised up to date Flood Risk Assessment shall be accompanied by a certificate of compliance with the original approved scheme.

5.11 Anglian Water

The foul drainage from this development is in the catchment of Broadholme Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

Recommends informative on there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Recommends informatives on notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval, protection of existing assets, building near to a public sewer and the developer should note that the site drainage details submitted have not been approved for the purposes of adoption. Note to applicant – Surface Water Hierarchy evidence will need to be submitted at 106 application stage.

5.12 Northamptonshire Police

No objection.

The applicants should design the site in line with the following: Policy 8 of the North Northamptonshire Joint Core Strategy Seeking to design out antisocial behaviour and crime and reduce the fear of crime through the creation of safe environments that benefit from natural surveillance, defensible spaces and other security measures having regard to the principles of the 'Secured by Design'. National Planning Policy Framework 2021 Section 8. Promoting healthy and safe communities. Para 92: Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Para 97: Planning policies and decisions should promote public safety and take into account wider security and defence requirements by: a) anticipating and addressing possible malicious threats), layout and design of developments, should be informed by the most up-to-date information available from the police about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience & ensure public safety & security.

5.13 Northamptonshire Badger Group

The ecology report did not contain any information regarding badger setts which we find quite disturbing as it was Persimmon Homes who actually put in a tunnel for badgers when the bypass was built. There is a sett very close which is actually very near to this tunnel. This sett was last visited by us on 30/01/2022. We also have reports of 8 Rta's on the A6 (bypass) at that point. We therefore, because of the proven information we have available, would request that a full survey is completed before any further planning is decided to ensure that lawful and detailed mitigation is put in place to protect the badgers on the proposed building site plan.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1: Presumption in favour of sustainable development
Policy 3: Landscape Character
Policy 4: Biodiversity and Geodiversity
Policy 5: Water Resources, Environment and Flood Risk Management
Policy 6: Land Affected by Contamination
Policy 8: North Northamptonshire place shaping principles
Policy 9: Sustainable Buildings
Policy 10: Provision of Infrastructure
Policy 11: The Network of Urban and Rural Areas
Policy 13: Rural Exceptions
Policy 15: Well-connected Towns, Villages and Neighbourhoods
Policy 28: Housing Requirements
Policy 29: Distribution of New Homes
Policy 30: Housing Mix and Tenure
Policy 38: Rothwell North Sustainable Urban Extension

6.4 Site Specific Part 2 Local Plan (2021)

Policy LOC1: Settlement Boundaries
Policy HOU1: Windfall and Infill Development: Principles of Delivery

6.5 Other Relevant Documents

Open Space SPD

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact
- Residential Amenity
- Highway Matters
- Drainage
- Ecology
- Land Contamination
- Archaeology
- Planning Obligations

7.1 Principle of Development

- 7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.
- 7.1.2 The principle of proposing new dwellings within the confines of a growth town then market towns before open countryside is consistent with Policies 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS) and guidance contained within the National Planning Policy Framework (NPPF) seeks to focus development in towns in the interest of sustainability and to safeguard rural areas.
- 7.1.3 Policy 11 of the Joint Core Strategy directs development towards the growth town of Kettering then market towns such as the application sites surrounding towns of Desborough and Rothwell before considering open countryside. The market towns provide a strong service role for their local communities and surrounding rural areas with growth in homes to support regeneration, at a scale appropriate to the character and infrastructure of the town. The Sustainable Urban Extensions provide strategic locations for housing.
- 7.1.4 Policy 11 of the Joint Core Strategy states that development in the rural areas will be limited to small scale infill development on suitable sites within villages where this would not materially harm the character of the settlement and residential amenity or exceed the capacity of local infrastructure and services.
- 7.1.5 Policy 29 of the Joint Core Strategy sets out that the Growth Town of Kettering will be the strong focus for new housing as this is the most sustainable location for development; this is followed by the market towns. Whilst it is acknowledged that Desborough and Rothwell are identified as locations where there will be some additional growth, the Joint Core Strategy requires that the level of growth is at a scale appropriate to the character and infrastructure of the town.
- 7.1.6 The housing requirements are set out in Policies 28 and 29 of the Joint Core Strategy. Policy 29 offers further clarity and specific detail on the distribution and extent of required housing development for Kettering Borough. It has been identified that the housing requirement for Kettering Borough is 10,400 dwellings for the Borough as a whole, in the plan period, 2011 to 2031.

- 7.1.7 Policies 6 and 29 of the Joint Core Strategy asserts that priority will be given to the reuse of suitable previously developed land, followed by other suitable land in urban areas.
- 7.1.8 Joint Core Strategy's Policy 13 Criterion 1 states that development adjoining established settlements, beyond their existing built up area or defined boundary should be justified that it meets an identified need arising within a village or network of villages, sites should be well-related to a settlement that offers services for day to day needs of occupants, development should enable access to local services and facilities by foot, cycle or public transport, the scale and nature of the development will not exceed needs and be appropriate to the surroundings, minimise impacts on the environment and be supported by existing or new infrastructure and affordable housing provision within s106.
- 7.1.9 The proposal is for up to 220 dwellings and the agent has agreed to a 30% affordable provision on this site. The proposed mix is 75% rented / 25 % affordable home ownership split. The agent has confirmed that 10% will be to be M4(3)(b) accessibility. NNC Housing Officer is satisfied with the agreed affordable housing provision proposed.
- 7.1.10 Policy HOU1 of the Site Specific Part 2 Local Plan states that windfall and infill development within settlement boundaries will generally be accepted in principle providing there is no erosion to the character and appearance of the area and no detrimental effects to the environmental quality, amenity and privacy enjoyed by existing residents. Furthermore, the requirements of policy set out in the Joint Core Strategy need to be met and developments must be in conformity with policy contained within the Site Specific Part 2 Local Plan.
- 7.1.11 A small part of the scheme to the north of the site is situated within the Joint Core Strategy Policy 38 – Rothwell North Sustainable Urban Extension (SUE). This policy detailed the scope of the proposal and a range of specific requirements (the Strategic Link Road, A6 bypass, buffer zone between dwellings and Rothwell Gullet Nature Reserve) to be met by the SUE.
- 7.1.12 Policy 8 of the Joint Core Strategy is supportive of such development provided there is no adverse impact on character and appearance, residential amenity and the highway network. It also seeks a high standard of design.
- 7.1.13 Subject to detailed consideration being given to the impact of the proposed works and ensuring it complies with national and local policies, detailed above, the principle of development is considered acceptable.
- 7.2 Visual Impact**
- 7.2.1 Policy 8(d) of the Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.
- 7.2.2 The proposals at outline stage include an indicative masterplan (Plan No. P21-1886_04 Rev E1). As the masterplan is indicative the consideration of detailed proposals will follow at Reserved Matters stage.

- 7.2.3 The nature of the site is gently sloping. The illustrative masterplan (Plan No. P21-1886_04 Rev E1) recognises the relationship of any built form (including the infrastructure) with the surrounding agricultural land. The site is joining on from Phase 2 of Rothwell North which benefits from planning permission and is under development.
- 7.2.4 The Design and Access Statement and Planning Statement indicate up to 220 dwellings with the majority of the dwellings being 2 storey but up to maximum of 2.5 storeys and range of house types and materials. This would fit into the character of dwellings at the adjoining Rothwell North development.
- 7.2.5 The proposed development includes adequate new open spaces across the site. There are conditions on levels, boundary treatment and landscaping to ensure visual amenity. The proposed lighting scheme would be considered in reserved matters/discharge of condition application(s).
- 7.2.6 It is considered that the visual impact of the proposed development is in accordance with Policy 8 of the Joint Core Strategy.

7.3 Residential Amenity

- 7.3.1 Policy 8(e)(i) of the JCS seeks to ensure that development prevents harm to the residential amenities of neighbouring properties, such as by reason of noise, smell, light, overbearing, loss of light or overlooking.
- 7.3.2 The proposals at outline stage include an indicative masterplan (Plan No. P21-1886_04 Rev E1). As the masterplan is indicative the consideration of detailed proposals will follow at Reserved Matters stage.
- 7.3.3 The proposed up to 220 dwellings will have no adverse impact on the residential amenity of existing residents, as the nearest existing dwellings are located a considerable distance from the proposed nearest dwelling.
- 7.3.4 The proximity, orientation and relationship between dwellings is appropriate to ensure that the proposal would not result in an adverse impact on the future occupiers of these dwellings. There would be adequate provision for refuse within the site.
- 7.3.5 The Environmental Health Officer has reviewed the Noise Assessment accompanying the planning application. A detailed noise assessment would be prepared at a later stage to accompany a reserved matters planning application once the layout for the proposed development has been finalised. The A6 forms the western boundary of the site and traffic noise from it is the dominant noise source. It is noted that a Stage 2 assessment, which would be prepared at a later stage, will additionally refer to BS 8233 with respect of achieving an acceptable internal noise environment and within gardens. Initially the acoustic design for the development should aim to achieve the desired internal noise levels with windows open for ventilation and use the site layout to achieve acceptable external noise levels. LF Acoustics are assuming that external noise levels will be achieved, at least in part, by having private amenity spaces on the eastern sides of houses on the western / A6 boundary. This appears to be reflected in the indicative site layout

plan. The report suggests that windows will need to be kept closed to achieve good internal noise levels, for at least part of the development, in which case an overheating assessment will be required, and consideration will need to be given to providing alternative means of cooling ventilation to the affected properties. The assessment does not consider any adverse noise impacts associated with the construction phase of the development. Attached are the proposed planning condition on the protection from noise (all residential in close proximity to road, rail, and non-domestic uses) and informative on the noise scheme condition has regard to both internal and external amenity space noise levels.

7.3.6 The proposed development is considered to be in accordance with Policy 8(e)(i) of the Joint Core Strategy and will not create an unacceptable impact upon the amenities of neighbouring properties nor the future residents.

7.4 Highway Matters

7.4.1 Policy 8(b) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

7.4.2 The proposals at outline stage include an indicative masterplan (Plan No. P21-1886_04 Rev E1). As the masterplan is indicative the consideration of detailed proposals will follow at Reserved Matters stage. However, the vehicular access does form part of the application and the 2 vehicular accesses into the site would be from the north and lead down from the future development at Rothwell North (which is currently being constructed). The Highways Officer has no objections to the access. There would be pedestrian/cycle links to the east into residential area within Rothwell. There would be an emergency link to the east into the residential area of Rothwell which is supported by the Fire Officer.

7.4.3 The site is around 1km from the centre of Rothwell, well within walking and cycling distance. Appropriate active travel links connecting into Phase 2's will be provided as well as to the east via Maunsell Rise and Adams Drive for more direct connectivity. With the amenities of the new SUE also, the site is well located to reduce the need to travel by car. It is noted through the bus stop provisions as part of Rothwell North, effectively all of the site would fall within 500m of stops and a significant proportion within the required 400m. The Highways Officer recommends the pathways through the green areas on either side of the units should be a minimum 3m wide to enable combined walking and cycling use and to provide better direct connectivity to the two active travel accesses on the eastern site boundary.

7.4.3 There would be provision for parking spaces within the reserved matters application stage. The Planning Statement states there would be provision of 10% of dwellings to provide electric vehicle charging facilities. The Planning Statement states dwellings would have cycle facilities.

7.4.4 Attached are the Highways Officer recommended conditions for a Construction Traffic Management Plan and proposed mitigation from off-site works.

7.4.5 It is considered that the proposed development is in accordance with Policy 8(b) of the Joint Core Strategy.

7.5 Drainage

7.5.1 The applicant has provided an overland exceedance flow route plan for the proposed development. Surface water will flow to the south of the development towards the proposed detention basin and landscaping areas to the east, avoiding the proposed built development. Attached are the recommended conditions and informatives from the Local Lead Flood Authority and Anglian Water. With such conditions the proposal would comply with Policies 5 and 8 of the Joint Core Strategy.

7.6 Ecology

7.6.1 The Council's Ecologist Advisor has reviewed the scheme. There would be accepted Biodiversity Net Gain. Comments have been raised about the potential for badgers to use the site. The Ecological advisor is content that this can be resolved and with this being conditioned in this instance. The Ecological Advisor has found the scheme to be acceptable subject to planning conditions on badgers and for a construction environmental management plan and habitat management plan. The proposal would comply with Policy 4 of the Joint Core Strategy.

7.7 Land Contamination

7.7.1 It is considered that this can be satisfactorily secured by condition in the interests of human health, property and the wider environment in accordance with Policy 6 of the Joint Core Strategy and the National Planning Policy Framework which requires development to enhance the local environment by remediating, and mitigating contaminated land ensuring it complies with Part IIA of the Environmental Protection Act 1990. The condition on land contamination as recommended by the Environmental Health Officer is attached.

7.8 Archaeology

7.8.1 The application site is located to the north west of Rothwell town centre, and to the south of recent residential development; archaeological work in advance of the development investigated Iron Age settlement and burial activity which was first identified by geophysical reconnaissance and detailed survey in 2006. The reconnaissance survey also covered the northern part of this pre-application area. A further site was identified by archaeological evaluation in 2014 to the south of the pre-application area; it comprises a late Iron Age to early Roman settlement. Cropmarks of possible enclosures recorded to the west of the A6 may also extend into the site.

7.8.2 The geophysical survey demonstrated that while there are features of probably archaeological origin present, they do not represent the density and complexity of settlement seen to the north and to the south. It must of course be borne in mind that some features do not respond to geophysical survey and there may be activity present which the survey has not detected; however, the potential of the site can now be addressed by the attached condition for a programme of archaeological

work as recommended by the Archaeological Officer. The programme of work shall comprise trial trenching in the first instance, followed by mitigation as necessary depending on the results of the trenching.

- 7.8.3 Subject to the attached condition on a programme of archaeological work, the proposal would comply with Policy 2 (d) of the Joint Core Strategy and paragraph 205 of the National Planning Policy Framework.

7.9 Planning Obligations

- 7.9.1 There has been agreement with the agent for a planning obligation/S106. At the time of writing the s106 obligations could be expected to cover:

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- 30% affordable housing
 - Public transport, e.g. subsidy for improving bus service/facilities
 - Education - Depending on dwelling size: for early years education, primary education, secondary education and additional SEND facilities and capacity for Kettering
 - Open space
 - Healthcare
 - Libraries

- 7.9.2 This is not an exhaustive of detailed matters that would arise from S106 negotiations. It is recognised that all potential obligations would need to be CIL compliant and take account of any evidence that may be submitted regarding viability. The proposal complies with Policy 10 of the Joint Core Strategy.

8. Other Matters

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- 8.1 Neighbour comments: Addressed above within the report.

- 8.2 Health Impact Assessment: Paragraph 1 of the NFFP states planning policies and decisions should aim to achieve healthy, inclusive and safe communities and, specifically, criterion c) of this seeks to enable and support healthy lifestyles, for example, through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts which encourage walking and cycling. It is considered that the proposal subject to this application will enable many of these aims to be achieved and therefore it is considered acceptable on health impact grounds. In addition, a contribution is sought towards healthcare services.

9. Conclusion / Planning Balance

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- 9.1 For the reasons given above and conditions to be imposed then the proposal would be acceptable in terms of character, ecology, archaeology, drainage, highway matters and impact on living conditions.

10. Recommendation

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- 10.1 Subject to attached conditions, the proposal is recommended for approval.

11. Conditions

1. Approval of the details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In order to secure a satisfactory development.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance, layout and scale of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: In order to secure a satisfactory development.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.

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

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last 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.

5. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.

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

6. No earthworks or groundworks shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: Finished Floor Levels are necessary to preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, 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: Details of materials are necessary in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. Any reserved matters application for landscaping shall be accompanied by details of any existing hedgerows, trees and any other landscaping to be retained or removed.

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

9. Prior to first occupation of the development a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, any existing trees to be retained, the layout, contouring and surfacing of all open space areas shall be submitted to and approved by the Local Planning Authority. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. Any newly approved trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

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

11. No occupation of the development until the Framework Travel Plan (ADC2790-RP-D dated 22/09/2022) is put in place.

REASON: A Travel Plan is necessary prior to the commencement of development because it should be an integral part of the development and site use and in the interests of sustainability in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. Prior to commencement of the development full engineering, construction and drainage plans for the off-site works along with an RSA 1 shall be submitted and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved plans.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

13. Prior to the commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction.

REASON: The details are required prior to commencement of development because the CTMP needs to be in place and in force throughout the construction period and in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy.

14. No demolition, construction, deliveries of plant and materials for construction shall occur outside of the following times. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

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

15. No development shall take place within the area of archaeological interest until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) Approval of a Written Scheme of Investigation;
- (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
- (iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority;
- (iv) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Local Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority.

REASON: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 205.

16. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure visual amenity and biodiversity of the site and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

17. Prior to the commencement of development a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works

REASON: Details are required prior to the commencement of development in the interests of safeguarding highway safety and residential amenity and public health in accordance with Policy 8 of the Northamptonshire Joint Core Strategy.

18. No development shall take place on any part of the site until a written 30-year Habitat Management Plan (HMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The content of the HMP shall contain the following;

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims, objectives of management which will (without limitation) include the provision of not less than [insert percent gain] biodiversity net gain within the Site as calculated by the Biodiversity Metric [version];
- d) Description of the management operations necessary to achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule, including annual works schedule;
- g) Details of the monitoring needed to measure the effectiveness of management;
- h) Details of the timetable for each element of the monitoring programme; and
- i) Details of the persons responsible for the implementation and monitoring;
- j) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets;
- k) Reporting on year 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation calculations at each stage.

The HMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved HMP shall be strictly adhered to and implemented in full for its duration.

REASON: To ensure visual amenity and biodiversity of the site and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

19. Works (including any demolition, ground works, site clearance) within 30m of the badger setts identified in 'Rothwell Central - Land to the west of Rothwell Ecological Appraisal' by BSH Ecology and dated June 2022 shall not in any

circumstances commence unless the local planning authority has been provided with either:

- a) A licence issued by Natural England pursuant to section 10 of The Protection of Badgers Act 1992 authorising the specified activity/development to go ahead; or
- b) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

REASON: To ensure protection of badgers and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

20. Before any above ground works commence full details of the surface water drainage scheme for the site, based on the approved Report on the Drainage Strategy for Proposed Development at Rothwell Central - Land to the West of Rothwell, Ref: Flood Risk and Drainage Strategy ADC2790-RP-B dated May 2022 prepared by ADC Infrastructure, will be submitted to, and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include;

1. 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 structures.
2. Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
3. Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all flow control devices.

REASON: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site and to ensure the future maintenance of drainage systems associated with the development.

21. No development shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage 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.

Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption.

The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.

A site plan including access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.

Details of expected design life of all assets with a schedule of when replacement assets may be required.

REASON: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site and to ensure the future maintenance of drainage systems associated with the development.

22. Before occupation a Verification Report for the installed surface water drainage system for the site based on the approved details shall be submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority. The details shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) CCTV Confirmation that the system is free from defects, damage and foreign objects

REASON: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site. As you are aware, the discharge of planning conditions rests with the Local Planning Authority. It is, therefore, essential that you are satisfied that the proposed draft conditions above meet the requirements of paragraph 4 of the National Planning Practice Guidance (Use of Planning Conditions, section 2). Please notify us immediately if you are unable to apply our suggested conditions, as we may need to tailor our advice accordingly. Please note that our comments only cover the surface water drainage implications of the proposed development.

23. All subsequent reserved matters applications for the development plots shall make reference to the original approved Flood Risk Assessment and Drainage Strategy, ADC2790-RP-B and shall be accompanied by a certificate of compliance with the original approved scheme. In addition, an accompanying revised and updated Flood Risk Assessment with full drainage details shall be submitted with each future reserved matters application, indicating whether any further works are required. Development shall be implemented in accordance with the originally approved scheme or the updated scheme as approved in writing by the Local Planning Authority pursuant to that application.

REASON: In order to ensure that the drainage details are implemented in accordance with the approved Flood Risk Assessment, and 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.

24. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

25. Prior to the commencement of development a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented before first occupation of the residential units and therefore maintained in the approved state at all times. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.

REASON: Details are required prior to the commencement of development because any noise measures required are likely to be an integral part of the design and in the interest of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

26. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 of the Order shall be made or constructed to any of the dwellings hereby approved, unless express planning permission has first been obtained from the local planning authority.

REASON: To protect the design integrity of the development and the visual appearance of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. Informatives

Positive/Proactive - amendments

Broadband

s278

Highways approval

Noise scheme

DCMP

Noise

Radon

Anglian Water assets

Public sewer

Protection of existing assets

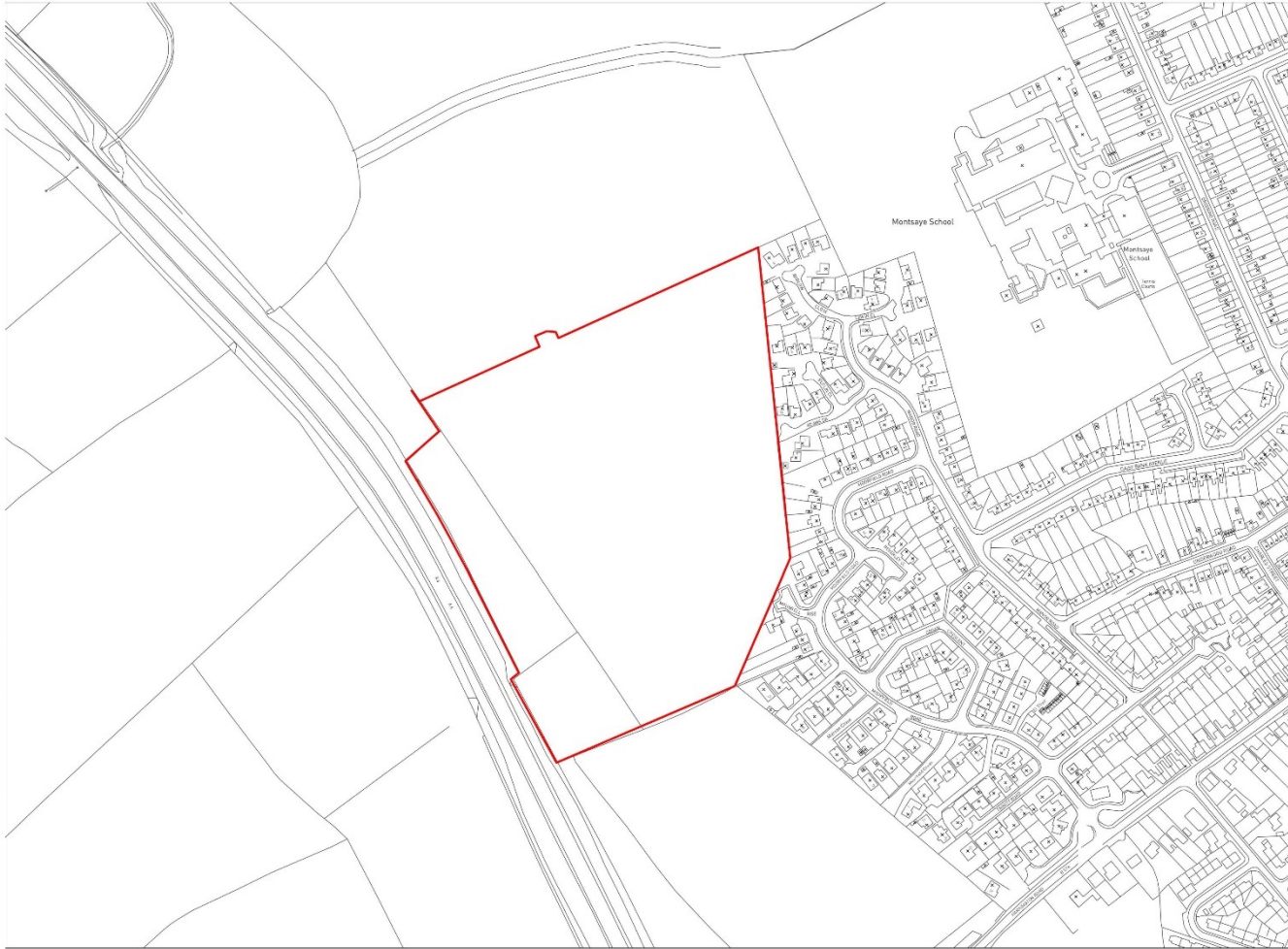
Building near to a public sewer

Drainage details

List of plans

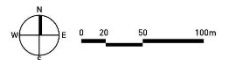
The plans and documents, some of which may have been subsequently referenced by the LPA, are set out below and form the basis for this decision:

Title	NK Ref.	Agent's Ref	Received Date
Location plan		P21-1886_02B	02/06/2022
Design & Access Statement		P21-1886_13A	02/06/2022
Viewpoint photographs	NK/2022/0372/1		02/06/2022
Sustainability Statement		P21-1886	02/06/2022
Utilities Statement		P21-1886	02/06/2022
Noise Assessment		P21-1886	02/06/2022
Tree Survey Arboricultural Impact Assessment		AAS-0284-V03	02/06/2022
Transport Assessment		ADC2790-RP-A-V3	02/06/2022
Flood Risk Assessment and Drainage Strategy		ADC2790-RP-B-V2	02/06/2022
Landscape and visual impact assessment methodology		Appendix A	02/06/2022
Landscape masterplan		Appendix B	02/06/2022
Zone of theoretical visibility		P21-1886_08	02/06/2022
Site and planning designations		P21-1886_03	02/06/2022
Topography		P21-1886_09	02/06/2022
Landscape character		P21-1886_10	02/06/2022
Viewpoint locations		P21-1886_07	02/06/2022
Heritage assessment		JAC-27662	02/06/2022
Covering letter		L001v1_P21-1886_PL_CIR_RDR	02/06/2022
Landscape and visual impact assessment		P21-1886	02/06/2022
Air quality assessment		P5022-R1-V3	02/06/2022
Planning statement		R001v2_P21-1886	02/06/2022
Statement of pre application engagement		R002v2_P21-1886	02/06/2022
Ecological Appraisal	NK/2022/0372/3		19/10/2022
Landscape masterplan sheet 1 of 2		P21-1886_11C-1	19/10/2022
Landscape masterplan sheet 2 of 2		P21-1886_11C-2	19/10/2022
Travel Plan		ADC2790-RP-D	19/10/2022
Swept Path Analysis Plan sheet 1 of 2		ADC2790-DR-003P1	19/10/2022
Swept Path Analysis Plan sheet 2 of 2		ADC2790-DR-052P2	19/10/2022
ATC Surveys	NK/2022/0372/4		19/10/2022
Road Surveys	NK/2022/0372/5		19/10/2022
Exceedance Flow Route		ADC2790/DR/052 Rev P1	19/10/2022
Illustrative masterplan		P21-1886_04E	16/12/2022
Archaeological geophysical survey of 'Rothwell Central', Rothwell Northamptonshire March 2023 Report 23/028		23/028	24/04/2023



KEY
 **SITE LOCATION (8.81HA)**

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ROTHWELL CENTRAL - SITE LOCATION PLAN

