3.0 Information

Relevant Planning History
KET/2007/0136 – Outline application for residential development – DISMISSED AT APPEAL.

Site Description
Officer's site inspection was carried out on 28th August 2009.

The site lies to the south west of Rothwell outside the designated Town boundary. It comprises an area of 3.83 Ha of Greenfield land which is bounded to the north by Harrington Road and lies adjacent to the A14 which runs along the southern edge of the site. Access to the application site is from a track situated off Harrington Road. A Public Footpath (UH4) passes through the site and links to a neighbouring housing estate on Edinburgh Close on the north eastern side of the site from the A14 boundary.

The proposed development would involve the closure of the existing unclassified access and create a new entrance which would be directly connected to Harrington Road via a new T-junction.

Proposed Development
This is an outline application, with all matters except access reserved, for the development of 104 dwellings including 30% affordable housing and 0.75 Ha of open space. The proposal also includes the construction of a 4 metre high screen bund along the southern edge of the application site.

Any Constraints Affecting The Site
Outside Rothwell Town boundary – Greenfield development
B Road
Archaeological & historic site

4.0 Consultation and Customer Impact

Environmental Health Department
Response received 7th September 2009. Further information is required on which to base any assessment of the adequacy of this report in determining the noise impact on this development.

Northants Bat Group
Response received 4th September 2009. No objections as long as the advice in the Ecology report is followed.

Northamptonshire Police
Response received 14th September 2009. Unable to provide specific comment due to lack of information. In the interests of the security and quality of life for future residents conditions are recommended to be imposed including secure by design attainment, boundary treatment and a full Lux plan.

Northants County Council – Archaeology.
Response received 15th September 2009. Further information requested specifically an Archaeological Field Evaluation.

Further response received 12th November 2009. The evaluation has identified that no significant archaeology is within the development area. No further investigation will therefore be required.

Rothwell Town Council
Response received 21st September 2009. No objection provided there is a 30% affordable housing provision and the Town Council is consulted on the draft Section 106 legal agreement before it is agreed.

Natural England
Response received 21st September 2009. We are satisfied with the conclusions and recommendations made in the Ecological Survey. Subject to compliance with this we have no objections.

Northants Wildlife Trust
Response received 28th September 2009. Recommend that further information is required in respect of survey work but are supportive of the proposed condition re: the ‘Biodiversity Management Plan’.

Highways Agency
Directs that planning permission not be granted for a specified period until such a time that the Highway Agency concerns have been addressed. Insufficient information has been provided in support of the application to ensure that the A14 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety.

Further response received 17th November 2009. The revised TA is now acceptable and has provided the Highways Agency with assurance that planning permission could be granted without detriment to the strategic road network subject to the imposition of conditions in relation to the Travel Plan details and a methodology for undertaking a baseline travel survey and audit for modal shift.

Northants County Council
Response received 21st September 2009. Financial contributions sought in respect of:
- Libraries - £19,380
- Fire and Rescue - £8,944
- Education – no contribution required.

Kettering Borough Council – Community Services
Response received 28th September 2009. Total contribution with respect to open space requirements is calculated at £197,544. This includes the contribution request from Sport England for pools, halls and indoor bowls.

Highway Authority
Response received 23rd November 2009. Content with the level of information submitted, save for the A14 junction 3 issue which can be dealt with through a condition linked to the Travel Plan. Other practical matters such as off site highway works can be resolved through a condition and the Pooled Developer Contribution of £389,064 as well as the £77,000 for Public Transport Enhancements should be secured via a Section 106 Legal Agreement.

**SSR Planning Consultants on behalf of Persimmon Homes**

Response received 5th October 2009. Objects to the proposed development for the following reasons:

- Saved Structure Plan policy SDA1 provides for a strategic development area at Rothwell and Desborough - specifically 700 dwellings for the Town’s Sustainable Urban Extension (SUE). This is reflected in the Rothwell and Desborough Urban Extension Area Action Plan (AAP).

- The AAP Preferred Options paper (Sept 06) identifies Rothwell North as the preferred option at Rothwell to accommodate an urban extension. The AAP Position Statement (Feb 09) also identifies Rothwell North as the preferred policy direction for growth.

- An Outline application for 700 dwellings, employment land, local centre, open space and green infrastructure was submitted in June 2007. This application has been the subject of some delays and has not yet been determined. However, Persimmon is committed to the delivery of Rothwell North and provides a delivery timetable to assist the Council with the formulation of the AAP submission.

- It is considered that any future development must come forward in a planned manner and in accordance with the emerging AAP, this identifies Rothwell North as the preferred location for a SUE.

- 104 dwellings does not preclude the critical mass and associated benefits of a larger urban extension.

**Environment Agency**

Response received 22nd October 2009. Objection. The EA consider that this proposal for residential development will put significant pressure on the water infrastructure capacity. The EA objects to the proposed development due to insufficient evidence to demonstrate adequate environmental infrastructure to serve the proposal. The objection will be maintained until such time as sufficient information is submitted to demonstrate there is no risk of harm to the environment. It is the developers responsibility to demonstrate there is sufficient capacity within environmental infrastructure to serve the development. Should this evidence be provided in support of this application we would request a condition requiring the precise details of infrastructure improvements to be linked to the phasing of the development.

**Anglian Water**

Response received 26th October 2009. No objection subject to the imposition of Grampian conditions.

**Northants County Council – Access Development Officer**

Response received 13th October 2009. Concerns with respect to the relationship of the proposed noise bund with the position of the existing Public Right of Way (UH4). Further details of the bund recommended.
North Northamptonshire Joint Planning Unit
Response received 27th October 2009. Object, as the scheme is contrary to the CSS and would clearly prejudice the strategic objectives for a Sustainable Urban Extension contemplated in the emerging Rothwell/Desborough Urban Extension AAP.

Neighbours
No comments received.

5.0 Planning Policy

National Policies
PPS1. Delivering Sustainable Development
PPS3: Housing
PPS9: Biodiversity and Geological Conservation
PPG13. Transport
PPG24. Planning and Noise
PPS23. Planning and Pollution Control
PPS25. Development and Flood Risk

Development Plan Policies

East Midlands Regional Plan
Policy 1. Regional Core Objectives
Policy 2. Promoting Better Design
Policy 3. Distribution of New Development
Policy 11. Development in the Southern Sub-area
Policy 13b. Housing Provision (Northamptonshire)
Policy 14. Regional Priorities for Affordable Housing

North Northamptonshire Core Spatial Strategy
Policy 1. Strengthening the Network of Settlements
Policy 3. Connecting the Urban Core
Policy 5. Green Infrastructure
Policy 6. Infrastructure Delivery and Developer Contributions
Policy 7. Delivering Housing
Policy 8: Delivering Economic Prosperity
Policy 9. Distribution & Location of Development
Policy 10. Distribution of Housing
Policy 13. General Sustainable Development Principles
Policy 14: Energy Efficiency and Sustainable Construction
Policy 15: Sustainable Housing Provision
Policy 16. Sustainable Urban Extensions

Structure Plan
SDA1. Strategic Development Areas

Local Plan
39. Housing: Affordable Housing
7. Environment: Protection of the Open Countryside
Emerging Policies (Local Development Framework)
Rothwell and Desborough Urban Extension Area Action Plan – Position Statement (Feb 09)

SPD’s
Open Space Supplementary Planning Document
Sustainable Design SPD

6.0 Financial/Resource Implications

Section 106 legal agreement required.

Financial contributions being sought with respect to:
Libraries - £19,380
Fire and Rescue - £8,944
Open Space requirements - £197,544
30% affordable housing provision
Improving connectivity and GI
Town Centre regeneration/public realm enhancements

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Appeal Decision
3. Design and Sustainability
4. Noise
5. Visual Impact of the Noise Bund
6. Access
7. Amenity
8. Housing
9. Energy Efficiency and Sustainable Construction
10. Flooding and Drainage
11. Ecology
12. Archaeology
13. Planning Obligations
14. Contaminated Land

Principle of Development
The Development Plan for Kettering Borough consists of a recently adopted Core Spatial Strategy adopted in June 2008, the East Midlands Regional Plan adopted March 2009 and saved policies from the Local Plan for Kettering Borough and the Northamptonshire County Structure Plan. The CSS provides the key local planning policy framework which will guide the constituent Local Authorities in their preparation of site allocations Development Plan Documents (DPD’s) or Area Action Plans (AAP’s) as well as the key policy guidance for determining individual planning applications. There is a clear need for
The CSS provides the spatial vision for North Northamptonshire and outlines the need to deliver quality housing and jobs alongside infrastructure, services and facilities. Its main thrust is to achieve greater self-sufficiency for North Northamptonshire by directing development principally to the urban core which comprises the three Growth Towns of Corby, Kettering and Wellingborough. As well as regenerating the Town Centres, the growth agenda will also be delivered by the provision of sustainable urban extensions to those growth towns which will provide major locations for housing and employment and help to reinforce the roles of those settlements.

Policy 9 of the CSS states that priority will be given to the reuse of suitable previously developed land and buildings within urban areas. Further development requirements will be focused on a small number of sustainable urban extensions at the Growth Towns and site specific Development Plan Documents may identify opportunities for smaller scale SUE’s at Smaller Towns and Rural Service Centres. Rothwell is identified as a small town. It clearly denotes that new building development in open countryside outside the SUE’s will be strictly controlled.

Policy 6 of the CSS states that new development will be supported by the timely delivery of infrastructure, services and facilities necessary to provide more self-sufficient communities and facilities in order to secure a model shift away from reliance on the car. The delivery of planned SUE’s is therefore fundamental to the success of the growth agenda. They are to provide a sufficient critical mass of development to generate substantial contributions to major infrastructure projects so that sustainable communities are created rather than piecemeal housing sites on an uncoordinated and non-strategic basis.

The application site is located outside the settlement boundary of Rothwell within open countryside as defined by saved Policy 7 of the Local Plan for Kettering Borough. This policy states that planning permission for development will not be granted except where otherwise provided for in the plan. Furthermore, policy RA5 states that residential development will not be permitted in the open countryside unless it is for the purposes of agriculture or forestry; reuses or conserves a rural building; provides affordable housing to meet local needs in accordance with policy RA7; is a replacement of an existing dwelling; or is a gypsy site. This application would be contrary to these policies. Policy 9 of the CSS supports this policy and states new building development in the open countryside outside of the SUE’s will be strictly controlled. Furthermore, policy 9 states that priority will be given to the re-use of suitable previously developed land and buildings within urban areas (of which this is not) followed by other suitable land in urban areas. This site is not considered suitable for the reasons further outlined in this report.

PPS3 is a material consideration in the determination of housing applications. Paragraph 69 stipulates that in deciding planning applications for housing, local planning authorities should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing, reflecting the accommodation requirements of specific groups in particular families and older people.
- The suitability of the site for housing, including its environmental sustainability
- Using land effectively and efficiently
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for the area and does not undermine wider policy objectives.

These considerations are discussed in further detail throughout the report.

**Five year housing supply**

PPS3 states that planning authorities should maintain an up to date five year supply of deliverable housing sites. This is reported each year in the Annual Monitoring Report (AMR) as updated regularly throughout the year by the Council. The latest assessment of the 5 year supply was undertaken at the end of October 2009 and follows all relevant guidance (Core Output Indicator Update 02/2008 and Demonstrating a 5 year supply of deliverable sites). This assessment concludes that the Borough have a 5.5 year land supply, a supply of 3,992 units (as shown in the table below). As such the application site is not required to ensure housing supply and delivery in the short term.

**Borough Housing Supply at end October 2009**

<table>
<thead>
<tr>
<th>Housing Supply</th>
<th>5 Year Supply 2010/11-2014/15</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding Consents</td>
<td>1,510</td>
</tr>
<tr>
<td>Resolution to Grant subject to S106</td>
<td>784</td>
</tr>
<tr>
<td>SHLAA category 1 brownfield sites</td>
<td>798</td>
</tr>
<tr>
<td>East of Kettering CSS allocation</td>
<td>900</td>
</tr>
<tr>
<td>TOTAL SUPPLY</td>
<td>3,992</td>
</tr>
<tr>
<td>CSS 5 year Requirement (from CSS Policy 10)</td>
<td>3,738</td>
</tr>
<tr>
<td>CSS 5 year Requirement (adjusted to reflect the level of housing that has already been delivered)</td>
<td>3,633</td>
</tr>
<tr>
<td><strong>5 YEAR SUPPLY</strong></td>
<td><strong>5.5 year supply</strong></td>
</tr>
</tbody>
</table>

PPS3 states that where a local planning authority cannot demonstrate an up to date five year supply, they should consider planning applications for housing favourably having regard to criteria at paragraph 69. As a five year housing supply can be demonstrated, this is not considered to apply to this proposal.

**Emerging Policy**

Emerging policy documents and the evidence base that supports them are also material considerations in the determination of planning applications. As mentioned above, the Council is currently producing the planning policy for Desborough and Rothwell; the Urban Extension Area Action Plan. The purpose of this document is to address the planned housing expansion of the towns and set out the detailed requirements of the new developments. The
Proposed Submission version of this Plan and supporting background paper and sustainability appraisal is due out for public consultation in December of this year, with submission to the Secretary of State planned for April 2010. This document identifies the allocation of an urban extension on land north of Rothwell for 700 dwellings, 4 hectares of B1 and B2 employment land, a local centre, open space and necessary associated infrastructure required to support the proposed growth as outlined in the CSS and the emerging AAP. The proposed allocation will seek to meet the vast majority of the outstanding housing requirement for Rothwell.

The cumulative impact of small developments such as this application could negatively impact upon the main aims and objectives of the development plan. The provision of 104 dwellings in addition to the 700 proposed by the provision of the Sustainable Urban Extension for Rothwell would exceed the indicative housing requirement of 1320 dwellings for the period 2001-2021 as set out within Policy 10 of the North Northamptonshire Core Spatial Strategy. Policy 13b of the East Midlands Regional Plan states that further growth should be tested through DPD’s. This site was in fact discounted as a suitable site for housing development in the consideration of sites during the Rothwell and Desborough Urban Extension AAP.

The over provision of housing at the smaller towns is not supported by the CSS which clearly states that the main focus for development should be at the Growth Towns. The growth proposed in the CSS already represents a proportionately much greater increase in the size of Rothwell than at Kettering. The CSS sustainability appraisal indicated that Kettering was the most sustainable location for growth and as such it would be contrary to the overall spatial strategy of the CSS to dilute the focus of development at the Growth Towns by allowing further development at the smaller Towns. The high levels of growth proposed for North Northamptonshire derive from the MKSM Study and the subsequent Growth Area Assessments carried out to inform the MKSM sub-regional strategy. These looked specifically at the development potential of the three Growth Towns. It would be completely at odds with the overarching principles of the development plan if difficulty or delay in delivering housing at the Growth Towns was to result in pressures for substantial development at less sustainable locations elsewhere in North Northamptonshire. To load smaller settlements such as Rothwell will levels of development in excess of those identified in the CSS would result in a dispersed and unsustainable pattern of development which would dilute the Growth Towns focus in the CSS. It is considered therefore that the proposed application would prejudice the prospects for the successful achievement of the Growth Agenda via planned, co-ordinated sustainable communities and as such the development proposal is fundamentally contrary to the key provisions of the CSS and should be resisted.

Appeal Decision
The appeal decision for the application site in January 2009 is a material consideration in the determination of this proposal. At that time, the application was for 117 dwellings and the Planning Inspector considered the main issues to be:
- How the site would contribute to the supply of housing
- Whether the proposal reflected the spatial vision for the area
- Noise

The appeal was dismissed on the grounds of noise which is discussed as a material consideration later in this report. The Inspector concluded that the site would contribute to the supply of housing and would reflect the spatial vision of the area for the following reasons:

At the time of the Public Inquiry (December 2008), a five year supply of deliverable housing sites could not be fully demonstrated and therefore it was considered by the Inspector to be in accordance with paragraph 71 of PPS3 that the site would help to meet the outstanding housing requirement and as such was considered favourably with respect to housing supply.

In the case of the spatial vision argument, it was evident that the appeal proposal and the Rothwell North SUE would, when taken together, exceed the housing requirement for Rothwell as set out within the CSS. However, the Inspector did not consider that the prospects for the sustainable urban extension would be harmed by exceeding the indicative requirement within the CSS. The Inspector concluded that in accordance with Policy 16 of the CSS, the unilateral undertaking and travel plan submitted with the appeal proposal would respond to the local needs of the area and it would not follow that in allowing the development it would ‘open the door’ to a series of housing only sites. The arguments put forward at that time did not convince the Inspector that the appeal site would undermine the strategic focus on a small number of large sites.

Notwithstanding the above conclusions made by the Inspector, it is considered in the current situation that given a five year housing supply can now be demonstrated, it is even more important that the strategic focus on the growth towns and the link between housing development and infrastructure is emphasised.

The position taken by the Inspector, not fully reflecting the strategic focus on the Growth Towns and the link between housing development and infrastructure, employment and retail provision could result in a succession of unsustainable housing schemes that will cumulatively affect the strategic focus on the Growth Towns, utilise infrastructure capacity and therefore undermine the delivery of the Core Strategy. Critically, the Public Inquiry didn’t focus on the impact of the development on the strategic infrastructure capacity in Kettering Borough and the potential impact upon the delivery of key sites in Kettering, notably the Sustainable Urban Extensions at Kettering East and those at Desborough and Rothwell.

The Inspector also indicated that whilst the indicative housing requirement for Rothwell would be exceeded, the requirement at that time was not a ceiling figure. However, since the Harrington Road appeal decision, there has been a shift at the regional level which no longer regards the indicative housing figures as minima (policy 13b of the approved East Midlands Regional Plan) and makes clear that higher figures can be tested through development plan documents provided they are consistent with the principles of sustainable
development set out within PPS1.

Design and Sustainability
The application states that this application is for a small scale sustainable urban extension and therefore is tested against policy 16 of the CSS. It is noted that the submitted layout is indicative only and that the application is for outline consent with all matters reserved except access. It is therefore difficult to assess at this stage how successful the application will be with respect to design which would be addressed at the reserved matters stage. However, the indicative layout details do raise issues of concern specifically the apparent isolation of the development from Rothwell Town Centre.

As stated in Planning Policy 1 (Delivering Sustainable Development) ‘sustainable development is the core principle underpinning planning’. Four strands of sustainability are identified by PPS1:

- Social progress that recognises the needs of everyone
- Effective protection of the environment
- Prudent use of natural resources
- The maintenance of high and stable levels of economic growth and employment

It is considered that this application fails to meet the strategic demands set by PPS1 and therefore also fails to satisfy regional and local planning policies which, although not exclusively related to sustainable development, are targeted at creating sustainable communities.

The proposal for Harrington Road will not satisfy any of the policies linked to sustainability due to its unsustainable location. It would represent unplanned sprawl which cannot offer the necessary infrastructure to create a truly sustainable, self-sufficient community. Neither will this development integrate itself into the urban fabric of Rothwell by creating a development which reflects the organic growth of the existing town. Specifically, its insular layout does not demonstrate adequate linkages to the adjacent residential area and Rothwell Town Centre with respect to walking and cycling provision and proximity to public transport facilities. It is 350 metres from the nearest bus stop.

The location dictates, due to its proximity to the A14 and the A6 trunk roads that this proposal will be desirable to those who commute by private car for work and therefore future residents will be heavily car dependent. The distance of the proposal site from Rothwell Town Centre (600 metres approx) will discourage potential future residents from using sustainable modes of transport as a means of accessing local services and therefore they are more likely to use their cars even for short journeys. The proposed development is located on the edge of Rothwell and the potential for a car-dominated estate that has no historic linkages to Rothwell is likely to erode any potential for the new community to integrate itself with the existing community. This is contrary to policies 43 and 44 of the East Midlands Regional Plan which seek to support sustainable development, improve air quality and reduce carbon emissions from transport by reducing the need to travel and promoting a modal shift away from the private car. Permitting this proposal would be wholeheartedly against
two of the central tenets of sustainable development; the need to effectively protect the environment and the prudent use of natural resources. The proposal also fails to suitably demonstrate how the development will achieve a 5% modal shift in accordance with policy 13 of the CSS and given its walking distance from the town centre, lack of connecting routes as shown in the application and distance from public transport nodes such as bus stops.

In addition to this, the application does not provide employment opportunities on site and as such is in conflict with part c of Policy 16 of the CSS. This proposal cannot be considered to be a small scale SUE for the reasons set out above and as such is contrary to policy 16 of the North Northamptonshire Core Spatial Strategy.

Noise
The application site lies immediately north of and adjacent to the A14 which is a significant source of noise. PPG24 states that noise sensitive development should not normally be permitted in areas subject to unacceptably high levels of noise. In assessing planning applications regard must be given to the planning guidance contained in PPG 24 – Planning and Noise. This document provides for a system of noise exposure categories, which are rated between the hours of 07:00 and 23:00, and 23:00 and 07:00. Noise exposure categories range from A-D and help Local Planning Authorities to consider applications for residential development near transport related noise sources.

Category A – Noise unlikely to be a determining factor
Category B – Noise should be taken into account when determining planning applications.
Category C – Planning permission should not normally be granted but where considered acceptable conditions should be imposed to ensure a commensurate level of protection against noise.
Category D – Planning permission should normally be refused.

The Environmental Health Department requested that a detailed noise assessment be submitted which provided both weekday and weekend noise levels. The data submitted in this instance has been assessed and considered insufficiently robust to enable full consideration of the impact of noise on the amenity of the occupiers of the proposed development. The local planning authority needs to be satisfied that an adequate and robust assessment has been submitted which allows the determination of noise exposure categories for the development site against daytime and night time noise levels. The submission of data for one daytime period and two night time periods for a site directly alongside the A14 trunk road is deemed to be wholly inadequate.

The planning application is presented in outline form with means of access as the only consideration. Given the importance of the noise impact on the development and the dismissal of the previous planning appeal on noise grounds, it is considered that the principles of the acoustic protection for the site and the precise distance between the housing and the noise sources should have been submitted alongside the Noise Assessment as the very minimum. Further information was requested by the Council under article 3(2) of the Town and Country Planning (General Development Procedure) Order
1995. The applicants have therefore failed to adequately respond to our formal request for further information.

Based upon the information that has been submitted, the site is reported as having a noise exposure category, at least in parts of the site, as NEC C, where annex 1 of PPG24 states that planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise. Without sufficient data being submitted including full details of the proposed screen bund on which a realistic assessment of the noise climate on this site can be made, the application is deemed contrary to PPG24 and Policy 13 of the CSS. As such outline planning permission cannot be justified due to overriding noise concerns.

Visual Impact of the Noise Bund
The application submission includes the provision of a 0.5ha screen bund. The claimed benefits to the site in respect of noise mitigation from a proposed noise bund measuring 4 metres in height has not been adequately demonstrated as part of this outline application. A request was made by the local planning authority in accordance with article 3(2) of the Town and Country Planning (General Development Procedure) Order 1995 which asked for full illustrative details of the layout of the proposed development and the noise sources together with full details of the proposed noise bund and principles of acoustic protection in order that a proper assessment of these matters could be made. Although the applicant submitted further information including an illustrative masterplan drawing (N157/2/D), proposed cross sections and a plan to illustrate the building heights of the proposed dwellings, the details do not show how the bund would relate to the topography of the site, do not illustrate the effect of retaining the public footpath (UH4) which cuts through the bund or adequately demonstrates the overall visual impact the bund would have upon the site and surrounding area. Therefore the proposal contains insufficient information to meet policy 13 of the North Northamptonshire Core Spatial Strategy.

Access
Access is a detailed consideration at the outline stage. The main access point is shown from Harrington Road and a new T-junction will be created as part of the proposed development. A Transport Assessment and Travel Plan have been submitted as part of the application submission. Currently, ongoing discussions are still taking place between the developers and both the Highway Authority and Highway Agency. Further information has been submitted in respect of the submitted Transport Assessment. The Highways Agency are now satisfied with the details submitted subject to the imposition of conditions in relation to the Travel Plan and a methodology for undertaking a baseline travel survey and audit for modal shift. The County Highway Authority remain concerned about the impact the proposed development would have upon junction 3 of the A14 but do not object to the proposed development on highway grounds. It is stated within their response that the issues raised can be dealt with by means of suitable conditions. In addition to the imposition of conditions, the highway authority is seeking pooled developer contributions
towards enhancements to the wider highway network secured via the Section 106 Agreement and a sum towards public transport enhancements.

As mentioned above, there is a footpath (UH4) which runs through the site and officially terminates at the A14 boundary. However, the location of the footpath has implications for the construction and appearance of the noise bund which is proposed to be built along the southern boundary of the site. There are no details submitted with the application which represent how this gap in the bund would look and how it would relate to the topography of the site. As the application is presented in outline form it is considered that the footpath issues can be secured by means of condition and/or further details submitted at the reserved matters stage of the application.

**Amenity**

The application site is situated outside the Town boundary of Rothwell but lies adjacent to existing residential development on the north western edge of the site. The indicative layout plan illustrates that much of the proposed development will be two storeys in height and those facing properties along Harrington Road will comprise a back to back distance of approximately 25 metres. This is considered to be acceptable in planning terms in order to retain privacy and avoid unacceptable levels of overlooking. Some properties along Edinburgh Close will also be affected by the proposed layout of the development and a number of buildings including two and half storey dwellings on the eastern side of the site will face toward existing rear gardens of properties within Edinburgh Close. However, details such as appearance and scale are not matters for consideration in this application and as such can be dealt with at the Reserved Matters Stage. This application provides an indication that development can be delivered on site without adversely compromising the amenity of existing residents.

**Housing**

The proposed development comprises 104 dwellings (including a 30% affordable housing provision) on a total area of 3.83 hectares. The layout accompanying the application illustrates the provision of 2.6 hectares of residential land. This equates to a density of 40 dwellings per hectare. This exceeds the PPS3 housing target of 30 dwellings per hectare and is deemed to be acceptable with respect to its edge of Town location and relationship with surrounding development. The housing mix is indicated within the Design and Access statement as comprising 15% one bed properties, 50% two bed properties, 15% three bed properties and 20% four bed properties. This appears to be in line with the requirements of the North Northamptonshire Strategic Housing Market Assessment but the precise details will be determined at the Reserved Matters stage.

**Energy Efficiency and Sustainable Construction**

Given the size and scale of the proposed scheme the applicant is required to meet the energy efficiency and sustainable construction standards set out in Policy 14 of the North Northamptonshire Core Spatial Strategy. It is considered in this instance that the requirements comprising of energy and water efficiency and 10% of energy demand met on site renewably or from a decentralised renewable or low carbon supply can be met through the imposition of a
condition.

**Flooding and Drainage**

PPS25 – Development and Flood Risk states that undeveloped sites such as this one generally rely on natural drainage to convey or absorb rainfall. The effect of development is generally to reduce the permeability of at least part of the site. The effective disposal of surface water from development is a material planning consideration in determining proposals. The Flood Risk Assessment details have been assessed by the Environment Agency and although a direct objection to the FRA has not been made, the EA has grave concerns that this scheme for 104 dwellings will put significant pressure on the water infrastructure capacity. Insufficient evidence has been provided to demonstrate adequate environmental infrastructure to serve the proposal. The recently published North Northants Water Cycle Study provides evidence to suggest that environmental infrastructure may be a problem in this particular area and highlights uncertainties over the solutions and timing.

The EA objects to the development coming forward at this time until further information is submitted which demonstrates that there is no risk of harm to the environment and shows sufficient capacity for the connection, conveyance, treatment and disposal of quality and quantity of water within the proposed phasing of development.

It is recognised in the detailed North Northants Water Cycle Strategy (NNWCS) that the current water infrastructure which serves Rothwell and Desborough has insufficient capacity to accommodate the planned level of housing growth for the two towns. That is, 1400 homes to be delivered at the Sustainable Urban Extensions.

By directing planned growth strategically through the Sustainable Urban Extensions, necessary water infrastructure enhancements can be funded and delivered in a timely manner as required in the draft Proposed Submission version of the AAP.

The NNWCS identifies that the sewerage system for the Broadholme catchment area (in which Rothwell lies) sewer network requires significant investment and upgrade. The recommended solution involves improvements in capacity with new pumping stations, new sections of pumped and gravity sewers and optimising the Broadholme Wastewater Treatment Works. The necessary improvements include a new pumping station at Severn Way, Kettering which processes wastewater from Rothwell and Desborough. The draft Proposed Submission version of the AAP sets out how development at the Sustainable Urban Extensions will contribute towards and help deliver these improvements, including the new pumping station. The AAP will require improvement works delivered in step with housing so the capacity of the water infrastructure network is not compromised.

The Environment Agency (EA) have been involved in the policy formulation and are satisfied that this strategic direction is essential if new houses are to be built within the environment’s capacity to cope with the additional impacts of development. The EA have also stated that interim private treatment plants or
on-site storage of wastewater will not be acceptable.

Any further housing growth outside of the Sustainable Urban Extensions would place further pressure on the water infrastructure, especially the sewage network and effectively ‘use up’ capacity thereby undermining the delivery of the Sustainable Urban Extensions and the provision of the strategic infrastructure required by the NNWCS. This application does not demonstrate how the proposed development would contribute to these crucial improvements. Instead, piecemeal developments will exacerbate the sewage capacity problem at Rothwell and Desborough and potentially rely on unsatisfactory on-site, interim measures which are unsustainable in the medium to long term.

Ecology Matters
In accordance with PPS9 – Biodiversity and Geological Conservation planning decisions should prevent harm to biodiversity and geological conservation interests. An Ecology survey has been submitted as part of the application details which considers the presence of badgers, Great Crested Newts, Bats and other species. Natural England has been consulted on the application and is satisfied with the conclusions drawn and recommendations made within the Ecology Survey subject to the imposition of conditions.

Archaeology
At the initial submission stage, the application details did not contain sufficient information to ascertain the extent of the archaeological potential on site. The County Archaeological Advisor requested that an evaluation be carried out. PPG16 makes clear that it is reasonable for the planning authority to request the prospective developer to carry out an archaeological field evaluation. This information was provided and identified that there is no significant archaeology within the development area. The proposal is therefore deemed to be acceptable in this regard.

Planning Obligations
As part of Policy 6 of the North Northamptonshire Core Spatial Strategy, developers have to make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development. In this instance, there are a number of matters which require covering by means of a Section 106 Legal Agreement. They comprise affordable housing, open space contributions, fire and rescue contributions and a sum towards library facility improvements.

Libraries - £19,380
Fire and Rescue - £8,944
Open Space requirements - £197,544
Pooled developer contributions towards highway network improvements - £389,064
Public Transport Enhancements - £77,000
30% affordable housing provision
No education contributions are being sought by Northamptonshire County Council in this instance.

Contaminated land
PPS23 suggests that development for a sensitive use, such as residential schemes, should adopt a precautionary principle in respect of potential contamination issues. It is noted that the underlying geology of the area exhibits unacceptable levels of naturally occurring arsenic and could be a risk to future occupiers. A condition is therefore suggested which requires investigation and remediation measures if necessary. This approach is considered to be in accordance with criterion P of Policy 13 of the North Northamptonshire Core Spatial Strategy 2008 which seeks to protect and not degrade soil quality.

**Conclusion**

The application is recommended for refusal based on the following:

The site lies outside of Rothwell Town Boundary and as such would result in development on Greenfield land and involve unnecessary take up of land outside the identified Sustainable Urban Extension for Rothwell as outlined in Policy 9 of the Core Spatial Strategy. Development on this site would clearly prejudice the strategic objectives for directing growth within sustainable urban extensions (SUE) set out within the Core Spatial Strategy (CSS) and the emerging Rothwell/Desborough Urban Extension AAP.

The proposal is not required to meet the housing requirements for the area as the Borough can now demonstrate a 5 year supply of housing as required by PPS3 and the Council is producing an Urban Extension AAP to secure the delivery of the outstanding housing requirement in Rothwell as set out within Policy 10 of the North Northamptonshire Core Spatial Strategy.

The proposal will not satisfy sustainability objectives due to its unsustainable location. It would represent unplanned sprawl which cannot offer the necessary infrastructure to create a truly sustainable, self-sufficient community. Neither will this development integrate itself into the urban fabric of Rothwell by creating a development which reflects the organic growth of the existing town. Specifically, its insular layout does not demonstrate adequate linkages to the adjacent residential area. It is therefore contrary to PPS1 and Policy 13 of the CSS.

Insufficient information contained within the noise assessment means that the efficacy of the noise mitigation measures cannot be satisfactorily demonstrated. The principle of development is not acceptable on noise grounds specifically the impact upon the living conditions of future residents and is therefore contrary to PPG24 and Policy 13 of the CSS.

The scheme will put significant pressure on the water infrastructure capacity and insufficient information has been provided which shows adequate capacity for connection, conveyance, treatment and disposal of quality and quantity of water. It is therefore contrary to the aims and objectives of PPS23 and PPS25.