Comments

Site Specific Part 2 Local Plan - Publication Plan Consultation (18/12/19 to 12/02/20)

Comment ID 46
Response Date 31/01/20 13:59
Consultation Point Policy ROT3 Land to the West of Rothwell (View)
Status Processed
Submission Type Email
Version 0.5
Files
46 - Preliminary Noise Assessment.pdf
46 - Illustrative Masterplan.pdf
46 - Ecology Technical Note.pdf
46 - Transport Feasibility Note - R.pdf
46 - Site Delivery Statement.pdf
46 - Heritage Appraisal.pdf

Representation

Please use a separate form for each representation.

Which part of the Publication Plan does your representation relate to?

Chapter 12: Rothwell
Policy ROT3: Land to the West of Rothwell

Tests of Soundness

Do you consider the Local Plan is sound in terms of being:

Justified
Effective
Positively prepared
Consistent with National Policy
Legal and Procedural requirements

Do you consider the Local Plan has been prepared in line with legal procedural requirements? Yes

Duty to Cooperate
Do you consider the Local Plan to be compliant with the Duty to Cooperate? Yes

Reasons

Please give the reason(s) why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the statutory Duty to Cooperate.

2.17 Policy ROT3 of SSP2 LP allocates Land to the West of Rothwell for up to 300 These representations are supported by a Site Delivery Statement by Persimmon Homes which illustrates that the site is deliverable for a high-quality scheme of up to 300 dwellings following the principles of the draft policy. In turn, the Site Delivery Statement is accompanied by a variety of technical information and an illustrative Masterplan.

2.18 In conjunction with the technical information and the masterplan, it is evident that the broad development principles and criteria set out in Policy ROT3 can be complied with. Connectivity has been ensured to the Rothwell North development for vehicles, cyclists, and pedestrians and future opportunities to access the land to the south of the site have been retained.

2.19 Any future planning application will be informed by a Landscape Visual Impact Assessment (LVIA) but the illustrative masterplan, whilst still subject to change following further detailed design work, has been informed by the site’s landscape constraints and approximately 36% of the overall site area has been retained as green infrastructure. The green infrastructure link to the west of the site as required by point of draft policy ROT3 has been incorporated into the illustrative masterplan.

2.20 In terms of noise emanating from the surrounding road network, this has been considered in the SDS and the supporting technical note but in brief noise does not pose a fundamental constraint to development of the site and mitigating noise impact has been considered as part of the proposed masterplan with a significant green buffer provided to the A6 as well as the opportunity for future structural planning.

2.21 The transport impacts of the development can be the subject of a Transport Assessment at the planning application stage. A detailed highways technical note supports the accompanying Site Delivery Statement and this states that, based on the information currently available, it is likely that the trips generated by the development of Land West of Rothwell can be accommodated within the existing highways infrastructure which will be upgraded as part of the Rothwell North.

2.22 In terms of archaeology this has been considered in detail as part of the Desk Based Assessment (DBA) which supports the Site Delivery Statement. In short, there are no fundamental constraints to developing the site in this regard nor are there any constraints posed by above-ground heritage.

2.23 In terms of flooding and drainage there is no fundamental constraints in this regard and the masterplan has made provision to ensure the development meets sustainable drainage objectives and will not increase flood risk elsewhere.

2.24 In terms of viability Persimmon has fully costed the Rothwell North SUE and therefore has a good understanding of build costs and sales values in the local area. Based on this information and the illustrative masterplan Land West of Rothwell is viable for 30% affordable housing.

2.25 Having regard to the above, Persimmon Homes generally supports Policy ROT3 for the allocation of Land West of Rothwell for up to 300 dwellings and offers further comment below in terms of five-year housing supply and the site selection process. However, Persimmon Homes objects to point h. of the policy which states that Land West of Rothwell can only commence development once the Strategic Link Road delivered as part of the Rothwell North SUE is complete because this clause is completely unnecessary. As part of the Rothwell North SUE S106 agreement Persimmon is obligated to deliver the SLR by 250 dwellings. Negotiations are currently ongoing with Kettering Borough Council to lower this trigger further to 150 dwellings and Reserved Matters Approval has already been granted for the SLR. RMA has already been granted for the first phase of Rothwell North comprising 227 dwellings towards the northern portion the Rothwell North site. Given that Land West of Rothwell relies on delivery of the Rothwell North SUE for access and given the way in which Rothwell North will be phased, there is clearly no possibility that Land West of Rothwell would commence prior to delivery of the SLR.

Five Year Housing Land Supply
2.26 Persimmon Homes would note the comments made by some consultees at Regulation 18 stage which included criticism of the Rothwell North SUE’s speed of delivery and similarly expressed skepticism about the rate at which Land West of Rothwell would come forward. At this point it is should be clear that such criticism was unfounded. Working diligently with Kettering Borough Council and other stakeholders, Persimmon Homes have not only secured outline planning permission for the entirety of the SUE but have also secured Reserved Matters Approval for Phase 1 comprising 227 dwellings and associated Reserved Matters Approval has also been granted for the Strategic Link Road.

2.27 Considering the above, Persimmon Homes considers the projected completions for Rothwell North as set out in the Housing Land Supply Background Paper dated October 2019 to be entirely realistic. The projected completions for Land West of Rothwell are similarly realistic, having regard to the fact that Land West of Rothwell will be accessed via the Rothwell North. Given that the Rothwell North SUE will deliver new homes for the foreseeable future there will be an ample supply of housing land to meet identified needs until Land West of Rothwell comes on stream. This is illustrated in the HLS Background paper which demonstrates a 6.74-year supply of deliverable housing sites from 2019 to 2024. This figure does not incorporate Land West of Rothwell, which the Council assumes will deliver outside of the current five-year period. Additionally, even if 25% of projected housing completions in the Borough were not to occur, the Council would still have a housing land supply of 5.66 years.

2.28 We would also observe that housing land supply in the context of Kettering Borough recently tested in a recent S78 appeal at Land off Braybrooke Road, Desborough (APP/L2820/W/18/3215362). The Decision Letter dated 15th October 2019 is instructive for several reasons. In particular, the appellant in this case argued for an exceptionally marginal shortfall of 4.99 years and upholding the Council’s five-year land supply the Inspector observed:

“I accept that on major strategic sites it is often the case that development starts at a modest pace but builds up speed over time. Sustainable urban extensions in this case have followed that pattern but now seem to be coming on stream at a greater pace.”

2.29 This is certainly the case with the Rothwell North Sustainable Urban Extension where significant progress has been made and continues to be made following the grant of outline planning Reserved Matters Approval for the first phase of some 227 dwellings has been granted. The planning conditions as part of the first RM phase and the outline planning permission are currently being discharged. Persimmon expect the first 20 dwellings to be completed on the site before the end of 2020.

2.30 The S106 agreement pursuant to the outline planning permission requires delivery of the Strategic Link Road by 250 Persimmon Homes is currently in the process of negotiating a deed of variation to the S106 agreement which would see early delivery of the Strategic Link Road by 150 units. Based on the current build programme, this would mean completion of the SLR by March/April 2022 which would in turn align with the Council’s assumptions in the Housing Land Supply background paper.

2.31 The overall rate of delivery assumed for Rothwell North and by extension those assumed for Land West of Rothwell are completely reasonable given the annual completion rates achieved by Persimmon Homes Midlands elsewhere in the Borough, particularly at the Kettering East SUE. In the second half of 2019 until the time of writing in January 2020 Persimmon achieved 67 completions at Kettering East which would again support the Council’s assumptions about build-out rates.

Site Selection Process

2.32 The NNJCS identifies a residual housing need in Rothwell. As discussed above and in the accompanying Site Delivery Statement, Persimmon Homes is exceptionally well-placed to meet this need through the delivery of Land West of Rothwell (Site RO/088a) which benefits from a draft allocation in the SSP2 LP for up to 300 units. Land West of Rothwell is the best placed site in the settlement to accommodate a sustainable development in order to meet the town’s residual housing need.

2.33 Persimmon agrees with the assessment in the sustainability appraisal that Land West of Rothwell has the unique advantage of its connectivity with the Rothwell North SUE which will incorporate a variety of services, facilities, and amenities within easy walking distance to benefit future residents as well as providing easy access to the town centre.

2.34 Persimmon notes the commentary in the SA Report regarding other sites promoted in the town. Sites RO/85 and RO/202 are referenced as performing generally well against sustainability objectives but are in multiple ownerships and, based on the information available, are not in the control of a developer in addition to being of an insufficient size to meet the residual housing need in Rothwell as
identified by the Council. Given the noted ownership issues and the fact that these are not controlled by a developer, there is no evidence to indicate that these sites would come forward for development any faster than Land West of Rothwell.

2.35 Sites RO/222 and RO/205 lie to the north of the Rothwell and would represent significant encroachment into the open countryside fundamentally altering the settlement’s character. The capacity of these sites is likely to be more than the residual housing requirement for the town even with an appropriate buffer. Notwithstanding those shortcomings, it seems probable that delivering these sites would require significant upgrades to the nearby road infrastructure.

2.36 As such, Land to the West of Rothwell is the most suitable and sustainable site to accommodate the town’s housing need and this decision can be supported with reference to the Sustainability Appraisal’s consideration of alternative sites.

Proposed Actions/Changes

Please explain what changes or actions are needed to make the Local Plan legally compliant.

Clause h. is therefore unnecessary and unsound and should be deleted for plan soundness.

Attendance at the examinations hearings

If you are seeking to change the Plan, would you like to attend the examination hearings? Yes

If Yes, please outline the reason(s) why, below.

Persimmon Homes Midlands is an active developer in Kettering Borough and has several concerns in relation to plan’s soundness vis-à-vis certain detailed development management policies as well as a single criterion of Policy ROT3 Land West of Rothwell. These issues will need to be tested at examination and Persimmon Homes Midlands wishes to be party to these discussions.

Notifications

Do you wish to be notified? When the Plan is submitted for independent examination? When the Inspector’s Report is published? When the document is adopted?