

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 20/01/2015</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Alan Davies Development Officer</b>	<b>Application No: KET/2014/0233</b>
<b>Wards Affected</b>	<b>Rothwell</b>	
<b>Location</b>	<b>Rothwell Town Football &amp; Social Club, Cecil Street, Rothwell</b>	
<b>Proposal</b>	<b>Full Application: 80 no. dwellings with associated infrastructure</b>	
<b>Applicant</b>	<b>William Davis Ltd</b>	

### **1. PURPOSE OF REPORT**

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### **2. RECOMMENDATION**

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED, subject to a S.106 OBLIGATION being entered into, and to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

2. No development 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: To preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. No development shall commence on site until details of the design and materials of the substation, 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: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back

in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or

which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

REASON: To ensure the continued well being of the trees in the interests of the amenity of the locality in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

5. (a) Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837 (Trees in Relation to Construction 2005: recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

(b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

REASON: To ensure the continued well being of the trees in the interests of the amenity of the locality in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, the layout, contouring and surfacing of all open space areas. The works approved shall be carried out in the first planting and seeding seasons following the first occupation of a dwelling or the completion of the development whichever is the sooner. Any 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 amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. No development shall take place on site until a landscape management

plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately-owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. No development shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied.

REASON: In the interests of visual amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme indicating the positions, design, materials and type of all boundary treatments and gates to be erected. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details and shall be retained thereafter.

REASON: In the interests of the amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

10. The car parking areas for the development and other non-adopted publically accessible areas, shall be to the BS5489 standard. These areas shall have a minimum uniformity rate of 0.25Uo (25%) and the colour rendition of the lighting shall be lit at least 60Ra (60%). Prior to the commencement of the development a LUX plan showing how this standard is to be met shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme(s) shall be implemented prior to the first occupancy of a unit. The LUX plan for the development shall detail what lamps are being proposed and also the maximum, minimum, average and uniformity levels for each area.

REASON: To ensure that the parking areas are well lit and safe to use in accordance with Policy 13 of North Northamptonshire Core Spatial Strategy.

11. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to C have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11(or any model procedures revoking and replacing those model procedures with or without modification)'.

## B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation

scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition c.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

12. Prior to the commencement of development a scheme for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained at all times thereafter.

REASON: In the interests of public health in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

13. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:

- i. An overall strategy for managing environmental impacts which arise during construction;
- ii. Measures to control the emission of dust and dirt during construction;
- iii. Control of noise emanating from the site during the construction period;
- iv. Hours of construction work for the development
- v. A daily log of all vehicles attracted to the site shall be kept and made available for inspection at the request of the local planning authority.
- vi. Contractors' compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure within the site;
- vii. Designation, layout and design of construction access and egress points;
- viii. Directional signage (on and off site);
- ix. Provision for emergency vehicles;
- x. Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials solely within the site;

- xi. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- xii. Details of measures to prevent mud and other such material migrating onto the highway from construction or demolition vehicles;
- xiii. Storage of plant and materials used in constructing the development within the site;
- xiv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- xv. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

REASON: In the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

14. No development 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: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

15. No development shall commence on site until details of the design and materials of the bin and cycle stores 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: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

16. No development shall take place on site until a noise assessment together with a scheme for the sound insulation of the proposed dwellings has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be first occupied, until the development has been carried out in accordance with the approved scheme.

REASON: In the interests of the amenities of future occupiers in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

17. Prior to the commencement of development a scheme detailing biodiversity improvements across the site that mitigates the loss of wildlife shall be submitted and approved in writing by the Local Planning Authority. The details shall include bird and bat boxes within buildings. The development shall not be carried out other than in accordance with the approved scheme.

REASON: To ensure that due regard is paid to the continuing enhancement of wildlife and nature conservation in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

18. Prior to the commencement of development a scheme for the provision of the surface and waste water drainage shall be submitted to and approved in writing by the Local Planning Authority. This shall include full detail of the proposed attenuation tank. The development shall not be carried out other than in accordance with the approved scheme.

REASON: To prevent pollution of the water environment in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

19. The development hereby permitted shall not be occupied until accesses, parking and turning areas have been constructed, surfaced and marked out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure adequate on-site parking provision and to discourage parking on the highway in the interests of amenity and highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

20. No development shall take place on site until a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction and recycling, provision for water efficiency and recycling, and demonstrating that at least 10% of the demand for energy will be met on site and renewably and/or from a decentralised renewable or low-carbon energy supply, 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 scheme.

REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

21. No development shall take place on site until details of the method of construction of the means of access have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby permitted is commenced, or the building is occupied, whichever is the sooner.

REASON: To ensure a satisfactory means of access to the highway in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

22. 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 the amenities of the area and adjoining residential properties in particular in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

### **Officers Report for KET/2014/0233**

This application is reported for Committee decision because the proposal is a contentious application with unresolved, material objections to the proposal.

### **3.0 Information**

#### **Relevant Planning History**

KET/2013/0298 – Renewal of extant permission (KET/2010/0284). Approved 25/07/2013.

KET/2013/0294 – Renewal of extant permission (KET/2010/0285 Replacement of training area and floodlighting for RTFC). Approved 21/06/2013.

KET/2010/0285 – Renewal of extant permission (KET/2007/0315 Replacement of training area and floodlighting for RTFC). Approved 22/07/2010.

KET/2010/0284 – Renewal of extant permission (KET/2005/0307 Renewal of KE/01/0175: Outline for residential development). Approved 12/08/2010.

#### **Site Description**

Officer's site inspection was carried out on 13/05/2014.

The application site is the former home of Rothwell Town Football Club which consists of the clubhouse, football pitch, small supporters stands on the north, west and south sides of the pitch, floodlights and the gravelled car park to the south of the clubhouse. The main stand/pavilion was located to the east of the pitch and falls outside of the application site. The site is on the outskirts of the urban area and to the north of Rothwell Town Centre. To the south of the site is Cecil Street and this is the single point of access to the site. The football club went into administration in 2012 and the site has remained unused since. The site is now overgrown with vegetation as a result and the dilapidated clubhouse has been part-demolished to prevent further vandalism and anti-social behaviour.

#### **Proposed Development**

It is proposed to construct 80 dwellings, 29 of which would be affordable rent and 19 would be shared ownership, with associated infrastructure and an area of public open space. The dwellings equate to 60% affordable housing and 40% market housing on this site.

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

Open Space

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

#### **Town Council**

No objection. However, concerns have been raised about increased traffic, the need for more parking, contributions towards sports/youth facilities and the preference for an alternative vehicular access to the site from the west to prevent vehicles travelling through the town centre.



**Natural England**

No objection.

**Environment Agency**

No objection.

**Community Services**

Objection, unless a replacement football pitch is provided elsewhere. Contributions to open space, indoor sports and leisure are required.

**NCC – Education**

Development is considered acceptable subject to contributions to primary education, fire and rescue and libraries.

**Anglian Water**

No objection.

**NCC – Archaeology**

No objection. In light of the results of the geophysical survey commissioned by CgMs no further archaeological works will be required in association with the new development.

**Sport England**

Objection. The fact that the football club went into receivership does not prove that there is no longer a requirement for a football pitch or an alternative playing field use and so the developers, should they wish to build on the existing pitch, must provide an alternative. Sport England objects to the proposal because it is not considered to accord with any of the exceptions in Sport England's playing fields policy, Paragraph 74 of the National Planning Policy Framework (NPPF) or local planning policy.

No further sufficient information to demonstrate that the playing field is surplus to requirements or that the developer commits to mitigate its loss has been submitted and therefore the application does not accord with Paragraphs 73 or 74 of the NPPF. In light of this should KBC be minded to approve this application then the application should be referred to the National Casework Planning Unit.

**Crime Prevention Design Advisor**

No objection provided that the scheme incorporates 1.8m high boundary fencing between dwellings to minimise crime/anti-social behaviour.

**Environmental Health**

No objection. However the submitted contaminated land report by Jackson Purdue Lever is inadequate and therefore a condition should be imposed, should permission be granted, requiring investigation of the land and mitigation to be applied if contamination is found. In addition to this a scheme for the storage of waste and a Construction Management Statement should be conditioned.

**North Northants Badger Group**

No objection.

### **NCC – Highways**

The layout is acceptable in principle. The one main requirement is that future development to the north is not stymied by the road layout on this site and either a condition or legal agreement should be used to ensure that access to any potential site to the north is not prejudiced; otherwise connectivity with the rest of the town could be severed.

### **Housing**

Supports the application. Overall the tenure mix is well balanced within the scheme with good pepper-potting of the affordable housing throughout.

### **Neighbours**

No responses received.

## **5.0 Planning Policy**

### **National Planning Policy Framework (NPPF)**

Policy 4. Promoting sustainable transport

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

Policy 8. Promoting healthy communities

Policy 10. Meeting the challenge of climate change, flooding and coastal change

Policy 11. Conserving and enhancing the natural environment

### **Development Plan Policies (DPP)**

#### **North Northamptonshire Core Spatial Strategy**

Policy 1. Strengthening the Network of Settlements

Policy 5. Green Infrastructure

Policy 6. Infrastructure delivery and developer contributions

Policy 7. Delivering Housing

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

#### **Local Plan**

35. Housing: Within Towns

39. Housing: Affordable Housing

#### **Supplementary Planning Guidance:**

Sustainable Design SPD

Open Space SPD

Biodiversity SPD

#### **Emerging Policies (Local Development Framework)**

Joint Core Strategy Review (JCS)

Site Specific Proposals LDD (SSP LLD)

Rothwell and Desborough North AAP

## **6.0 Financial/Resource Implications**

The following contributions have been sought:

- Replacement football pitch
- Primary education £121,065
- Fire and rescue £7,360
- Libraries £13,883
- Public open space £15,379
- Community facilities £26,345
- Sports facilities £72,667

The developer has submitted viability assessments to demonstrate that the off-site replacement of the football pitch is not financially possible. The Council's Valuer reviewed the report and questioned whether the land value was too high, however the applicant confirmed that the development site value is correct and two further independent land agents also confirmed this. The applicant was asked to look into and demonstrate what the impact of providing a new football pitch on the site would be. It was concluded that the financial viability of the scheme is not viable; if a football pitch was incorporated on the site the financial issue would be exacerbated.

The applicant was also asked to provide a further financial appraisal to demonstrate the impact of providing less affordable units and more open market sale units and whether this would allow s106 contributions. The outcome of the assessments is that even at the 30% affordable and 70% open market split; the scheme is still financially unviable.

The financial appraisals demonstrate a financial deficit however the whole development would be constructed under contract for Home Group which, if this application is successful, will receive an approx. £1.5mn grant funding from the Homes and Communities Agency (HCA). Home Group have confirmed that the scheme is only viable due to the grant input and internal subsidy (finance produced from private sale units).

However in addition to the provision of additional affordable housing the applicant has offered £120,000 towards s106 obligations (funds diverted from other sources, rent conversions etc). The division of this contribution would be to the highest priority areas such as primary education. As a result there would be limited or no further funds towards the other requirements and in particular sports facilities.

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Affordable Housing
3. Access, Highways and Parking
4. Design, Character and Appearance
5. Neighbouring Amenity
6. Environmental Matters – Contamination and Noise
7. Flooding and Drainage

8. Biodiversity and Landscaping
9. Archaeology
10. Refuse and Cycle Facilities
11. Sustainable Design and Construction
12. Community Involvement

### 1. Principle of Development

The NPPF (March 2012) provides national planning guidance to enable Local Planning Authorities to determine applications for planning permission in accordance with national strategy. The location of the proposed scheme is within an allocated area of open space; the former home of Rothwell Town Football Club which went into administration in 2012 leaving the existing pitch, terraces, clubhouse and parking area without a tenant. The site is within the town boundary; it is considered to be a brownfield site and therefore a sustainable location for residential development as identified in Paragraph 17 of the NPPF.

However whilst the location of this site accords with the sustainability objectives of Paragraph 17, a key issue is identified in Paragraph 74 of the NPPF which requires the existing football pitch on the site to be replaced or for an assessment that demonstrates that the existing pitch is surplus to requirements. Paragraph 74 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Within the NPPF there is a presumption in favour of sustainable development. In this case as long as a replacement football pitch is provided elsewhere, or the applicant can demonstrate a surplus of pitches in the local area, the principle of development would accord with national planning policy as it is a sustainable form of development that would reuse previously developed land.

The applicant is not proposing to provide an alternative and has provided an assessment to support this. However, Sport England have reviewed this and object to the proposal and comment that the fact that the football club went into receivership does not prove that there is no longer a requirement for a football pitch or an alternative playing field use and so the developers, should they wish to build on the existing pitch, must provide an alternative. Without the provision of an alternative pitch the proposal is not considered to accord with any of the exceptions in Sport England's playing fields policy, Paragraph 74 of the NPPF or local planning policy. The applicant then provided further justification and information however Sport England still maintain their objection and consider that the further information does not demonstrate that the playing field is surplus to requirements or that the developer commits to mitigate its loss and therefore the application does not accord with Paragraphs 73 or 74 of the NPPF. The Football Association (FA) fully supports Sport England's objection and will retain their objection unless suitable replacement stock is installed or redeveloped elsewhere.

Kettering Borough Council (KBC) Community Services note that in 2011 KBC adopted a Sports Facility Strategy based upon an audit of provision gathered in 2008. They consider that the loss of this sports pitch will result in a deficiency in outdoor pitch space for the existing population of Rothwell. It should be noted that the Sports Facility Strategy is dated and therefore it can be argued that KBC do not have a robust and up to date assessment of current and future needs in the form of a Sports Playing Pitch Strategy that accord with Sport England's policies. However, it is considered that in this particular case none of the requirements relating to the football pitch have been satisfied and therefore the principle of the proposal is contrary to national planning policy due to the requirement to replace the football pitch, or to demonstrate that there is a surplus of such pitches.

Paragraph 47 of the NPPF requires Local Planning Authorities to identify and annually update a supply of sites sufficient to provide five years worth of housing against their housing requirements, adding an additional buffer of 5% to ensure choice and competition in the market for land. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. KBC has more than a 5 year housing land supply in accordance with national guidance. Therefore there is no requirement to approve this scheme in order to meet locally-identified housing figures.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts then the determination must be made in accordance with the plan, unless material considerations indicate otherwise. The North Northamptonshire Core Spatial Strategy (CSS) sets out the strategic development strategy for North Northamptonshire and it identifies Rothwell as a 'Smaller Town' in Policy, which focuses development on the 'Growth Towns', with the 'Smaller Towns' providing a secondary focal point for development. This proposal is for a housing development of a scale which is likely to be considered appropriate for a town identified as a secondary focal point for development. The site, as discussed above, is close to Rothwell Town Centre and is therefore not only a sustainable site but it is likely to help to regenerate Rothwell Town Centre.

Policy 7 of the CSS requires the provision for 13,100 homes in Kettering Borough in the plan period 2001 to 2021. Policy 10, in Table 5, states that Rothwell requires 1320 dwellings between 2001 and 2021. 512 of these were completed in the monitoring period 2001 to 2012. The residual requirement is therefore 808. It is considered that this site would help towards providing the level of housing required in Rothwell in the plan period up until 2021, although this needs to be balanced against the issue of the need to replace the football pitch.

The North Northamptonshire Joint Planning Unit has prepared an Interim Housing Statement (IHS) which provides an up-to-date objective assessment of the need for housing for the period 2011-21. The IHS finds a housing requirement for Kettering Borough of 4,600 dwelling for the period 2011-21. This site could contribute to meeting the Borough's housing requirement.

It is a requirement of Policy 9 of the CSS that development is distributed to strengthen the network of centres as set out in Policy 1. It also requires that any new development in the open countryside, outside of the Sustainable Urban Extensions, is strictly controlled. As such this policy gives priority to the reuse of suitable previously developed land and buildings within the urban area, followed by other suitable land in the urban area. The proposal site therefore, which is within the Rothwell Town boundary and constitutes a brownfield site, accords with this policy.

Policy 13 of the CSS, parts f and g, state:

- Development should: not lead to the loss of community facilities, unless it can be demonstrated that they are no longer needed by the community they serve and are not needed for any other community use or that the facility is being relocated and improved to meet the needs of the new and existing community;
- Not lead to the loss of open space or recreation facilities, unless a site of equivalent quality and accessibility can be provided, serviced and made available to the community prior to use of the existing site ceasing.

Therefore as it stands, without the provision of a replacement pitch elsewhere, the proposal is contrary to national and local planning policy.

The 1995 Local Plan for Kettering Borough also forms part of the development plan. Policy 7 seeks to protect the open countryside, which this proposal does, as it is within the town boundary under Policy 35. In accordance with Policy 39 of the Local Plan this proposal will more than satisfy the requirements for affordable housing, with 60% of the proposed dwellings to be affordable.

The application site is one of the preferred options to meet housing needs in Rothwell in the emerging Site Specific Proposals Local Development Document (Options Paper Consultation March 2012) (SSP LDD). The preferred option sites contained within the Site Specific Document were all the subject of a Sustainability Appraisal and the sites that were proposed as preferred sites are those that had the most positive assessments against the criteria. The application site has therefore been found to be a sustainable location for new development in Rothwell during the assessment of potential sites for residential development.

At the consultation stage of the SSP LDD this site was initially considered to have an approximate yield of 48 dwellings. This was based upon a figure of 30 dwellings per hectare. This scheme proposes 80 dwellings with a site of 1.55 hectares, meaning that the current proposed density is 51 dwellings per hectare. Whilst this is a high figure there are no longer minima or maxima in national or local planning policy. This density is discussed further in the design section of this report, but in principle it is considered that the proposed density is a sustainable level.

## 2. Affordable Housing

This planning application seeks permission for 80 dwellings with a significant proportion of affordable housing. There are a range of different house types and sizes within the development, including 1 and 2 bed flats, bungalows, and 2 and 3 bed houses. This mix was developed in consultation with KBC Housing Team to reflect the needs of the community. KBC Housing Team has provided a housing supporting statement for this

application. The statement refers to the number of applicants registered with Keyways (the Council's housing register) and comments that this is steadily increasing and outweighs the number of new affordable homes becoming available each year (both through re-lets and new build). The Statement notes that in 2013/14 each advertised property received on average 9 bids thus highlighting the need for more new affordable homes.

The Statement highlights that after 2015/16, the number of affordable homes planned currently drops to 30 known completions. Due to a number of s106 opportunities with associated viability issues the amount of affordable housing in some cases is negotiated down. There is therefore a strong need to support sites that continue to deliver a higher number of affordable homes.

KBC Housing Team has worked with the applicant and has discussed the proposed mix in significant detail. This scheme is also included within Home's bid to the HCA for investment as part of its 2015-18 programme which KBC Housing Team supports. The Statement notes that Kettering has attracted significant amounts of investment into new affordable housing in the Borough and has been successful in delivering new affordable homes. As part of the 2008-11 National Affordable Homes Programme (NAHP) KBC attracted over £41m of investment. Since then with the introduction of the Government's Affordable Rent Framework coupled with a reduction in capital available, KBC have seen a significant reduction in both number of homes being delivered and grant attracted into new schemes.

The Statement explains that since 2011 the way in which affordable housing has been funded has changed, as has the tenure being funded. The Governments Affordable Homes Programme (AHP 2011-15) has resulted in a significant reduction in grant available generally, and the average grant per unit available has dropped from around £60k to £21k per unit. In the main the only tenure being funded this way is Affordable Rent (rents up to 80% of market value). KBC Registered Provider partners operating under this new framework now have less funding and less capacity to develop therefore more than ever, are being selective about which areas they wish to work in and what types of sites they will deliver. Windfall sites will be more and more difficult to stack up financially. Furthermore the Statement highlights that the HCA has continuously stressed that Local Authorities must make themselves attractive places for Providers to want to continue to develop in.

Current investment for the North Northants area under the new HCA Affordable Homes Programme (AHP) for 2015 -18 is as follows:

<b>Local Authority Area</b>	<b>Total Allocation</b>	<b>Number of units</b>
Kettering	£1,288,279	48
Corby	£2,169,000	87
Daventry	£304,000	35
Northampton	£3,418,922	224
East Northants	£1,930,500	113
South Northants	£700,000	86
Wellingborough	£2,056,500	101

Source: HCA

The Statement states that Kettering's 2015-18 allocation comprises entirely of the Rothwell FC development by Home Group (29 affordable rented units funded at £896,100 and 19 shared ownership units at £392,179). It is important to note that if this scheme is not delivered then the funding will likely be withdrawn and used elsewhere in the Region.

Over the past 8 years affordable housing has accounted for a significant amount of KBC delivery however, in recent years this has been via windfall sites and not through planning gain. As can be seen in the table below, since 2010/11 KBC have seen the number of new affordable homes delivered almost halved:

	Market	Social Rent	Shared Ownership	Other Intermediate e.g. shared equity, homebuy etc	Affordable Rent	Total Affordable	Total Affordable via s106	Affordable as % of total completions
2006/07	360	91	119	2		212	74 (34%)	37%
2007/08	569	66	49	1		116	84 (72%)	17%
2008/09	179	145	93	5		243	58 (24%)	58%
2009/10	235	96	10	54		160	39 (24%)	41%
2010/11	253	159	46	15		220	2 (1%)	46%
2011/12	226	55	29	3		87	2 (2%)	28%
2012/13	199	85	58	13	9	165	40 (24%)	45%
2013/14	440	34	21	0	45	100	25 (25%)	23%

The Statement notes that this year KBC are projecting around 140 completions but this drops to just 100 known affordable completions in 2015/16 and just 30 known completions in 2016/17. For the latter two years all of these are via s106 schemes. Discussions are ongoing with Registered Providers in terms of ability to deliver.

The Statement discusses the need for certain types of affordable accommodation. It notes that a significant proportion of the Keyways register is made up of single households and couples, with over 65% of Keyways applicants being households requiring a minimum of 1 bedroom. Although these applicants will still be able to bid for larger properties on Keyways, their ability to pay if in receipt of Housing Benefit will be restricted and a full affordability check is undertaken at verification stage. The Statement points out that 34% of applicants have a ground floor need and 7% require wheelchair adapted accommodation. This application's design of units and layout includes provision of some 1 bedroom flats and bungalows to help meet some of this need. The Statement confirms that there is a shortage of 1 bedroom affordable accommodation in the Borough and that it is now recognised that these properties are attractive and households would be willing to move into/downsize to. Therefore if households are currently over occupying affordable housing, they can be encouraged to move to smaller accommodation which would also free up larger family homes.

To conclude, the Statement provided by KBC Housing Team justifies that is an overriding need for affordable housing to meet local housing needs.



### 3. Access, Highways and Parking

The application proposes one vehicular access to the site from Cecil Street. This approach is considered acceptable in principle, as is the general design of the access points and circulation routes within the site. The application is accompanied by a Transport Statement which seeks to demonstrate that the development would not result in any adverse impact upon the highway network. A number of amended layouts have been submitted during the application process and the Highways Authority is now satisfied that the amended layout provides for good access and circulation with good road widths and visibility. The proposal provides on plot parking spaces for each unit and consideration has been given to usable off plot potential locations for visitor parking. With regard to access, highway and parking the application is considered acceptable and in accordance with Policy 13 of the CSS. No s106 contributions are sought towards highways improvements but it is recommended to include in the s106 an obligation regarding future proofing further northern access arrangements to ensure potential future connectivity with the rest of the town.

### 4. Design, Character and Appearance

Policy 7 of the NPPF requires a high standard of design which improves the overall quality of the area and Policy 13(o) of the CSS requires new development that respects and enhances its surroundings. This proposal would result in a simple site layout with the 80 dwellings accessed from a single spine road serving two separate cul-de-sacs. At the end of the spine road (north of the site) is a small area of open space.

Policy 6 of the NPPF allows Local Planning Authorities to set out their own approach to housing density to reflect local circumstances. Policy 15 of the CSS requires higher densities in locations that are most accessible by foot, bicycle and public transport. The proposed site is currently an edge of settlement location and it is considered that the site would be viewed as part of the existing settlement. There are bus stops close to the proposed development and the town centre is within walking distance and public open space will be provided on site. The average density is 51 dwellings per hectare with the density even across the site which is considered an acceptable approach given the location of the site and surrounding environment. The housing design is up to a maximum of two storey in height, including the flats and there are 3 bungalows proposed. The dwellings would have traditional scales and proportions, and a traditional palette of materials, which according to the submitted Design and Access Statement will incorporate red and buff brick, rendered walls along with slate tiles and red pantiles for the roofs. Material samples can be secured by way of condition.

The layout of the streets is of short terraces with relatively narrow gaps between the buildings creating a strong building line. The proposal has a clear layout of public front and private back gardens. There is a clear delineation between private front gardens and the public street to the front. Further boundary treatment detail is required and this can be secured by condition. Corner plots are dual aspect and encourage natural surveillance across the site. Parking courtyards are to the front of dwellings and are well-overlooked. Landscaping has been provided to break up the parking areas and soften the overall development. For flats, communal amenity space is provided to the side or rear of the buildings. The overall structure of the development is clear; with a clear hierarchy of streets and spaces that makes legibility and wayfinding easy. The parking has been designed into the streetscape and would not dominate the streetscape.

Further detail is required regarding bin storage, cycle storage and substation design as well as hard and soft landscaping schemes. This is included in the recommendation via conditions. The proposal is designed to be in character with the surrounding development at the entrances to the site; within the site, development is denser and injects a new character to the area. Given the location of this development, it will not be highly visible from the surrounding streets. For these reasons the proposal is considered to have an acceptable impact on the character of the area in accordance with Policy 6 and 7 of the NPPF and Policy 13 of the CSS in respect of design and layout.

#### 5. Neighbouring Amenity

Paragraph 17 of the NPPF states that the planning system should aim to ensure a good quality of amenity for all existing and future occupiers of land and buildings affected by development. In addition, Policy 13(l) of the CSS states that new development should not have an unacceptable impact upon neighbours as a result of overlooking, loss of light, noise or other type of pollution. The site adjoins residential development along its south and eastern boundary. The provision of housing on this site will increase traffic movements and activity, however the land use is compatible with the surrounding properties and the impact of these additional movements would not result in such detriment as would warrant refusal of the application.

The layout has been carefully designed to ensure that potential overlooking and impact on privacy to existing and proposed dwellings has been minimised, and that outdoor amenity space is usable. The proposed dwellings have sufficient garden depths and boundary treatment and finished floor levels would be conditioned to ensure any impact is minimal. Although the site is dense, the properties within the application site are well spaced with the majority having in excess of 8m rear gardens, properties have been positioned to give good back to back distances and properties largely front the highway sitting side by side so as not to overshadow or unduly overlook proposed neighbouring properties. The proposal is therefore considered to have an acceptable impact on the amenity of neighbours in accordance with CSS Policy 13.

#### 6. Environmental Matters – Contamination and Noise

The submitted contaminated land report is inadequate and a condition needs to be imposed requiring further investigation of the land and mitigation to be applied if contamination is found. This condition is included in the recommendation. In addition to this a scheme for the storage of waste and a Construction Management Statement to protect neighbouring amenity should be conditioned.

A Noise Assessment has not yet been submitted; therefore a condition is required for dwellings to be constructed to reduce noise in accordance with British standards and future monitoring. Subject to the above-mentioned conditions being included, the proposal is considered in accordance with Policy 11 of the Framework and Policy 13 of the CSS with regards to contaminated land and noise.

#### 7. Flooding and Drainage

Policy 10 of the NPPF requires development to be directed to areas at the lowest risk of flooding and new development should not increase the risk of flooding elsewhere. This requirement is also set out in Policy 13(q) of the CSS, which also requires new developments to incorporate Sustainable Urban Drainage (SUDs) where possible and lead to a reduction in flood risk.

The application site lies in Flood Zone 1; the area least at risk from flooding. Therefore in principle the proposal is acceptable in terms of flood risk and the main issue is whether the proposed drainage is acceptable to meet the requirements of the NPPF and the CSS. The applicant has submitted a Flood Risk Assessment (FRA) and the Environment Agency (EA) is satisfied that the development would not present an undue risk of flooding, nor would it cause flooding elsewhere. Furthermore Anglian Water has confirmed that there is available capacity within the sewerage system. The applicant is proposing to construct a surface water attenuation tank underground where the public open space is to be provided to the north of the application site. This underground tank has been incorporated to allow an area of usable public open space within the site. Full details of the tank and its construction can be secured by way of condition. The proposal is considered in accordance with Policy 10 of the Framework and Policy 13 of the CSS.

#### 8. Biodiversity and Landscaping

Policy 11 of the NPPF requires the planning system to minimise the impacts on biodiversity and provide net gains in biodiversity where possible and Policy 13(o) states that new development should conserve and enhance biodiversity. Submitted with the application are a Phase 1 Habitat Survey and a Tree Condition Survey which assess the potential for adverse impact on wildlife and biodiversity. The proposed development has no implications for statutorily designated sites. Section 5 of the Phase 1 Habitat Survey makes recommendations regarding ecological enhancements and these should be conditioned to ensure biodiversity retention, protection and future measures are implemented on the ground. It is considered that the proposed enhancements incorporated into the development (such as bat and bird boxes) would benefit the biodiversity of the local area in accordance with Policy 11 of the NPPF and Policy 13 of the CSS.

Although the application site adjoins open countryside it is largely obscured by existing housing around the edge of the site and as such from a distance it would not be viewed as an incongruous addition to the rural edge of Rothwell. Some existing trees would be retained to the site boundary. Further landscaping including a buffer of vegetation along the north edge can be included in a landscaping scheme. The proposal includes a small area of open space to the north of the site, in which the surface water attenuation tank will be sited under. More detailed hard and soft landscaping and tree protection can be secured by condition. It is therefore likely that the proposed development would not have an adverse impact upon the character of the surrounding landscape in accordance with Policies 5 and 13(o) of the CSS.

#### 9. Archaeology

A Geophysical Survey was commissioned by CgMS and Northamptonshire County Council Archaeological Officer has reviewed this report. From the report the findings are as such that no further archaeological works will be required in association with the new development. The proposal is therefore considered in accordance with Policy 12 of the Framework and Policy 13 of the CSS.

#### 10. Refuse and Cycle Facilities

The proposed refuse stores are to be located in discreet locations away from the public realm. Cycle stores to serve the flats are also located away from the public realm for security and visual amenity purposes. Further detail of the design and materials of the

proposed bin and cycle stores can be conditioned.

### 11. Sustainable Design and Construction

Policy 10 of the NPPF recognises the importance of reducing energy use and moving to the use of low carbon energy. Policy 14 of the CSS requires that development meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. Schemes should demonstrate techniques of sustainable construction and energy efficiency, provision for waste recycling/reduction and provision for water efficiency and water recycling. Policy 14 and the Sustainable Design SPD strive to achieve standards above the statutory minimum required by the Building Regulations and 10% of the demand for energy through renewable or low carbon sources. An Energy Statement and Sustainability Assessment has not yet been submitted (however a Sustainable Design Checklist was submitted). A condition can be attached to a permission requiring the submission of an Energy Statement and Sustainability Assessment to define what measures are actually going to be used in the scheme. Subject to this condition the proposal is considered in compliance with Policy 14 of the CSS.

### 12. Community Involvement

The NPPF encourages community involvement and early engagement with developers, LPAs and local communities. The applicants held a community consultation event on the 2 April 2014 at the Rothwell Methodist Church. Residents and Ward Councillors were invited in writing to attend the event. The applicant has engaged in pre application with KBC Officers and the applicant has met with the adjoining school to discuss proposals.

## **8.0 Conclusion**

Without the provision of an alternative sports pitch the proposal is not considered to accord with any of the exceptions in Sport England's playing fields policy, Paragraph 74 of the NPPF or local planning policy. Therefore as it stands, without the provision of a replacement pitch elsewhere, the proposal is contrary to national and local planning policy. However this is a finely balanced case based on the loss of the sports pitch against the need for affordable housing in this sustainable brownfield location.

Financial appraisals have demonstrated that the scheme is unviable unless the scheme secures grant funding from the HCA (approx. £1.5m) and uses internal subsidy (finance produced from private sale units) upon approval of a scheme. It is important to note that if this scheme is not delivered then the grant funding from the HCA will likely be withdrawn and used elsewhere in the Region. In addition to the provision of additional affordable housing the applicant has offered £120,000 towards s106 obligations. The division of this contribution would be to the highest priority areas such as primary education. As a result there would be limited or no further funds towards the other requirements and in particular sports facilities.

The Statement provided by KBC Housing Team justifies that there is an overriding need for affordable housing to meet local housing needs. After careful consideration it is concluded that in this particular case, on balance, the adverse impact of the loss of the sports pitch does not significantly and demonstrably outweigh the benefits of the provision of the affordable housing given the justified housing need and the sustainable location.

It is therefore recommended that this application be approved, subject to the conditions set out in this report and the applicant entering into a S106 regarding the affordable housing, the £120,000 contribution, future proofing of the northern access and school construction traffic future access onto the adjoining school site.

**Background**

**Papers**

Title of Document:

Date:

Contact Officer:

Alan Davies, Development Officer on 01536 534316

**Previous Reports/Minutes**

Ref:

Date: