

BOROUGH OF KETTERING

Committee	Full Planning Committee - 02/07/2013	Item No: 5.4
Report Originator	Mark Philpott Assistant Development Officer	Application No: KET/2013/0298
Wards Affected	Rothwell	
Location	Rothwell Town FC, Off Cambridge Street (land at), Rothwell	
Proposal	Renewal of Extant Permission (Outline - Major): KET/2010/0284 (Outline for residential development)	
Applicant	Persimmon Homes Midlands	

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 by 25th July 2013 or refused if not completed by that date, and subject to the following conditions:-

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

REASON: In order to secure a satisfactory development.

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

REASON: In order to secure a satisfactory development.

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

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

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

5. 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.

6. 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.

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first

planting and seeding seasons following the occupation of the building. 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.

8. 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 screen walls and fences to be erected. The screen walls and fences shall be erected as approved before the adjacent dwellings are first occupied 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.

9. The development hereby permitted shall not be occupied until accesses, parking and turning areas have been constructed, surfaced and marked out in accordance with the 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.

10. 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. 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.

11. 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.

12. Prior to the commencement of development suitable replacement sports facilities as approved under KET/2013/0294 shall have been provided in full, in accordance with those approved plans, unless otherwise agreed in writing by the Local Planning Authority.

REASON: The re-development of land for residential use is only acceptable provided that replacement sports facilities have been provided in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in the Core planning principles and Sections 6, 7, 8 and 11 of the National Planning Policy Framework and Policies 1, 9, 10, 13, 14 and 15 of the North Northamptonshire Core Spatial Strategy. The proposal is also in accordance with adopted Open Space and Sustainable Design Supplementary Planning Documents. The issues relating to replacement sports facilities are material planning considerations and, in reaching the decision to approve the proposal, have been carefully weighed against all relevant policy considerations.

Officers Report

3.0 Information

Relevant Planning History

KET/2013/0294 – Renewal of Extant Permission: KET/2010/0285 (Replacement of training area and floodlighting for RTFC). APPROVED.

KET/2010/0285 – Renewal of Extant Permission: KET/2007/0315 (Replacement of training area and floodlighting for RTFC). Approved 22.06.2010

KET/2008/0515 – Approval of Reserved Matters: Erection of 17 dwellings. APPROVED 28.08.2008

KET/2007/0461 – A mixed use urban extension, comprising 700 dwellings, 11 hectares of employment land (Classes B1 and B2), a local centre (Classes A1-A5, B1(a), C3, D1) open space and green infrastructure, an extension to Montsaye College playing fields and a reconfiguration of the junior school playing fields. The proposed development also includes pedestrian and cycle routes, and associated roads and other infrastructure. PENDING.

KET/2007/0315 - Renewal of Extant Permission: KE/02/0156 (Replacement of training area and floodlighting for RTFC). APPROVED 30.05.2007

KET/2005/0307 – Renewal of Extant Permission: KET/01/0725 (Outline for residential development). APPROVED 07.06.2005

KE/02/0156 – Change of Use: Replacement of training area and floodlighting for Rothwell Town Football Club. APPROVED 28.05.2002

KE/01/0725 – Outline for residential development. APPROVED 03.09.2001

Site Description

Officer's site inspection was carried out on 10.05.2013.

The site has extant outline consent for residential development on a 0.4ha site to the western end of Cambridge Street, Rothwell and to the west of residential development along Oxford Street. The narrow, rectangular site, which currently forms part of the Rothwell Town Football Club grounds, adjoins open countryside to the north and residential development to the east; the remaining boundaries adjoin the football ground.

The land is currently grassed over, but, like the main pitch and associated facilities has deteriorated due to a lack of use.

Proposed Development

This application seeks to renew the outline approval granted previously under KET/2010/0284 for residential development.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Rothwell Town Council

No objection

Anglian Water

No objection

Northamptonshire County Council (NCC)

Education, library, fire & rescue contributions are required.

NCC Police

No objection

Environmental Health

No objection. Refer to comments made for previous applications and request contaminated land condition.

Neighbours

No objections received.

5.0 Planning Policy

National Planning Policy Framework

Core planning principles

Section 6. Delivering a wide choice of high quality homes

Section 7. Requiring good design

Section 8. Promoting healthy communities

Section 11. Conserving and enhancing the natural environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1. Strengthening the Network of Settlements

Policy 9. Distribution and 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

Emerging Policies

Desborough and Rothwell Urban Extension Area Action Plan

Site Specific Proposals Local Development Document

SPDs

Sustainable Design

Open Space

6.0 Financial/Resource Implications

This application seeks outline permission for residential development. CSS Policy 15 requires that 30% of the dwellings should be affordable housing. In order to secure the affordable housing a S.106 obligation is required. Affordable housing was previously secured via a Unilateral Undertaking, but this is no longer considered appropriate due to the need to link the obligation to a nomination rights agreement.

NCC has requested education, library and fire & rescue contributions. The previous application only required affordable housing contributions. It is not considered reasonable to pursue additional contributions in this instance because of the small scale of the proposal and because the previous permission was extant at the time of the submission of this application.

The Local Planning Authority is currently waiting for the applicant to agree to the heads of terms.

7.0 Planning Considerations

The development is already deemed acceptable in principle by the granting of planning permission under reference KET/2010/0284; however, this application must still be determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires any determination to be made in accordance with the Development Plan and any other material considerations.

This application is therefore subject to changes in the Development Plan and national policy guidance, and any other material considerations arising since the granting of the original permission.

The key issues for consideration in this application are:-

1. Changes to the Development Plan and national policy guidance
2. Other Material Considerations

1. Changes to the Development Plan and national policy guidance

The key difference in the policy landscape since the approval of KET/2010/0284 is the introduction of the National Planning Policy Framework (NPPF), which replaces the Planning Policy Statements (PPSs) and Planning Policy Guidance Notes (PPGs) to which the previous application referred.

The East Midlands Regional Plan (EMRP) has been revoked, but other relevant policies forming the Development Plan, such as the policies within the North Northamptonshire Core Spatial Strategy (CSS), remain unchanged.

The Rothwell and Desborough Urban Extensions AAP is still emerging and the Open Space SPD is still adopted.

The relevant sections of the NPPF largely echo the PPSs and PPGs referred to previously, and are similar to policies within the Development Plan which remain unchanged since the previous approval.

The NPPF Core planning principles promote development which makes effective use of land by utilising land of least environmental value, recognises the value of open countryside, is high quality in design and ensures a good standard of amenity.

Section 6 of the NPPF places significant emphasis on increasing housing supply and encourages applications to be considered with a presumption in favour of sustainable development.

Section 7 places additional emphasis on the need for good design.

Section 8 requires that existing sports building and land are not built on unless the land is shown to be surplus to requirements; would be replaced by equivalent or better provision in a suitable location; or the development is for alternate provision.

Section 11 places additional emphasis on the protection of land of high environmental value.

These policies are considered to be similar to the principles of the extant and unchanging Development Plan policies, and the PPSs and PPGs upon which the previous decision was based.

The principle of the development therefore continues to be acceptable. As the policy considerations are considered to be the same as those raised previously, it is recommended that similar conditions to those required previously are imposed as part of any approval of this application, in order to ensure the development is appropriate.

2. Other Material Considerations

The application site lies on part of the Rothwell Town Football Club grounds. The previous application required the training facility to be replaced prior to the commencement of development. Subsequently planning permission was secured for a replacement training area. A separate application has now been submitted to renew the permission for the replacement training area, which has been approved under delegated powers.

Whilst the training ground, main pitch and associated facilities are still present, it is important to note that the Rothwell Town Football Club is no longer used and the facilities are in deteriorating form. It is also important to note that the proposed replacement training facilities are only considered to be appropriate in the open countryside so that the training pitch may be in close proximity to the main grounds.

Despite it being considered unlikely that the main grounds will be reinstated for use by Rothwell Town Football Club, the site could still be used for similar purposes and no planning permissions have been granted on the main pitch.

The replacement training facilities are considered to be in an appropriate location provided that the main grounds are retained, but are not considered appropriate should the main pitch become developed.

A condition requiring the replacement training facility to be provided prior to the commencement of development is still therefore considered necessary at this time, and should therefore be imposed on any approval, but the condition should allow for flexibility so that the Local Planning Authority may disregard the requirement of the replacement training facilities or secure alternate provision, should the main pitch be developed.

Conclusion

The proposal is in accordance with national policies and the Development Plan, with no outstanding material considerations. Although there has been a significant change in planning policies since the approval of KET/2010/0284, there has been no material change in circumstances that would warrant a different decision being reached now. The application is therefore recommended for approval, subject to conditions and completion of a satisfactory S.106 obligation confirming the provision of 30% affordable housing for 15 or more dwellings.

Background Papers

Title of Document:

Date:

Contact Officer:

Mark Philpott, Assistant Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: