

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 20/02/2019</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>James Wilson Senior Development Officer</b>	<b>Application No: KET/2018/0519</b>
<b>Wards Affected</b>	<b>All Saints</b>	
<b>Location</b>	<b>Kettering Football Ground, Cowper Street, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Erection of 49 no. dwellings including associated access and public open space</b>	
<b>Applicant</b>	<b>Harpur Developments 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 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out except in complete accordance with the detailed shown on the submitted plans, nos

BR-2018-PLNG-02-D - Elevations;

BR-2018-PLNG-05-D - Landscaping Plan 01;

BR-2018-PLNG-06-F - Landscaping Plan 02;

BR-2018-PLNG-07-F - Landscaping Plan 03;

BR-2018-PLNG-08-C - Landscaping Plan 04;

BR-2018-PLNG-04-G - Street Scenes;

BR-2018-PLNG-09-T - Site Layout Plan;

BR-2018-PLNG-03-E - Floor Plans;

TA05 A - Vehicle Tracking Turn left in and out;

TA06 A - Vehicle Tracking Turn right in and out;

TA07 A - Vehicle Tracking Turn in the Road.

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

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

REASON: Finished Floor Levels are necessary to protect the privacy of the occupiers of adjoining properties in accordance with Policy 13 of the North Northamptonshire Joint Core Strategy.

4. Prior to the occupation of any dwelling all garden and landscaped areas shown on the approved plans shall have a capping layer of soil (top and/or sub soils) as outlined in report ref. STQ4344-G01 dated May 2018 (to a minimum depth of 600mm in private residential gardens and 300mm in general landscaped areas). A verification report to demonstrate that the required depth of cover has been achieved, to include a topographic survey or a visual inspection at numerous points across the site supported by photographic evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. Details of the supplier and confirmation of the source(s) and total quantity of imported soil material shall be stated in the verification report. The soil should be free from asbestos, metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils and otherwise comply with the requirements of BS 3882:2007 - Specification for topsoil and requirements for use. Occupation of the development shall only be permitted on approval of the verification report.

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

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

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

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

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

7. Prior to the construction of any buildings above slab level a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved scheme has been implemented in full in the dwellings to be occupied. The scheme shall be retained in full thereafter and no alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.

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

8. No development shall take place until a scheme and timetable detailing the provision of fire hydrants and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

REASON: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle and property fire in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. No above ground work shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment ref R-FRA-9842M-01-H, rev. H, dated November 2018, prepared by JPP Consulting Ltd, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required). Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.

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

10. No above ground work shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Details are required of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of when replacement assets may be required, should be submitted.

A maintenance schedule should be accompanied by a site plan to include access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site.

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

11. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Flood Risk Assessment ref R-FRA-9842M-01-H, rev. H, dated November 2018, prepared by JPP Consulting Ltd. These shall include:

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

REASON: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site and in accordance with the NPPF and policy 5 of the North Northamptonshire Joint Core Strategy.

12. No development shall commence on site until full details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme.

REASON: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with Section 14 of the National Planning Policy Framework and policy 5 of the North Northamptonshire Joint Core Strategy.

13. No development above slab level shall take place until details of the types and colours of all external facing and roofing materials, windows and rainwater goods 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 8 of the North Northamptonshire Joint Core Strategy.

14. No development above slab level 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, including the layout of natural play equipment on the public open space, 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 occupation of the building 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 visual amenity in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

15. No development above slab level shall take place 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 dwellinghouses are first occupied, in accordance with the approved details.

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

16. 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 8 of the North Northamptonshire Joint Core Strategy.

17. All dwellings shall be constructed to achieve a maximum water use of no more than 110 litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition);

REASON: In the interests of water efficiency in a designated area of water stress in accordance with Policy 9 of the North Northamptonshire Joint Core Spatial Strategy.

18. Notwithstanding the approved details no boundary treatment shall be constructed until a revised scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority which seeks to replace closed board fencing visible within the public realm with an acceptable alternative. The dwelling, which the boundary treatment relates shall not be occupied until the relevant part of the approved scheme has been fully implemented in accordance with the approved details and retained as such thereafter.

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

19. In the event that the approved layout of streets and sewers are not adopted by the Highway Authority, the development shall not be carried out other than in accordance with an approved 'Legal setup of a Management Company' document and maintained to standards that have been set out and approved by the LPA prior to and in regard to the laying out of any roads, sewers and other common facilities.

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

20. Prior to completion of the development a signing strategy shall be submitted to the local planning authority in writing for approval. The Signing Strategy shall include such details, drawings, specifications, schedules and programme including but not limited to the following:-

- Plans identifying all existing signs and way marking that direct highway users (which for the avoidance of doubt shall include motorists, cyclists, pedestrians and equestrians) to the redundant football ground including repeater or graphic signage;
- A strategy setting out which existing signs and way marking are proposed to be removed, replaced, amended or modified so as to remove reference to the redundant football ground as a legend or destination;

- Full sign design details of replacement signs, modifications to existing signs and reinstatements for removed signs, such details shall include appropriate detailed location plans including, sign face design, post design and associated foundation design;

REASON: In accordance with Policy 8 b) of the North Northamptonshire Joint Core Strategy

21. No development shall take place on site until full details (in accordance with the specification of the Highway Authority) for a Toucan Crossing across Rockingham Road has been submitted to and approved in writing by the Local Planning Authority. First occupation of the site shall not occur unless provision to implement such a crossing has been first secured.

REASON: Access for prioritising the needs of pedestrians is required in accordance with Policy 8 b) of the North Northamptonshire Joint Core Strategy.

22. No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used, [together with samples,] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: Details of materials are necessary in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2018/0519**

This application is reported for Committee decision because there are unresolved, material objections to the proposal and the application requires an agreement under s.106.

### **3.0 Information**

#### **Relevant Planning History**

KET/2017/0761,, Prior notification Demolition:,, Prior Approval Granted 23/10/2017

#### **Site Visit**

Officer's site inspection was carried out on 26/07/2018

#### **Site Description**

The site is located to the eastern side of Rockingham Road, which forms one of the main arterial routes running north from the town centre. It covers an area of 1.52ha and is rectangular in shape and was the former home of Kettering Town Football Club who vacated the site in 2011. The site has now been cleared. To the north of the site is the New York Thunderbowl indoor bowling centre and car parking area. To the east it is bounded by Cowper Street and a row of terraced houses together with a large commercial building. On the southern boundary the site is bounded by Britannia Road which is predominantly residential apart from one commercial building. Finally, the western boundary fronts onto Rockingham Road and the north western corner of the site has a shared access with the bowling centre from a roundabout on Rockingham Road providing a junction with Northfield Avenue.

#### **Proposed Development**

The proposal is to erect 49 no. dwellings with associated access and public open space. The proposed development comprises a mix of 3 bed semi-detached and detached houses and 4 bed detached dwellings, 14 of these houses are affordable units equating to 29%.

Housing fronts directly on to Britannia Road and Cowper Street and provides off-street parking via shared drives and garages. A main access to the site is provided off the shared access for the car parking area of the Bowling Centre linking to the roundabout on Rockingham Road. This access serves housing which is set back and separated from Rockingham Road by an area of Public Open Space (1,210sqm in size) including a subterranean SUDS drainage facility as well as housing in the centre of the site. The access road forms an L-shape within the site with a turning head at the end and private shared drives accessed from this. A second area of Public Open Space (316 sqm) was proposed located on the junction of the access road in the centre of the site, however, through negotiation this area has been reallocated for residential use within the masterplan creating a further dwelling and raising the overall number of houses from the original 48 proposed.

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

A Road

Nene Valley NIA

Outdoor Sport Facility

#### 4.0 Consultation and Customer Impact

**Highway Authority:** LHA objected to this application because the applicant has not proposed a site layout that meets all their basic LHA requirements for adoption, e.g. minor variances such as the provision of permeable paving within the highway. Provision of standard highway specification (November 2016) is supplied.

LPA Officers addresses these issues as summarised later in this report.

LHA has also commented on the Transport Statement.

Chapter 2: LHA require a preliminary site access design if the access to the unnamed road into the development. It is also advised that visibility splays at the proposed site access junction should be provided. A swept path analysis of the proposed site access junction should also be provided. If there is a planned extension of the site through phase 2 as indicated on the site layout plan it is necessary to understand the cumulative impact of trips relating to this and the current application on the Rockingham Road/Northfield Avenue roundabout.

Parking: LHA require more details on the parking provision being made available for the proposed development.

Chapter 4: The development is located in a built-up residential area that is well-served by a wide range of travel modes and has several amenities within reasonable walking distance.

Chapter 5: LHA accept the Transport Statement's predicted trips per mode of travel. It is anticipated that 30 two-way trips in the am will be generated. Around 20 of the 48 dwellings fronting Britannia Road and Cowper Street will be accessed directly along these roads and only trips associate with 28 dwellings will access the site via the existing Rockingham Road/Northfield Avenue roundabout. This needs to be confirmed by the applicant. LHA will reserve judgement as to whether a traffic assessment is necessary once the cumulative impacts are clarified.

Summary and conclusion: LHA requires further clarification on phase 2 of the development before a decision on whether a junction capacity assessment of the Rockingham Road roundabout is necessary and more information is requested on parking provision and the access arrangements to the north of the site.

**Travel Plan:** Comments are provided on the submitted Travel Plan. These include that a travel survey needs to be completed 3 months after completion or when 50% of the homes are occupied. More detail on the outcome objectives will be required when the full TP is submitted. Due to the Government strategy to ensure 50% of new cars by 2030 are low emission/electric it is highly recommended that all houses are fitted with EV charging points. Funding sources for the proposals and remedial measures should be stated.

Re-consultation 14/12/2018

The LHA reiterated their objection to the application stating that the development does not adhere to adoptable standards and that a detailed capacity assessment of the existing Rockingham Road/Northfield Avenue roundabout is required due to trips associated with a potential phase 2 of the development. .



**Environment Agency:** No objection to the application as submitted. Based on the review of the Ground Investigation Report consider the site to pose a low risk to controlled waters. Advice provided regarding SUDs approach and potential for ground water contamination.

Re-consultation 15/11/2018 – refer to previous response. No change.

**Local Lead Flood Authority:** LLFA initially considered there was insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development. The concerns of the LLFA can be overcome by submitting surface water drainage information which addressed the deficiencies that are highlighted.

Re-consultation 21/12/18: Subject to conditions provided the impacts of surface water drainage have been adequately addressed at this stage. Without the conditions the proposed development on this site may pose an unacceptable risk of surface water flooding.

**Cadent Gas:** Operational gas apparatus identified on the application site. If development is above gas apparatus then diversion required before development proceeds. If construction traffic is likely to cross a Cadent pipeline the Plant Protection Team must be contacted to see if any protection measures are necessary. Informative to this effect should be added to any consent.

**Anglian Water:** Assets owned by Anglian Water have been identified within or close to the development boundary that may affect the layout of the site. Should permission be granted Anglian Water requests that an informative be added. There is currently insufficient capacity at the Broadholme Water Recycling Centre to treat waste flows from this development site, however, if planning permission were granted Anglian Water is obligated to accept the flows and will take the necessary steps to increase the capacity.

The sewerage system presently has capacity for these flows, however, if permission is granted the developer should serve notice under Section 106 of the Water Industry Act 1991 and the most suitable point of connection will be advised.

In relation to surface water disposal the preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to a sewer seen as the last option. The proposed method of surface water management does not relate to Anglian Water managed assets. The LLFA and Environment Agency should be consulted in this regard.

Desktop analysis suggests that the proposed development will lead to an unacceptable risk of flooding downstream. It is therefore recommended that engagement with Anglian Water be undertaken to develop a feasible drainage strategy.

**Crime Prevention:** This area of Kettering has suffered from burglary, theft from motor vehicles and criminal damage. It is considered that this area will also be used as a short cut home from users of the night economy. There are elements of the design that could be amended to reduce the opportunity for crime and anti-social behaviour.

- Pedestrian Link to Britannia Road; The POS adjacent to this link does not appear to be a meaningful useable area? It would be preferable that this area is densely planted to provide some additional defence to Plots 7 and 8. The walkway is edged by a close boarded fence and largely blank gable ends which is not in keeping with active street frontages promoted in the NPPF.
- Pedestrian link onto Cowper Street; the houses on this link are side on with cars/private tarmac drive either side, blank elevations and side fencing. Vehicle crime here will be easier to commit. As the access does not lead to any amenities is it necessary? All walkways and cycleways should be fronted by buildings, overlooked, wide, straight and as short as possible. The over use of access points could act as a circuit/rat run similar to those on Radburn style estates
- Boundary Treatment; although layout is generally back to back there is a lot of exposed side and rear close boarded fencing and gable ends. e.g. plots 1,9,10 & 12. Where boundary treatment runs alongside the public realm this should be brick walls. The external height should be no lower than 1.8m and in this location preferably topped with 200mm of trellis or railings especially along the edge adjacent to the bowling alley and pedestrian links. Internal boundary treatments should be no lower than 1.5m.
- All door and windows in domestic dwellings should meet the requirements of Approved Document Q of Building Regulations and Northants Police recommend the use of 3<sup>rd</sup> party accredited products.
- When the lighting scheme has been produced it is important that as well as adopted areas being considered that unadopted areas are similarly treated for safety and security reasons.

**NCC Education:** A development of this size will generate 16 nursery/pre-school pupils, 16 primary school pupils and 13 secondary and sixth form students based on the housing mix and the Council's pupil generator multipliers. The Council's 'sufficiency of capacity' evidence base for Early Years provision is being updated and therefore it is not possible to determine what level of s106 contribution is required. However, the County Council will provide an update response once this has been completed. However, should an Early Years contribution be deemed necessary the current DfE cost multipliers will give an indication of the likely contribution required.

In terms of primary education the site is served by a number of schools as at August 2018 all were operating at 95% capacity with several tier groups 100% full. Therefore it is not expected that capacity would be available and a contribution based on the housing mix and cost multipliers for Primary education provision would be £201,196.

Secondary education – Based on capacity in the area and forecast pupil projections it is expected that all capacity for secondary school provision for the Kettering area will be exhausted by the 2018/19 academic year. A number of projects are being planned to meet this increase in capacity and therefore a contribution of £243,597 will be required for secondary school provision.

Re-consultation 15/11/2018 – Revised housing layout of 49 dwellings including 10x2 bed, 22x3 bed and 17x4+ bed dwellings will mean the development will generate 16 nursery/pre-school pupils, 15 primary pupils and 11 secondary & sixth form school pupils. This would require no contributions towards pre-school places as there is sufficient capacity, £181,588 for primary school places and £213,897 for secondary school contributions.

**NCC Fire Service:** New developments generate a requirement for additional fire hydrants in order to manage fires if they occur. An assessment of the site will be required, however, it is assumed that 1 fire hydrant will need to be installed at a cost of £892 per hydrant.

It is preferred that fire hydrants are designed into the development at the master plan stage and enforced through a planning condition, the final location of the hydrant must be agreed in consultation with the Fire and Rescue Service prior to installation. A standard condition is provided for securing fire hydrants.

Re-consultation 15/11/2018 – Requirement for 1 fire hydrant remains secured through a standard condition.

**NCC Libraries:** Where a new development will generate additional need and library space requirement the County Council will require a contribution towards library facilities in line with the Library Strategy to 2021.

In order to establish a proportionate cost towards the new and improvement works to libraries the County Council uses cost multipliers in accordance with adopted guidance. An estimated Libraries contribution of £11,999 is required for the enhancement, expansion or improvement of library facilities as a result of this development.

Re-consultation 15/11/2018 – A revised contribution of £11,608 for libraries would now be applicable to this revised scheme.

**NCC Broadband:** The Northamptonshire vision is for the county to be at the leading edge of the digital economy. New developments should be directly served by high quality fibre networks. Access to next generation network speeds (>30mbs) will bring significant benefits. To enable the commercial communications market to be able to deploy to these new build areas measures must be introduced as the earliest opportunity. To help developers a variety of service providers off assistance, assessment tools and technical help. Early registration of development sites is key to making sure the people moving into the developments get a fibre based broadband service when they move in.

Re-consultation 15/11/2018 - no change.

**Sport England:** Initially placing a holding objection - The site is considered to constitute playing field or land last used as playing field, Sport England has sought to consider the application in light of the NPPF (Para 97) and against its own playing fields policy.

The proposal results in the loss of the former Kettering Town Football club site which contained an adult sized football pitch and stadia facilities. The submitted Area Playing Fields Assessment deals with the history of the site culminating in the club sharing the Burton Latimer ground and the site being demolished.

Sport England was involved in pre-application discussions and supported the production of the Area Playing Fields Assessment to which conclusions were made.

The assessment submitted with the application concludes that the site can be deemed as surplus, however, Sport England maintain that whilst a theoretical surplus has been identified this cannot be utilised to address the issues raised. The main issue is that North Park (an alternative provision) suffers from over use but there is limited potential to expand. However, more capacity is needed at North Park and the mitigation suggested in the assessment would help to increase the capacity. The Football Foundation and County Football Association maintain their support for the mitigation proposals and therefore Sport England is not able to support the application until the mitigation package has been agreed. Further information regarding the mitigation was sought to remove this objection.

**Environmental Health:** No objections subject to conditions for a Construction Method Statement, capping/layering of garden/landscaped areas, contamination and mitigation of noise impacts. Consideration by the applicant of what air quality mitigation measures are possible in line with the draft East Midlands Air Quality guidance is also sought. For example, electric vehicle charging infrastructure, travel planning and access to public transport.

**NHS England:** Request that a capital contribution is made towards that part of a GP premises which is attributable to the proposed population in the development. A standard calculation based on the number of dwellings proposed is requested.

**Neighbours:** 9 representations have been made to this application objecting, a summary of the points raised is set out below;

- Development would increase the amount of traffic in the area, cars parked on either side of Britannia Road already and this would make it dangerous for cars and pedestrians.
- Increase in traffic would cause increase in noise within the area.
- Loss of a historic amenity area for Kettering which is being built upon.
- Not notified of the application – would prefer something to boost the town and not housing.
- Pressure on local infrastructure especially schools. Development will lower value of properties and cause congestion.
- Area is designated and used for sports and leisure purposes – it has been demonstrated that there is a need for this facility. If change of use to housing developers will need to contribute towards an equal facility. Consider this facility is protected under national and local planning policy/guidance.

- Over development of the site which has been typically open and contains low-density buildings.
- Housing development proceeding without provision for a replacement facility in accordance with planning policy guidelines. Attempts to use the grounds by at least 2 sports clubs were refused/ignored by the owners.
- No provision to widen Cowper Street, currently only room for one line of parked cars. Proposals include off street parking but are these always used and where will the visitors park?
- Housing on Cowper Street will be 2.5 storey semi-detached built opposite small terraced houses this will cause privacy issues and impact on light levels into existing properties.
- Properties facing onto Cowper Street will have drives exiting on to an already reduced road width due to current residence parking. Street is therefore only single file traffic with no passing opportunities forcing cars to reverse onto Britannia Road.
- New properties will more than likely have more than one vehicle some which will be parked half on the pavement and road further reducing the width.
- Will this development be child friendly? It would make more sense to have the properties facing inwards also on Britannia Road.
- Has any consideration been given to a pedestrian crossing for Rockingham Road as presently very difficult and risky crossing. Increased footfall from this new development means this could become a major problem.
- Due to noise and disruption – should all residents not have been notified of the application in writing?
- Land has been used as green space for over 100 years and ask for all or even part of this site to be designated as green space mainly for sports activities.
- Lack of sports facilities/infrastructure in this part of the town.
- Concerns with design quality.

1 resident reaffirms their objection to the revised plans.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Section 2: Achieving Sustainable Development

Section 5: Delivering a Sufficient Supply of Homes

Section 8: Promoting Healthy and Safe Communities

Section 9: Promoting Sustainable Transport

Section 11: Making Effective Use of Land

Section 12: Achieving Well-designed Places

Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy**

Policy 1: Presumption in Favour of Sustainable Development

Policy 5: Water Environment, Resources and Flood Risk Management

Policy 6: Development on Brownfield Land and Land Affected by Contamination

Policy 7: Community Services and Facilities

Policy 8: North Northamptonshire Place Shaping Principles  
Policy 9: Sustainable Buildings  
Policy 10: Provision of Infrastructure  
Policy 11: The Network of Urban and Rural Areas  
Policy 15: Well-Connected Towns, Villages and Neighbourhoods  
Policy 29: Distribution of New Homes  
Policy 30: Housing Mix and Tenure

### **Saved Policies in the Local Plan for Kettering Borough**

35 Housing: Within Towns

#### **SPD**

Sustainable Design SPD

Open Space SPD

## **6.0 Financial/Resource Implications**

The development would be expected to off-set its impacts by making a financial contribution towards local services and infrastructure in a Section 106 agreement.

The application was supported by a 'Draft Section 106 Heads of Terms' within the Planning Statement indicating a willingness to enter in to a Regulation 122 CIL compliant Section 106 agreement including the provision of affordable housing and open space and any other contributions necessary to make the development acceptable in planning terms and directly related to the development providing they are fair and reasonable.

Although viability concerns were raised during the negotiations a full range of contributions have been agreed which would help deliver the following provisions and equates to £11,034 per dwelling:

- Affordable Housing 29%
- Education contributions – Primary and Secondary
- Delivery of a highway crossing for Rockingham Road
- Travel Plan and Travel Coordinator
- Public Open Space Maintenance
- Local Play Area
- Loss of play pitch mitigation – Contribution to improve drainage for North Park
- Libraries contribution
- Fire Hydrant
- SUDs maintenance

Some contributions such as the request for healthcare contributions cannot be supported as they do not meet the tests set out in the Community Infrastructure Levy Regulations 2010 and therefore do not represent CIL compliant developer obligations.

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Design and Impact on Character of the Area and Crime Prevention
3. Impact on Residential Amenity
4. Impact on Highways and Parking
5. Noise Impact
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### **1. Principle of Development**

The application site is in an established residential area to the north of Kettering town centre. Housing on this site is compatible with the character and uses of the area

Paragraph 59 of the National Planning Policy Framework (NPPF) states that in order to support the Government's objective of significantly increasing the supply of homes it is important that a sufficient amount of varied land can come forward where it is needed to meet the housing needs of specific groups.

Paragraph 117 of the NPPF maintains that local planning authorities promote an effective use of land to meet the need for homes and other uses and that a clear strategy for accommodating these needs as much as possible is on previously-developed or brownfield land.

Paragraph 68 of the NPPF requires that Local Planning Authorities maintain a 5 year housing land supply. The Council currently has a 5 year supply, however, this site is part of that figure and included as a proposed allocation in the emerging Local Plan Part 2 (see further discussion below).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kettering Borough currently comprises the adopted North Northamptonshire Joint Core Strategy and saved policies of the Kettering Borough Local Plan 1995

Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct the majority of development to existing urban areas and indicate that Kettering as a Growth Town will be the focus for infrastructure investment and higher order facilities to support all elements of development.

Policy 8 of the North Northamptonshire Joint Core Strategy (NNJCS) is supportive of new residential development provided there is no adverse impact on character and appearance, residential amenity and the highway network, while policy 35 of the Local Plan for Kettering Borough supports residential development within town boundaries subject to other policies within the plan.

The site has been included in the allocated housing sites within the Draft Part 2 Local Plan as agreed at Planning Policy Committee on 5th September 2017, consultation of which has recently ended. The Pre-submission consultation took place in November-December last year and the site remains within the plan as a potential allocation. The suitability of the site for housing has been evidenced by an assessment informed by consultation with statutory consultees

Given where the Draft Plan is at the moment it does establish the principle of development on the site, Although that plan has limited weight, the evidence behind the proposed allocation in the Housing Allocation Background Paper can be given a more weight at this stage.

Policy 7 of the North Northamptonshire Joint Core Strategy requires the safeguarding of existing community services and facilities, providing a series of criteria to assess related applications. These criteria include references to safeguarding facilities unless it can be demonstrated that viability and need are not of concern. It is noted the issue of the playing pitch is addressed in the Area Playing Fields Assessment.

It is considered that the site is a former facility rather than a current one and therefore if it can be demonstrated that there is sufficient capacity to accommodate the current need of adult pitches in Kettering Borough without the application site, criterion i), ii) and iii) of criteria c) in Policy 7 of the NNJCS applies, and the proposal can be considered compliant with this policy. The views of Sport England on the significance of this site in terms of pitch provision should be considered.

Furthermore, in relation to criterion d) of Policy 7, any mitigation for the loss of the pitch is reduced, given that it hasn't been used as a football stadium since 2011.

The current use of the land and loss of a former sports facility has been considered. National and local policy supports the reuse of previously developed land in sustainable locations; this land is "brownfield" and can be considered sustainably located.

Taking account of the above, the principle of development for this proposal is therefore consistent with the policies set out above subject to the satisfaction of other the development plan criteria and material considerations.

## 2. Design and Impact on Character of the Area and Crime Prevention

Policy 8 (d) of the NNJCS, consistent with Chapter 12 of the NPPF seeks to create development with distinctive local character by responding to local context and the overall form, character and landscape setting of the settlement.



The site comprises the former football stadium of Kettering Town Football Club which is located in a predominately residential area of the town with a prominent frontage onto Rockingham Road a main arterial route of the town. The stadium and associated buildings have been demolished (under prior notification approval KET/2017/0761) and the site cleared leaving a large infill site.

Various pre-application discussions and meetings were held prior to the submission of this formal planning application, through which Officers advised that there was no objection in principle to the development of the site for residential purposes. The proposed site layout plan has been altered several times in response to detailed highway comments and urban design; the main issue creating a more urban design friendly layout in terms of road width while still allowing for good walking links through the site.

A Design and Access Statement has been submitted to support the application and sets out the overall strategy for the site. This includes a main vehicular access from the existing Rockingham Road mini roundabout with plots on Cowper Street and Britannia Road having direct access onto the street; a mixture of dwellings with gardens and at least 2 off street parking spaces; there is a mix of 2 and 2.5 storey houses and their scale and massing will reflect the surrounding residential area as will the design and materials used. A significant area of open space is provided on the frontage of the development to ensure that the dwellings are set back from the main road.

In respect of the location of the former football stadium this is now a cleared site and is considered an infill residential development which will create a windfall for housing completions against the Council's 5 year housing land supply. Through prior discussion the layout provides a primary vehicular access to Rockingham Road but does not allow access through the site from Cowper Street or Britannia Road as this would create a 'rat run'. Pedestrian and cycle access is promoted from these edges of the development to encourage permeability although further amendments to the layout have been submitted which limit these access routes due to crime prevention concerns.

The design of the site incorporates a mixture of detached and semi-detached dwellings, the latter concentrated towards the Cowper Street frontage which would transition the existing form of terraced development on the eastern side of the street. The detached and larger dwellings would be located more toward the western side of the site adjacent to the open space. The overall density of the development is approximately 32dph which is slightly higher than the surrounding residential streets, however, this demonstrates an efficient use of land, and it would be an acceptable density for urban semi-detached developments.

Policy 8 e) iv) of the NNJCS seeks development to design out crime and anti-social behaviour creating safe environments benefiting from natural surveillance, defensible spaces and other security measures.

The Police's Crime Prevention Officer provided various comments to enhance the safety of the development and reduce anti-social behaviour and crime through amendments to the layout of the scheme. A concern existed that the pedestrian link from the development to Britannia Road (referenced above) with a very small area of public realm attached to it would not provide a safe functional access route as the alleyway did not have proper surveillance. It was also considered that there were too many pedestrian links and that this would afford increased opportunity for potential burglars to escape. It was decided in future iterations of the layout plan the Britannia Road link should be blocked off, however, the link from Cowper Street was retained as there is more of a desire line for pedestrian's wishing to access Rockingham Road and it allows residents of the scheme to more easily access shops to the east of the site. The original proposals, for the pedestrian route to run alongside residential parking spaces, were replaced by an alleyway between 2 semi-detached gable ends. The rear garden areas adjacent to the alleyway will be protected by 1.8m brick walls to provide a more defensible space for residents. The Crime Prevention Officer has commented further stating that this footpath should be wider and with some defensible planting on either side of the plots and for the houses to be set back slightly with bay or box style windows for surveillance.

However, the pathway has already been widened and is approximately 3m in width. Bollards have been added to the entrance to prevent motorcycle or mounted cycle access. It is not considered practical to set the properties back as these are small plots and surveillance of the western end of the footpath will be provided by residents in plots 25 and 26.

Further comments were made regarding the rear gardens for plots 7 and 33, where the previous Britannia Road footpath was and plot 4's garden to have more defensible boundaries. This can be achieved through a condition requiring all public/private realm interfaces to be of brick construction and a height of 1.8 metres.

This is a full application and issues of use, amount, layout, scale, landscaping and appearance need to be assessed to ensure the proposals are acceptable in design terms. The first three issues have been discussed above and it is considered that the design response adequately addresses the use, amount and layout of the scheme and impact of the layout on crime prevention, highway design and accessibility.

### 3. Impact on Residential Amenity

The NNJCS in Policy 8 (e), consistent with Chapter 12 (para. 127(f)) of the NPPF, states that development should protect the amenity of all future and surrounding users of land and buildings.

Due to the location of the site which is bounded on 3 sides by highway roads the separation distances between the proposed houses and existing dwellings within the area are considered to be adequate. The housing which is closest to the busiest road (Rockingham Road) and therefore most likely to create most noise impacts for future residents is set back by over 20 metres due to the positioning of the public open space. A noise assessment has been submitted with the application and mitigation is proposed (see sub section 5) such that any impact from these noise sources are made acceptable for housing in this area.

In terms of the northern boundary of the site this is adjacent to the existing New York Thunderbowl indoor bowling centre and car park. The nearest proposed house to this facility is approximately 5 metres away and, notwithstanding noise mitigation, it is not considered that this would create a nuisance neighbour with the proposed adjoining residential development.

By virtue of the orientation, relationship and proximity of the houses to one another together with the position and nature of the windows proposed the application would not be harmful to the residential amenities of future occupiers within the development site.

The dwellings provide appropriate levels of private amenity space and comply with National Space Standards consistent with NNJCS Policy 30.

As such the proposal is considered to be acceptable on this basis.

#### 4. Impact on Highways and Parking

Policy 8 (b) of the NNJCS consistent with Section 9 of the NPPF is concerned with highway safety, seeking to ensure satisfactory means of access and parking provisions and promoting sustainable forms of transport within and to serve developments. Part of this is to prioritise the needs of pedestrians, cyclists and public transport users and ensure safe forms of movement for all transport modes.

The application is supported by a Transport Statement and Travel Plan. The development is located in an accessible part of the town which is well served by public transport and therefore considered to be a sustainable location. A revised Transport Statement and Travel Plan were submitted during the course of the application's assessment to address issues raised by the Highways Authority and to account for the further dwelling which was added to the scheme.

The original layout of the development provided vehicular access off the existing Rockingham Road/Northfield Avenue roundabout serving 29 houses from an L shaped access road. Houses are also accessed off private drives from this access road. The remainder of the houses front onto Britannia Road and Cowper Street and are accessed directly from these roads. Pedestrian accesses were also provided from these roads to create permeability across the site. However, in the final revised layout the pedestrian access from Britannia Road has been removed (as described above). A total of 124 on plot parking spaces are provided across the site which makes an average of 2.5 per dwelling, this is in excess of the amount required by the Local Highway Authority's parking standards guidance. There is no dedicated visitor parking allocated within the development, however, a parking survey of the surrounding area has been submitted during the assessment of the application which demonstrates that only 50% of the available parking spaces on street are being used. Therefore on street parking provision for the development is not necessary.

The conclusion of the Transport Statement is that the proposed development will be well served by sustainable modes of transport and that residents will have good accessibility to education, health, employment, retail and leisure facilities. It is also considered that the number of new vehicle trips generated from the site is unlikely to result in a significant adverse impact on the surrounding highway network.

#### Assessment of the LHA objections

The aim has been to gain agreement with the LHA on the issues they raise:

- Re possible development in future from the existing roundabout;
- Deviations in the proposed road layout from highway adoption standards

It is acknowledged that the Local Highway Authority has objected to the proposals on the grounds that the intended access from Rockingham Road shared with the bowling centre was not properly defined, visibility splays and a swept path analysis of the access was required; the cumulative impact of potential future residential development on the bowling alley be assessed; and that the layout was not adoptable to highway standards.

It is important to note that there are no specific proposals affecting the land in front of the bowling alley and any later scheme for housing there would be considered as and when they came forward.

However, the applicant responded to the comments from the LHA request for further information and sought to address the Highway Authority's outstanding issues.

The access provided is 5.5m in width with standard 2m pavements and the vehicle tracking provided demonstrates that a large refuse truck could negotiate the internal spine road and turn around via the turning head. The proposed cumulative development of any further phase of residential development off of this junction through the redevelopment of the bowling centre was assessed.

It was considered that up to 13 additional dwellings may be accommodated on this site, however, the lease for the bowling centre has a further 40 years to elapse and there is no indication from the present owners that they intend to sell the facilities or to develop it for housing.

The revised transport assessment does not provide an additional trip generation for this additional site, however, it is estimated by the transport consultants that a further 9 vehicle movements per day am and pm would be created. This would be a small increase to what is already a limited impact on the roundabout. The Highway Authority has requested that junction modelling is carried out on the roundabout, however, this is felt to be excessive given the size of the development and the potential limited impact from the traffic generated. A second phase which is not in the ownership of the applicant may never come forward and can be adequately assessed at that time should an application be submitted.

Nevertheless, the Highway Authority had also requested that a Toucan crossing be provided to allow residents of the scheme and wider area to cross the road safely to satisfy a desire line for people wishing to walk down Northfield Avenue. Although there are controlled pedestrian crossings approximately 400m in both directions from the site along Rockingham Road it is not considered that people would use these in order to gain safe access across the road to use Northfield Avenue. Despite there already being two islands for the existing roundabout which provide a safe refuge in the middle of the road for crossing it is agreed that a Toucan crossing would provide an additional on demand facility to stop vehicles and allow safe passage for local residents. Therefore, in a S106/ condition, this is addressed were the application to be approved.

The Highways Authority objection that the proposals do not fully meet highway standards for the purpose of adoption include some minor variances such as the provision of permeable paving within the highway in order to create the surface water drainage capacity for the site, which Highways will refuse to adopt.

However, it is considered that there are many schemes around the county and indeed the country now that need to incorporate permeable paving within their design to achieve proper surface water drainage. The requirements for shared surfaces and the desire to design developments that are not overly car or highway dominated is evolving and a balance needs to be achieved. The applicants have indicated that were the road layout would be privately maintained.

Planning Officers advice through S106/ condition details of a suitable long term highway's maintenance plan could be submitted to the LPA to demonstrate that this would be put in place.

In summary, the access to the scheme is deemed to be acceptable and there is no justification for further modelling of the roundabout junction due a potential second phase of development at some time in the future.

The parking for the development is adequate and the LPA can ensure through S106/ condition that the road layout, while it may not become adopted, would be subject to a management arrangement whose details were presented to and approved by the LPA

The development also provides the benefit of providing a safe Toucan crossing to access Northfield Avenue. Therefore it is considered that the proposals are consistent with the development plan and is acceptable in this regard.

## 5. Noise Impact

Policy 8 e) i) of the NNJCS requires that development should ensure quality of life for existing and future residents through protecting their amenity from unacceptable impacts by way of noise, vibration, smell, light or other pollution, loss of light or overlooking. Paragraph 127 of the NPPF also encourages places that are *'inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'*

A noise assessment accompanies the application in relation to potential impact of road noise from Rockingham Road and the commercial activity of the adjacent indoor bowling centre. The assessment provides noise measurement levels for both noise sources and background ambient noise levels.

Noise levels in the proposed garden areas range between below 45dB and up to 60dB in the worst affected garden areas. The garden areas that require special attention are those that border with Britannia Road and, to a lesser extent, Rockingham Road, specifically gardens associated with unit 4, 6, 11 and 38. These levels are not considered acceptable according to the criteria given in BS8233:2014, the national standard for assessing industrial and commercial sound. Accordingly mitigation measures are proposed to reduce levels.

For internal noise levels it is estimated that alternative ventilation systems will be required, in addition to the normal double glazing, in order to reduce the outside noise level on certain dwellings on Britannia and Rockingham Roads when windows are opened.

Daytime and night-time noise levels were measured for the bowling centre and also the car parking area adjacent to the proposed development. It was identified that some of the bordering dwellings would also require alternative ventilation systems to enable the internal noise levels to not exceed the target criteria. The assessment provides a range of mitigation that is provided in many modern developments and the Council's Environmental Protection team have stated that they have no objection to the development proposals subject to a condition requiring mitigation measures to be agreed by the Authority and in line with those proposed in the noise assessment.

It is considered, therefore, that the proposals in this respect are acceptable and in accordance with Policy 8 of the NNJCS and the NPPF.

## 6. Flood Risk and Drainage

Policy 5 of the NNJCS states that development should contribute towards reducing the risk of flooding and to the protection and improvement of the quality of the water environment. The policy also states that Sustainable Urban Drainage Systems should be designed into schemes from the outset.

The application is supported by a Flood Risk Assessment (FRA) which was updated during the assessment. The site is located in flood zone 1 and therefore there is a low risk of flooding from rivers. In respect of surface water flooding the revised FRA, to address concerns raised by the Lead Local Flood Authority, indicates that the site will drain via infiltration and various techniques have been used including permeable paving and geocellular soakaways. Within the eastern side of the site private and shared drives and roads will drain to permeable paving, with roofs draining to plot soakaways. Within the western site area private and shared drives will drain via tanked permeable paving, this runoff will then be piped along the runoff from all roads and roofs to a discharge to a geocellular soakaway. This has replaced a surface balancing pond which allows this area to be fully utilised for public open space and recreation. The outcome is that surface water drainage will be managed and disposed of within the site boundary thereby complying with national planning guidance that any discharge from the site is at greenfield or equivalent run off rates

and does not contribute further to flood risk.

Following the submission of further information by the applicant to clarify technical issues with the drainage strategy the Local Lead Flood Authority has stated that the proposals are acceptable at this stage subject to the imposition of conditions requiring a detailed surface water drainage plan; a scheme for the ownership and maintenance of the proposed SUDs components and a verification report to detail that the scheme has been carried out according to the plan.

It is therefore considered that with these conditions applied the development complies with Policy 5 of the Joint Core Strategy and is compliant with the requirements of the NPPF and is acceptable in this regard.

#### 7. Sports/Play Pitch Mitigation

Policy 7 of the NNJCS requires that development supports and enhances community services and facilities and that existing facilities are safeguarded unless it can be demonstrated that they are no longer viable; 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.

Paragraph 97 of the NPPF requires that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless proven to be surplus to requirements; the loss would be replaced by an equivalent of better provision elsewhere; or the development is for alternative sports or recreational provision, the benefits of which clearly outweigh the loss of the existing facility.

The planning application is supported by an Area Playing Fields Assessment. This assessment is required due to the above policies and Sport England's Playing Fields Policy and considers supply and demand of pitches in the area to form the basis for informing a decision on the future of the former Kettering Town FC pitch.

The report concludes that as a former (rather than a current) pitch – the site has been closed for 7 years, the loss of the facility would not further reduce capacity. There is capacity at other sites to accommodate the identified shortfalls and growth without the need to replace this pitch. The report indicates there is an excess of provision in the catchment and the site as a single pitch facility does not have any special significance for sport. Finally, the reinstatement of an adult football pitch in this location would provide additional capacity where it is not needed.

The report summarises that the football club are not interested in the site and neither are any other sports. Given the size constraints and location of the site the report concludes that the site is not suitable for other outdoor sport usage and that the site has been identified for housing as an alternative use.

Sport England has commented that the site is considered to constitute a playing field as defined in the Town and Country Planning (Development Management Procedure) Order 2015 and against its own playing fields policy definition. It stated that while the Area Playing Fields Assessment was sound in principle the conclusion

in the report that the application site could be deemed as surplus to current needs was a theoretical surplus. The main issue they raised was that North Park (the nearest alternative facility) suffers from over use due to its success as a central venue, however, there is limited potential to expand. In pre-application discussions between Sport England (in consultation with the Football Foundation and the County Football Association), the applicant and the Council's Environmental Care Team it was decided that subject to a mitigation package being agreed for pitch improvement measures at North Park to increase capacity then the loss of the Kettering Town Football Club pitch would likely to be acceptable.

Sport England submitted a holding objection on this basis and subsequently an agreement has been reached on a contribution by the developer to provide equipment for KBC Environmental Care in order to increase the drainage of the existing pitches at North Park which will increase their capacity and usage. In discussions with the County FA and the Council, who maintain these pitches, it was agreed that having the correct equipment to improve the drainage systems at North Park would be the most efficient use of funds at this time. These pitches are extremely over used and suffering to the point of them becoming unplayable and there isn't currently a more suitable way of benefitting grass roots football at this stage than to be able to better maintain the local pitches.

The proposals, therefore, comply with policy 7 c) i) of the NNJCS in that the existing facilities are no longer viable (they have been demolished); c) ii) in that the facility is no longer needed by the community it serves (Kettering Town Football Club has relocated to Burton Latimer and a new site has been identified in Kettering); c) iii) in that the facility is not needed for any other community use (the Area Playing Fields Assessment demonstrates that other sports were not interested in locating to the site). In relation to Policy 7 criteria d) the Area Playing Fields Assessment concludes that proposals would not result in a net loss of sports and recreation buildings and land. Consequently, paragraph 97 of the NPFF and Sport England Playing Fields Policy exception E1 and are also acceptable in this regard.

#### 8. Public Open Space

Policy 8 a) iii) of the NNJCS requires that development *'improves or creates open green spaces which tie into the wider network of public green space'*, while Policy 8 d) iii) states that distinctive local character can be achieved through *'the creative use of the public realm through the use of ...incidental play space, bespoke street furniture and memorable features.'*

The original site layout plan proposed a large area of open space (approximately 1,200 sqm) running north to south along the frontage of the site with Rockingham Road. A further smaller open space site was also located in the centre of the development to the north of the L shaped access road. The larger open space area was also used to provide a balancing pond to capture surface water run-off. Through iterations to the Flood Risk Assessment it was demonstrated that a geocellular tank could be provided, therefore, eliminating the need for the balancing pond and providing much more open space for the development that was usable. Due to this increase in open space it was decided that the additional space in the central part of the site was not required and that maintenance issues and the functionality of this area as public realm meant that it was better to focus the public open space and



play facilities in one location.

It is envisaged that this area will be planted with trees and be enclosed by a waist high metal railing fence to complement the area of open space on the other side of Rockingham Road. The area will also have small amount of naturalistic play equipment spread throughout the area to provide interest and for recreational use.

A S106/ condition will be applied to secure the delivery of the open space and the maintenance of this area will be covered through a S106 contribution enabling the Council to adopt this open space.

The proposals are therefore considered to be in accordance with policy 8 of the NNJCS and NPPF guidance and are acceptable in this regard.

#### 9. Affordable Housing Provision

NNJCS Policy 30, consistent with Chapter 6 of the NPPF, states that to deliver sustainable residential communities, a balanced mix of housing tenures and types should be provided. An identified need for 30% affordable housing will be expected in growth town and market town locations.

The original application proposed 48 dwellings of which 30% (14 dwellings) were proposed to be affordable. The Council's Housing Strategy team have advised that the provision should be split 70% affordable rent and 30% intermediate tenure and are satisfied with the mix of two, three and four bedroom properties. A revised site layout plan was submitted which has raised the total number of dwellings to 49. It was agreed that the secondary area of Public Open Space was surplus to requirements, as further useable space has been created on the main Public Open Space area due to the use of geocellular drainage mechanisms. The additional dwelling on the central public open space will assist with the overall viability of the site and the Council's Housing Strategy team have confirmed their acceptance of the affordable housing provision reducing to 29% and mix of housing proposed.

It is considered therefore that the revised proposals conform to the requirements of Policy 30 of the NNJCS, are acceptable in this respect and will be secured through a s106 agreement in the event that this application is approved by the Planning Committee.

#### 10. Planning Obligations: Community Infrastructure

In accordance with Policy 10 of the NNJCS the proposed development would be expected to off-set and mitigate its impact on local services and infrastructure by making a financial contribution through a Section 106 legal agreement. The requests from responsible stakeholders are detailed above in section 4 of this report and all likely contributions to be sought in the agreement are detailed in section 6.

The applicant has indicated a willingness to provide financial contributions, by providing a Draft Heads of Terms for a Section 106 Agreement, including the 29% affordable housing and by negotiating the potential contributions with the Council for the various other community infrastructure requests.

The total S106 contribution sought from all stakeholders equated to £13,633 per dwelling. At this level the viability of delivering the scheme is brought into question. However, a figure equating to £11, 034 per dwelling is put forward.

This involved a prioritisation process to achieve a fair contribution per dwelling within the bounds of viability and still make the development sustainable and acceptable in planning terms. The healthcare contribution was also not deemed to be CIL compliant as there was no project specified. A contribution could therefore not be included within the s106.

The contributions proposed, set out in section 4, are towards improving the provision of affordable housing, providing public open space and its maintenance, education contributions, mitigating the loss of the football pitch, providing a highway crossing for Rockingham Road in particular and also other contributions necessary to make the development acceptable in planning terms directly related to the development providing they are fair and reasonable.

In the event that the Planning Committee resolves to approve the application issuing of the permission would be subject to securing an acceptable Section 106 agreement on this basis.

#### 11. Other Matters

Policy 10 e) of the NNJCS requires that development must be supported by the timely delivery of infrastructure and that next generation Access Broadband should be provided to serve all areas. The applicant has confirmed that early discussions will take place with telecoms providers to ensure that all the houses on the development can be serviced by the most up to date broadband provision.

The Highways Authority response to the Travel Plan proposals recommends that Electric Vehicle charging points be installed in every house and funding sources should be stated. The Government strategy is to ensure 50% of new cars by 2030 are low emission/electric. While this is a laudable ambition it is not a stated policy in the Development Plan. The developer costed this up for all of the market houses and it totalled £35,000. Given the viability this would need to replace other higher priority contributions and therefore it is not justifiable to require these charging points to be provided as part of the development build.

#### 12. Benefits

The proposal would offer a number of social, environmental and economic benefits. These include the redevelopment of a brownfield site and provision of 49 homes in a sustainable location which will help to deliver the Council's 5 year housing land supply; direct and indirect jobs and increased local spend by future occupiers; Section 106 and Council Tax contributions. The provision of open space and the crossing of Rockingham Road are also considered to be wider benefits for the local area.

#### 13. Planning Balance

The benefits that would accrue from the development are set out above and together should be afforded significant weight in this planning balance.

It is acknowledged that the concerns raised through the highway authority's objection and the likelihood that the roads will not be publically adopted are material. A secondary issue is the potential crime prevention and anti-social behaviour impacts potentially created by the design of the layout.

However, In respect of the highway issues it is considered that the vast majority of highway standards such as the width of highway and pavements; junction radii; visibility splays; parking provision; vehicle tracking etc. meet the required standards and highway safety would not be compromised. The development does, however, require an element of SUDs/permeable paving within the highway which is deemed to be unadoptable by the Highways Authority. While it is preferable to achieve the adoption of highways within the Borough there is a balance to be struck between providing safe access and adhering to highway standards and creating a layout which works in design terms for the residents and which can help to address surface water drainage issues.

If approved and as discussed above this application a S106 obligation/ condition will be required to ensure that the road, pavements, any landscaped public amenity areas within the highway land and sewers to be maintained by a management trust and as a private road to an agreed standard. This will ensure that the road and public realm will be adequately maintained in future for the residents of the development.

In relation to the concerns for future anti-social behaviour and crime prevention considerable amendments have been made to the layout to address these issues including blocking off the pedestrian access to Britannia Road and removing the parking spaces directly adjacent to the pedestrian route from Cowper Street. On balance it is considered that the one remaining pedestrian route from Cowper Street is required to enable easy access on foot to the East of the site. The potential harm therefore is limited through the revised layout design and any residual harm which remains due to limited surveillance is outweighed by the enhanced permeability and sustainability of the site.

The proposal has been found to be acceptable in all other respects subject to securing an acceptable section 106 agreement. Critically, the proposal is in accordance with Policy 1 of the NNJCS and paragraph 11 of the NPPF which favours sustainable development and requires the granting of planning permission unless policies provide a clear reason for refusing the proposed development or any adverse impacts would significantly outweigh the benefits when assessed against the policies of the NPPF as a whole.

As such any harm identified is considered to be little more than limited and would not outweigh the significant benefits highlighted and particularly those that are derived from the provision of 81 homes (including 24 affordable) in a sustainable location.

### **Conclusion**

In light of the above the proposals are considered to be in full accordance with Development Plan Policies. There are no other material considerations or arguments that would justify coming to a different conclusion. As such this application is recommended to the Planning Committee for approval subject to the attached conditions and an acceptable Section 106 agreement being secured.

### **Background Papers**

Title of Document:

Date:

Contact Officer:

James Wilson, Senior Development Officer on 01536 534316

### **Previous Reports/Minutes**

Ref:

Date: