

BOROUGH OF KETTERING

Committee	Full Planning Committee - 29/10/2013	Item No: 5.1
Report Originator	Richard Marlow Development Officer	Application No: KET/2013/0066
Wards Affected	William Knibb	
Location	Soans Yard, Bridewell Lane (land off), Kettering	
Proposal	Full Application: Redevelopment of former industrial/commercial buildings to retail and restaurant use	
Applicant	Mr K Jones	

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 the following Condition(s):-

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 other than in accordance with the approved plans and details shown on drawing numbers 01/003 Rev C, 01-005 Rev C and 01-007 Rev C received 6 September 2013 by the Local Planning Authority.

REASON: To ensure an appropriate form in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Notwithstanding the details shown on the approved plans no new or replacement openings, entrances, windows or shopfronts shall be installed until the specification and details of all elements, including cills, lintels, joinery sections, fascia or signage areas drawn at a scale of no less than 1:5, 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 specification.

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

4. No use hereby approved shall commence on site until details of the materials to be used for hard and paved surfacing, the steps between Market

Street Yards and Soans Yard and any gates have been submitted to and approved in writing by the Local Planning Authority.

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

5. No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the recording of any items of archaeological interest in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. 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 amenity of occupants of neighbouring properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. Works audible at the site boundary will not exceed the following times Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays, unless with the written permission of the Local Planning Authority. This includes deliveries to the site and any work undertaken by contractors and sub contractors.

REASON: In the interests of residential amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy and paragraph 144 of the National Planning Policy Framework.

8. No development shall take place, including any works of demolition, until a Construction Methods Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in construction the development
- d. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e. measures to control the emission of dust and dirt during construction/demolition
- f. a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: To protect residential amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

9. Prior to first use commencing in the A1 unit within the former ambulance station (identified on plan P002 Rev A submitted with the application) the southern elevation adjacent the demolished building shall be made good in

accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: To preserve and enhance the Conservation Area and in the interests of visual amenity in accordance with Policy 13 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

10. Before the A3 restaurant use hereby permitted commences, a scheme for the installation of equipment to control the emission of fume and smell from the premises shall be submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the A3 restaurant use commencing. All equipment install as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

REASON: To protect residential amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

11. Before any plant and/or machinery is used on the premises, it shall be enclosed within sound insulating materials and mounted in a way which will minimise the transmission of structure-borne sound in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. All necessary works shall be supervised by a competent person, and that upon completion of all works, testing is carried out and a report submitted to the Local Planning Authority to verify the schemes effectiveness. The scheme and any required works shall thereafter be maintained in accordance with the approved details.

REASON: To protect the amenity of neighbouring properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

12. The A3 use hereby permitted shall not commence until a scheme for protecting the residential units at Crown Apartments and Bridewell House on Dryland Street from noise from the A3 unit has been submitted and approved in writing by the Local Planning Authority. The provisions of this scheme shall include physical controls, operation restrictions and administrative controls, where appropriate. Upon completion of all works, testing shall be carried out and a report submitted to the Local Planning Authority to verify the schemes effectiveness. The scheme and any required works shall thereafter be maintained in accordance with the approved details.

REASON: To ensure the amenity of neighbouring properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

13. No use hereby permitted shall commence until details of a scheme for the storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The use of the buildings shall not commence until the approved scheme has been fully implemented and shall be retained as approved thereafter.

REASON: In the interests of general amenity and to ensure that no obstruction is caused on the adjoining highway in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

14. The buildings shall be used only for A1 retail and A3 restaurant uses as shown on drawing numbers 01-003 Rev C and 01-005 Rev C and for no other purpose whatsoever.

REASON: To preserve the vitality and viability of the town centre in accordance with Policy 2 and the objectives of Policy 18 of the Kettering Town Centre Area Action Plan.

15. Following commencement of the A1 retail or A3 restaurant use hereby permitted there shall be no parking of vehicles within Soans Yard or Market Street Yard as shown on plan 01-003 Rev C received 6 September 2013 by the Local Planning Authority.

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

Officers Report for KET/2013/0066

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

Ironstone Buildings

KE/2000/0546 Change of Use: from offices and stores to residential. APPROVED 26/09/2000.

Former MG Garage Bridewell Lane

KE/1997/0333 Change of use from industrial to A3 (food and drink) consent. APPROVED 08/07/1997.

Former Ambulance Station and adjacent cottage

KE/1994/0063 Change of use of former ambulance station from light engineering to offices for volunteer groups. APPROVED 22/03/1994.

KE/1981/0930 Change of use to use for removal, replacement and repair of radiator, automotive and auto-electrical components in vehicles. APPROVED 13/01/1982.

Site Description

Officer's site inspection was carried out on 03/10/2013.

The site comprises of approximately 0.14ha of redundant buildings and land within Kettering Town Centre and is accessed from Market Street and Bridewell Lane. The site is located within the Conservation Area and occupies a parcel of land to the north of Market Street, west of Horsemarket and south of Bridewell Lane comprising of a small number of former commercial and industrial buildings.

To the west of the site the red brick former ambulance station and MG garage are substantial two storey buildings which date from the early to mid 20th century and which have remained empty for a considerable period of time. To the east of the site two attached ironstone buildings which predated 1886 front onto the internal Soans Yard courtyard. To the south of the site an early 20th century residential property is to be demolished (and is also subject of Conservation Area Consent KET/2013/0067) to provide improved permeability and enhanced pedestrian access into and through the site.

The site lies within the Conservation Area and the primary shopping area as set out in the adopted Kettering Town Centre Area Action Plan (AAP). The site is adjacent to the primary shopping frontages on Market Street but does not contain any designated primary or secondary frontages.

Proposed Development

The application seeks permission for the redevelopment of the existing industrial and commercial buildings to retail and restaurant use.

Any Constraints Affecting The Site

Conservation Area.

4.0 Consultation and Customer Impact

English Heritage

Do not wish to comment in detail and have provided the following general observations to be considered in the determination of this application:

Although the cottages are modest buildings architecturally and have no statutory designation, they form an interesting group with their neighbours, which contributes to the character and appearance of this part of the conservation area. Indeed the Kettering Conservation Area Appraisal at paragraph 8.2.7 (Private Areas) acknowledges the '*...tightly planned rear yard and service ranges*' as being among the '*...special features of the town centre*' and makes specific reference to the north side of Market Street. While the applicant's Cultural Heritage Statement of Significance makes general reference to the Kettering Conservation Area Appraisal, it does not explore it any further, or acknowledge the level of significance that this adopted policy document assigns to the sites character, and how this contributes to the general character and appearance of the conservation area.

The application drawings indicate proposed new shop fronts and changes to the fenestration of some of the remaining buildings. No other detail is provided with regard to materials, architectural design and detailing, and without this level of detail it is difficult to be convinced that these design choices are appropriate to the character of the buildings or the character and appearance of the conservation area.

Highway Authority

No objection and are fully supportive of the proposals.

Northamptonshire Archaeology

No objection but have recommended that a condition for an archaeological programme of works is attached to any permission granted.

Environmental Health

No objection in principle and have recommended conditions in relation to construction, odour and fume control and refuse storage.

Northamptonshire Police

No objection and have suggested informatives that if implemented would reduce the likelihood of crime, disorder and anti-social behaviour

occurring.

Neighbours

One petition signed by 23 people objecting to the application on the grounds being enough restaurants, not enough parking space and too much traffic

5.0 Planning Policy

Planning (Listed Buildings and Conservation Areas) Act 1990.

National Planning Policy Framework

Policy 1 – Building a strong, competitive economy

Policy 2 - Ensuring the vitality of town centres

Policy 12 - Conserving and enhancing the historic environment.

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1 – Strengthening the Network of Settlements

Policy 8 – Delivering Economic Prosperity

Policy 9 – Distribution and Location of Development

Policy 13 - Sustainable Development Principles

Kettering Town Centre Area Action Plan

Policy 3 - Primary Shopping Area (Primary and Secondary Frontages) and the Evening Economy

Policy 12 – Heritage, Conservation and Archaeology

Policy 17 - The Yards

Policy 18 – Site Y2 – Soans Yard

SPDs

Urban Codes

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:

1. Principle of Development
2. Design, Character & the Conservation Area
3. Amenity
4. Highways
5. Ecology
6. Sustainable Design and Construction
7. Comments on other points raised by proposal

1. Principle of Development

Paragraph 17 of the National Planning Policy Framework is clear that proposals for sustainable economic development should be supported. Section 2 requires Local Planning Authorities to promote town centre competitiveness, vibrancy, vitality and viability, through, amongst other ways, ensuring a viable mix of appropriate uses.

Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy encourage development to be focused within the growth town of Kettering. The brownfield site falls within the boundary of Kettering Town Centre and within the Yards Quarter as defined by policy 17 of the Kettering Town Centre Area Action Plan (AAP). The principle of commercial development in this area is, therefore, established. The proposed retail and restaurant uses are defined in the glossary of the National Planning Policy Framework as main town centre uses and are therefore appropriately located through this application, subject to relevant considerations of the Development Plan.

The site falls within the Yards quarter and comprises a large element of the allocated Site Y2 - Soans Yard. Policy 17 allocates Soans Yard site Y2 as an area for redevelopment led by A1 niche retail / B1(c) craft workshops on ground floor level, with residential and commercial uses above. The policy highlights the need to provide a viable and vibrant mixture of appropriate complementary uses, although this is envisaged to be predominantly above ground floor level. Policy 18 (Soans Yard) states that site Y2 will be redeveloped with a retail-led scheme as proposed and supported by a flexible mix of appropriate uses, of which a restaurant is considered to be one such appropriate use. The policies are clear that a mix of uses will be required and that the Yards is to be retail-led not retail only. It is recognised that a vibrant mix of appropriate uses will be necessary to ensure round the clock activity and draw footfall into the area. An A3 leisure use is considered to be in accordance with these objectives and appropriate to the mix of uses envisaged for the quarter.

The proposal conforms to Policy 18 (Soans Yard) which envisages that the wider area will provide a comprehensive retail led regeneration scheme of which this proposal is a significant element. The demolition of the cottages adjacent to the former ambulance station considered through application KET/2013/0067 will improve permeability and enhance pedestrian movements through the site. The development would not however prevent the future development of the remainder of site Y2 in that it retains the vast majority of the existing layout, will contribute to a suitable mix of uses and does not prejudice any of the 7 key objectives of Policy 18.

Kettering Borough Council acting as the landowner of properties in this application has, after marketing the site and appraising developer interest, appointed a development partner to progress the Yards quarter proposals. This application is a key milestone in the process to

regenerate the Yards Quarter and builds on recent successes around the Market Place and Horsemarket.

The proposal is, therefore, considered to be in accordance with the requirements of the AAP and is, therefore, considered to be acceptable.

2. Design, Character & the Conservation Area

Section S72(i) of the Planning (Listed Building and Conservation Areas) Act 1990 stipulates that the Local Planning Authority is to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

In assessing the proposal consideration should be given as to whether the loss of the cottages and changes to the extant buildings would harm the character and appearance of the conservation area and whether this can be justified as necessary in order to achieve a greater, overall enhancement to the conservation area.

Demolition of the two cottages associated with the former ambulance station is proposed which due to their location within the Conservation Area are considered as designated heritage assets and also subject to a separate Conservation Area Consent. The removal of the cottages would facilitate improvements to pedestrian access and movement through the site as part of the wider redevelopment of the site and ensure that the most historically important buildings and spaces within the wider site are brought into viable use that would secure their future. In particular the rear workshops and private spaces of Soans Yard that may date back to the late eighteenth century are highlighted within the Conservation Area Appraisal for their historical merit, with the tightly planned rear yard forming part of the special features of the town centre.

The development consists of the refurbishment and redevelopment of a number of former industrial and commercial buildings for retail and restaurant uses. The proposal includes the demolition of a small residential building that is subject to a separate application (KET/2013/0067) and seeks to enhance the permeability and visibility through the scheme and provide an enhanced new public space that will be the main focus of the scheme.

Notwithstanding physical alterations to the buildings, it is considered that the proposed change of use to retail and restaurant use in itself would have a positive impact on the character of the area and the Conservation Area. It would enable a viable re-use and refurbishment of the buildings across the site which are currently vacant, in some disrepair and make a poor contribution to the Conservation Area. The re-use of historic assets and the introduction of uses which would attract visitors to the Conservation Area is a positive one, and in accordance with guidance provided in Section 12 of the National Planning Policy Framework and Policy 12 of the AAP.

The development seeks to preserve and reuse the existing building shells and proposes no additional floor space from that existing. The larger buildings comprises of the former ambulance station and MG garage which date from the early to mid 20th century and it is proposed that their industrial style will form a key and unique identity for the development. To the east of the site the ironstone buildings which predate 1886 are also to be refurbished including glazed panels set behind the existing sliding gates to this building and replacement windows. Key architectural features including the existing ambulance station doors and existing fuel pump will be retained and new shopfront type windows installed facing the Soans Yard internal courtyard area and an additional glazed entrance to the restaurant unit to the north of the site. The proposals across the site seek to make maximum use of original features and openings and this approach is supported.

The application proposes the introduction of three large windows to the east elevation of the former ambulance station and a new glazed entrance to the restaurant facing Soans Yard. These new openings will be largely screened from outside of the Soans Yard courtyard and surrounding development. The result is an enclosed public space within Soans Yard which is surrounded by active frontages, providing an intimate highly visible public open space. The window openings proposed are large reflecting the industrial bulk of this existing blank elevation and in there context are considered appropriate to the host buildings and surrounding development. English Heritage have commented about the lack of architectural detailing that has been submitted and will be key to securing a high quality finish which ensures that the buildings truly reflect the character of their surroundings. Appropriate details of key elements including new and replacement windows, doors and entrances can be secured through conditions ensuring that a high quality finish is established across the site.

New gates off Bridewell Lane and steps linking Market Street Yard and Soans Yard are proposed together with hard surfacing across the site that will unify the scheme. Conditions that secure appropriate hard landscaping materials and details are proposed to ensure that an appropriate visual amenity and enhanced public realm is delivered as required by policy 18 of the Kettering Town Centre AAP.

NPPF paragraph 137 is clear that Local Planning Authorities should look for opportunities to enhance or better reveal the significance of their Conservation Areas and preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.

The cottages are an early 20th Century development built sometime after 1925 as established by the date stone on the Ambulance Station. The building is a modestly designed two storey brick with upper storey rendered and pan tile roof construction. The buildings have a single

aspect facing west and form an incongruous element within the local vernacular of Market Street and Soans Yard. The orientation and siting of the buildings tucked being the commercial properties to the north of Market Street result in the buildings being largely hidden from view when approached from Market Street and having no impact on the setting of the Grade II listed buildings comprising of the former Sun Hotel on the southern side of Market Street at nos. 19-21.

Policy 12 of the NPPF distinguishes between whether the proposal would result in substantial harm to or total loss of significance of a designated heritage asset or less than substantial harm. Given that the designated heritage asset is the Conservation Area in its entirety, it is considered that the proposal will lead to a less than substantial harm and the proposal should be weighed against the public benefits of the scheme, including securing its optimum viable use in accordance with paragraph 134 of the NPPF. The demolition will help to increase permeability through the site and thus support commercially viable reuse of the site, whilst maintaining the tight-knit pattern of development that is the defining character of this area.

In summary, the proposal makes a positive contribution to visual amenity of the area and will preserve the Conservation Area through sensitive refurbishment to commercially viable uses. The limited additional openings proposed will add vibrancy to the proposed public space but will not be visible from outside of the site. Overall the alterations are, therefore, considered to be acceptable, and in accordance with Section 12 of the NPPF and Policy 12 of the AAP. The net result of the development would be a positive impact on the Conservation Area.

3. Amenity

Policy 13 of the Core Spatial Strategy (General Sustainable Development Principles) states that development should not result in an unacceptable impact on amenity by reason of noise, vibration, smell, light or other pollution.

The nearest residential dwellings are located to the north of the site off Bridewell Lane Street with a front to back distance of approximately 20 metres. Environmental Health have raised no objection in principle to the application but have recommended conditions in relation to refuse storage, construction works, odour, fume and noise control that will ensure that the amenity of residents is protected from any subsequent operators on site and in particular occupiers of the A3 restaurant unit.

Subject to the imposition of suitable conditions, Environmental Health concerns have, therefore, been addressed and it is considered that there would be no negative amenity impacts arising from the proposal.

4. Highways

One objection signed by 23 people has been made on the grounds of not enough parking spaces and too much traffic.

No customer or staff car parking is included within the development in line with the Policy 4 of the NPPF which makes it clear that Local Planning Authorities should support development which can make use of sustainable modes of transport. In this case, the site is located within the heart of the town centre which provides a wide range of employment, amenities and facilities including public transport hubs such as the Horsemarket bus interchange and the railway station. The submitted information details how the application is pitched at local independent retailers and as such it is likely that the site will be serviced by small scale service vehicles via Bridewell Lane or Market Street. Ample public car parking exists in the vicinity, including on-street bays on Horsemarket and the site is easily walkable from 3 large town centre car parks – London Road, Queen Street and School Lane.

The Highway Authority having considered the proposals are fully supportive of the scheme and have raised no objection to the proposal. In summary, the proposal is acceptable in highways terms and in accordance with Policy 13(d) and (n) of the Core Spatial Strategy.

5. Ecology

The site is dominated by buildings and hard standings and the submitted Extended Phase 1 Habitat Report including Bat scoping survey identifies that the site is of low ecological value. The report identifies that the buildings provide low to moderate bat roosting potential although no evidence of bat usage was found as part of the survey. Also none of the habitats within the study area are considered by the consultants as likely to offer significant foraging opportunities for bats.

Despite ecological surveys being undertaken which suggest that protected species are not using the application site, it is possible that protected species may be encountered once works commence. As such standing advice produced by Natural England and the Habitat Report recommends that an informative should be appended to the consent that all works must be stop immediately and an ecological consultant be contacted for further advice before works can proceed, should any protected species be encountered.

6. Sustainable Design and Construction

Policy 14 of the Core Spatial Strategy requires that development meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. Schemes should demonstrate techniques of sustainable construction and energy efficiency, provision for waste recycling/reduction and provision for water efficiency and water recycling.

The applicant has submitted a Sustainable Design and Energy Statement together with a Sustainable Design SPD checklist which demonstrates how the proposal will seek to minimise its environmental impact. The proposal involves the refurbishment of existing buildings and will make use of existing materials.

Based on the evidence provided and given the nature of the proposal it is considered that the proposal will comply with policy 14 of the Core Spatial Strategy.

7. Comments on other points raised by proposal

The following issues were also raised in representations received, which are not material planning considerations:

- There are enough restaurants.

Conclusion

The proposal is in accordance with the relevant policies of the Development Plan and there are no material considerations which indicate planning permission should not be granted. The application is recommended for approval, subject to conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Richard Marlow, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

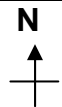
Date:

SITE LOCATION PLAN

Soans Yard, Off Bridewell Lane, Kettering
Application No.: KET/2013/0066



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