

BOROUGH OF KETTERING

Committee	Full Planning Committee - 08/04/2014	Item No: 5.1
Report Originator	Anne Dew Senior Development Officer	Application No: KET/2007/0493
Wards Affected	Northfield	
Location	Lower Street/Railway View (Junction of), Kettering	
Proposal	Full Application: Erection of 28 no. apartments, over three, four and five storeys with associated external works, bin and cycle stores	
Applicant	Mr R Molton Latchbrook Ltd	

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 completed before 7th July 2014 else Refuse, 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 approved shall not be carried out otherwise in accordance with the amended approved plans received on 20 December 2013.

REASON: To define the permission, achieve a satisfactory standard of development and in the interests of residential amenity in accordance with Policy 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

3. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d has been complied with in relation to that contamination.

A. Site Characterisation

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

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

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

B. Submission of Remediation Scheme

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

C. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the

remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

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

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

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

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

4. The parking spaces and cycle stores hereby approved shall be provided and available for use prior to the first occupation of the building hereby permitted and shall be permanently retained and kept available for such purposes.

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

5. Prior to the commencement of development hereby approved details and drawings showing a turning facility on Railway View, improvements for visibility, construction and surfacing of the carriageway and footway at the junction of Railway View and Lower Street, shall be submitted to and approved in writing by the Local Planning Authority. No occupation of the development shall take place until the approved details have been provided in accordance with the approved details.

REASON: To provide satisfactory access in accordance with Policy 13 (d) and (n) of the North Northamptonshire Core Spatial Strategy.

6. Prior to the commencement of development hereby approved no drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority.

No hard-standing areas shall be constructed until the works approved in the surface water strategy have been carried out in full.

REASON: To prevent environmental and amenity problems arising from flooding in accordance with policy 13 (q) of the North Northamptonshire Core Spatial Strategy.

7. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenities and privacy of the neighbouring properties in accordance with policy 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, the layout, contouring and surfacing of all open space areas. The works approved shall be carried out in the first planting and seeding seasons following the 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 13 (h) of the North Northamptonshire Core Spatial Strategy.

9. No development shall commence on site until details of the types and colours of hard surfacing materials, all external facing and roofing materials to be used, including windows, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

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

10. Prior to the commencement of development details of automatically opening and closing gates for pedestrian and vehicular access to the site at the Railway View entrance shall be submitted to and approved in writing by the Local Planning Authority. The approved gates shall be fully provided prior to first residential occupation, and thereafter retained.

REASON: In the interests of amenity and crime reduction in accordance with Policy 13 (b) and (l) of the North Northamptonshire Core Spatial Strategy.

11. No development shall take place until a cross-sectional plan of the site, prepared to a scale of not less than 1:500, showing the existing and intended final ground levels and land contours has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: To preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with policy 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

12. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the area and adjoining residential properties in particular in accordance with policy 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

13. Any gates provided shall be set back a distance of 10 metres from the edge of the vehicular carriageway of the adjoining highway and shall be hung so as to open inwards into the site only.

REASON: In the interests of highway safety in accordance with policy 13 (d) and (n) of the North Northamptonshire Core Spatial Strategy.

14. No windows shall open over the highway and no drainage or rainwater goods shall overhang the highway.

REASON: In the interests of highway safety in accordance with policy 13 (d) and (n) of the North Northamptonshire Core Spatial Strategy.

15. A scheme for attenuating the apartments from noise sources both within and outside the properties shall be submitted to and approved in writing by the Local Planning Authority before development commences. Development shall not be carried out other than in accordance with the approved scheme. This scheme must achieve the internal noise levels set out below and include noise attenuation from any transportation, industrial, commercial and entertainment noise.

The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals.

Internal Noise criteria for residential

Bedrooms night time (23:00 to 07:00) 30 dB LAeq

Noise not to exceed NR25 in any octave band

Individual noise events should not exceed 45dB LAMAX (BS 8233. 1999)

Living Rooms day time (07:00 to 23:00) 40 dB LAeq

REASON: In the interest of residential amenity in accordance with policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

16. No development shall take place until a Construction Method 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 and the approved measures shall be retained for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority. The Statement shall detail the following:

- the parking and turning of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works.
- design of construction access
- hours of construction work
- measures to control overspill of light from security lighting

REASON: In the interests of highway safety and residential amenity in accordance with Policy 13 (l) and (n) of the North Northamptonshire Core Spatial Strategy.

17. Prior to the commencement of development a scheme for the storage, collection and maintenance of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be provided and available for use prior to the first occupation of the building hereby permitted and shall be permanently retained and kept available for such purposes.

REASON: In the interests of visual and residential amenity in accordance with policy 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

18. The development hereby permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment undertaken by Abington Consulting Engineers dated 29 January 2014 and the following mitigation measures detailed within the Flood Risk Assessment:

a. Finished floor levels of the residential units to be set at a minimum of 300mm above the 1000 year flood level (69.29m ODN).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/ phasing arrangements embodied within the scheme.

REASON: To reduce the risk of flooding in accordance with policy 13 (q) of the North Northamptonshire Core Spatial Strategy.

19. No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted 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 apartment 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 surface water infrastructure in accordance with policy 13 (q) of the North Northamptonshire Core Spatial Strategy.

20. Prior to the commencement of developments details of how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction / recycling and water efficiency and water recycling shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

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

Officers Report for KET/2007/0493

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

3.0 Information

Relevant Planning History

KET/2011/0801 Temporary change of use for car sales and valeting.
Two year consent approved 24.05.2012

KET/2008/0177 Reserved Matters for Landscaping for KET/2004/0514.
Approved 18.04.2008

KET/2004/0514 Outline Application. 20 two bed flats with associated external works. Approved 12.8.2004

Site Description

Officer's site inspection was carried out on 4 March 2014.

The site is located in a prominent location on the corner of Lower Street and Northfield Road. The site has previously been used as a petrol filling station and a tyre depot and more recently used as a temporary car wash and car parking area. All former buildings on the site have been demolished and been replaced with foundations and steel works for the proposed development. The site has an area of approximately 0.2 hectares.

The surrounding area falls just outside the town centre boundary as defined by the Kettering Town Centre Area Action Plan, with land immediately to the south forming part of the town centre. The surrounding area is mixed in character comprising residential, medical and commercial uses. Railway View to the north of the site comprises a mix of terraced, semi detached and detached two storey dwellings served off a private road. Number 106 Lower Street on the corner off Lower Street and Railway View is a convenience store. Prospect House on the southern side of Lower Street is a 4 storey medical practice. A four storey apartment has been built on the corner of Lower Street and Northfield Road. Lower Street to the east off the application site is characterised by two storey semi detached and terraced dwellings and rises from west to east.

There is an existing pedestrian crossing on Lower Street adjacent to the site as bus stop immediately outside the site on Lower Street.

Proposed Development

The application was submitted in 2007 and went to committee in April 2008 where there was a resolution to approve subject to the signing of a S106 obligation. The S106 obligation was never signed and the permission was never issued. Revised plans have been submitted

which are largely the same as the original scheme that was considered by Members' in 2008. The siting, scale, height, access arrangement and parking provision of the apartments follows the same principles of the original scheme. The scheme provides for 28 apartments, with vehicular access from Railway View with the provision of 28 car parking within the site. Heights of the apartments vary from 2 storey for those elements facing Railway View to three, four and five storey as the apartments turning the corner of the site onto Lower Street and Northfield Avenue.

The scheme provides for the following :-

Ground Floor

1 bed apartments: 5 (number)

2 bed apartments: 2 (number)

First Floor

1 bed apartments: 4 (number)

2 bed apartments: 4 (number)

Second Floor

1 bed apartments: 2 (number)

2 bed apartments: 6 (number)

Third Floor

1 bed apartment: 2 (number)

2 bed apartment: 2 (number)

Fourth Floor

2 bed apartment: 1 (number)

Some minor changes are proposed to the scheme originally approved at committee and these include changes to external fenestration and door arrangement, changes to internal layout and the removal of balconies. The scheme still provides for Juliet balconies.

The applicants also proposed the following changes with respect to the finished floor levels (FFL).

The 1 in 1000 year flood contour level (as set out in the Revised FRA) is 68.99m ODN. The Environment Agency has raised no objection subject to the finished floor levels (FFL) being set a minimum of 300mm above the 1:1000 year flood level, i.e. a floor level of 69.29m ODN for the units within this flood contour.

The proposed finished floor levels are shown Ground Floor Plan 900-200-A:

Apartment No.	Finished Floor Level
1	69.50

2	69.50
3	69.29
4	69.29
5	69.29
6	69.50
7	69.50

The Finished Floor Level of Apartments 3, 4 and 5 was previously 69.275 and has had to be raised by just 15mm to achieve the 69.29 level required by the EA. This increase is not only negligible but also affects apartments situated the furthest distance from Railway View. This FFL is the lowest on the site facing the Lower Street junction.

All the other levels are above the 69.29 ODN required EA level and are unchanged from the previously submitted and considered drawings.

Any Constraints Affecting the Site

Kettering town centre

Floodzone 2

4.0 Consultation and Customer Impact

Highway Authority No objections subject to conditions covering a turning area on Railway View; no windows to open over highway or drainage or rainwater goods to overhang the highway and gates into the site need to be at least 10m from Railway view

A contribution of £5,000 is also required for improving the existing bus stop immediately outside the site on Lower Street. Such improvements may be a new shelter, or provision of a bus stop flag with real-time information on it. This can be secured via a S106 obligation.

Environmental Care The bin store location is acceptable and access for collection of the bins can be gained from Railway View. For refuse bins it will be more beneficial 4 x 1100ltr bins rather than 28 small bins. Provision of recycling bins within the layout is acceptable. The developer needs to be made aware that the inside of the bin store is their responsibility.

Northamptonshire County Council There is a requirement for a contribution towards Fire and Rescue (£2,576.00) and libraries (3,833.00) which can be secured via a planning obligation.

Environmental Health

(Comments received on 19.02.2014)

Contamination – Remediation took place in 2006, however since then the site has been used for car sales and valeting which may have introduced hydrocarbon and other contaminants. A full contaminated land assessment is required. This matter could be addressed by condition.

Air Quality – Concerns over air quality for future occupiers. Prior to the determination of the application, an air quality assessment needs to be undertaken and the application needs to be determined against the National Air Quality Standards and Objectives.

Refuse –This matter can be dealt with by condition.

Acoustic Insulation – A condition is required in respect of an acoustic insulation scheme to be submitted which will insulate the residences from noise sources both within and outside the properties.

Orientation of Apartments – Further consideration needs to be given to the internal layout of the apartments. In particular, bedroom 1 of apartment 3 immediately adjoins the kitchen of apartment 2. The bedrooms of apartment 13 are immediately above the kitchen/ bathroom of apartments 4 and 5.

Construction Method Statement – Construction method statement needs to be submitted and this can be secured via condition.

(Comments received on 20.03.2014)

Following submission of a contamination report, the full contaminated land condition should be attached to any planning consent given.

(Comments received on 20.03.2014)

Reiterate comments made on 19 February in respect of air quality, noise and contamination. (See officer comments)

Northamptonshire Police No formal objection. Recommend informatives added to reduce the likelihood of crime, disorder and anti-social behaviour.

Anglian Water No Anglian Water assets within the boundary of the site. Foul drainage is in the catchment of Broadholme STW which has capacity for these flows. The preferred method of surface water disposal, is SUDS. The surface water strategy/ flood risk assessment is unacceptable. Recommend condition requiring a surface water management strategy be submitted.

Anglian Water have been re-consulted on the revised Flood Risk Assessment. No comments have been raised to date.

Environment Agency

Comments received on 20.11.2013

Object on Sequential Test and Flood Risk Grounds. No evidence has been provided to demonstrate that the Sequential Test has been applied. Site is located within Flood Zone 2 and 3 and has a high probability of flooding. The submitted Flood Risk does not comply with the requirements set out in the NPPF and does not provide a suitable

basis for an assessment to be made.

Comments received on 3 March 2014 in respect of an amended Flood Risk Assessment submitted

No objections subject to condition requiring that development is carried out in accordance with the Flood Risk Assessment and the recommended mitigation in respect of finished floor levels being set at a minimum of 300mm above the 1000 year flood level (69.29m ODN).

Neighbours Eight third party representation received. Objection is on the grounds of:-

- No area identified on plans for bin storage
- Location plan is out of date and does not show an extension in place at no. 17 Railway View. Concern the bin store will be located adjacent to this single storey extension.
- Concerns over contamination as site has been used as a petrol filling station, tyre fitting and vehicle servicing.
- A new application should have been submitted given the time lapse
- Not in accordance with up to date policy
- Description of development is incorrect.
- 28 flats on the site has previously been turned down
- Changes in plans drastically alter the look and style and impact of the scheme
- Design features are out of keeping
- Design is out of keeping with the immediate neighbouring properties
- Apartments are too high. Properties on Railway View are only 2 storey, compared to three storey adjacent proposed.
- Heights of nearby medical centre and flats are only 4 storeys.
- Bin store will dominate the area as it stands out from the building line of neighbouring properties
- There are no other 5 storey buildings in the locality
- Scheme is higher than scheme previously approved
- Access to the bin store area is over private land on Railway View and without any right of access at that point
- Site floods regularly and the impact of flooding from the apartments is far greater than from the car wash
- Location of bin store with access will mean existing valuable parking spaces on Railway View will be lost
- Insufficient car parking provided
- Roadside parking on Railway View is an existing problem
- Development will overshadow Railway View and make these properties more of an attractive target for criminal activity
- Loss of ambient light to Railway View
- Concerns over subsidence to Railway View cottages and access

- road
- Railway View can't take the additional traffic and will affect safety
- Concerns over access to Railway View for emergency vehicles
- Existing ground works may be unsuitable

5.0 Planning Policy

National Planning Policy Framework

Paragraph 17 Core Planning Principles

Policy 4 Promoting sustainable transport

Policy 6 Delivering a wide choice of high quality homes

Policy 7 Requiring good design

Policy 8 Promoting healthy communities

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

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1 Strengthening the network of settlements

Policy 4. Connecting the urban core

Policy 6 Infrastructure delivery and developer contributions

Policy 7 Delivering housing

Policy 9 Distribution and location of development

Policy 10 Distribution of housing

Policy 13. General sustainable development principles

Policy 14. Energy efficiency and sustainable construction

Policy 15. Sustainable housing provision

Local Plan

Policy 35 Housing within towns

Policy 39 Affordable housing

Kettering Town Centre Area Action Plan

The site falls outside of the boundary of the Kettering Town Centre Area Action Plan. Land to the south of Lower Street, immediately adjacent to the site is identified as The New Residential Quarter.

SPGs

Open Space SPD

Sustainable Design SPD

6.0 Financial/Resource Implications

Section 106 Obligation:

A sum of money is to be agreed and members will be advised at the update as to how this is proposed to be spent.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Design/ Impact on Street Scene
3. Impact on Residential Amenity
4. Contamination
5. Highway Safety Implications
6. Affordable Housing Provision
7. Flood Risk
8. S106 Implications
9. Sustainable Development
10. Comments on other points raised by proposal

1. Principle of Development

The principle of a residential development of this site was considered in the officer report to committee in 2008. In this report it was recognised that the site was brown field and located on existing bus routes, and within walking and cycling facilities of all town centre facilities and as such provided for a sustainable location, in accordance with the aims and objectives of national policy.

Changes have since been made to national and local policy, however these changes still support the principle of a residential development on this site. Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy both focus residential development within the town boundary of Kettering, for which the application site forms part of, as defined by saved policy 35 of the Local Plan for Kettering Borough.

The principle of the development is also in accordance with the aims and objectives of the National Planning Policy Framework which are underpinned by a presumption in favour of sustainable development.

In conclusion, the site provides a sustainable location for future residents of the apartments as encouraged by the National Planning Policy Framework and policies 1 and 9 of the North Northamptonshire Core Spatial Strategy. The scheme will also provide for a use which complements the existing mix of residential, medical and commercial within the area.

2. Design/ Impact on Street Scene

Policy 13 (h) of the North Northamptonshire Core Spatial Strategy requires that developments be of a high standard of design, architecture and landscaping and respect and enhance the character of its surroundings,

It was recognised in the committee determination in 2008 that the design of the proposed development is unusually constrained by the

sites proximity to different frontages and land levels. To the east of the site is the Railway View frontage having the highest existing land level; to the south is the Lower Street frontage which slopes away from its junction with Railway View and faces the medical centre and residential development on the opposite side of the road; and to the west is the Northfield Road frontage having the lowest existing land level. The proposed development therefore needs to take account of all of these site constraints in addition to residential amenity, appearance, highway safety, and all other material considerations.

The previous officer report to committee recognised the need to establish a key landmark development to clearly mark the entrance to a main route corridor to the town centre. This is already partly achieved by the new development on the south side of Lower Street and it is considered that a development of similar stature is required for this site in order to fully develop such a gateway feature. The need for such a landmark feature on this prominent location still remains.

The size, scale and siting of the apartments is the same, with a very minor height increase, as the scheme that Members' resolved to approve in 2008. Some other minor changes have been made to the design with respect to fenestration and size and provision of balconies, however the design philosophy underpinning the original plans considered in 2008 still remains. There have also been no material changes in circumstances on the site or in the surrounding area which would alter the conclusions made in 2008.

The Railway View elevation is the same height as was originally considered in 2008 with a ridge height of 10 metres for the three storey element. This three storey element of the building is approximately 13 metres from the shared boundary with number 17 Railway View. The original officer report to committee concluded that this separation distance together with landfall provide a satisfactory relationship between buildings and the scheme and would not unduly impact upon the character of the area. There have been no material changes on site which would alter this relationship and impact on the character of the area.

In terms of the Lower Street corner and elevation, the revised scheme follows the same design principle as the original scheme in 2008 in that it reflects the relationship of Railway View to the rear, while at the same time reflecting the character of the larger scale of development opposite on Lower Street. It is considered that the revised plans still provide for a development which successfully increases in scale as it moves down Lower Street to Northfield Avenue, and thereby allowing this key corner element of the site to provide a landmark quality needed for such a prominent entrance to the town centre. The changes in design still provide for a building for which its design works differently and successfully for each of the frontages, and provides for a modern architectural style which is in keeping with existing developments and

will enhance the character of the area.

The scheme will provide for a landmark quality building on this prominent corner whilst also respecting the various constraints in respect of land levels and scale and height of adjacent dwelling. Subject to conditions covering materials, site levels and boundary treatment, the design of the scheme is considered to meet the requirements of policy 13 (h) of the North Northamptonshire Core Spatial Strategy.

3. Impact on Residential Amenity

Policy 13 (l) of the North Northamptonshire Core Spatial Strategy requires that development should not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The siting, scale and height of the proposed apartments remains unaltered to the original scheme that was approved by members' in 2008. It was concluded in the original report to committee achieved satisfactory relationships with regard to existing properties to avoid any adverse overbearing, loss of light or overshadowing and loss of privacy.

Some minor changes have been made to internal configuration of some of the flats but in terms of window position and room use do not raise any greater implications of overlooking to properties on Railway View than the scheme in 2008. In terms of material changes on site, since the original report to committee, number 17 Railway View has built a single storey rear extension. It is considered that the scheme still provides for a satisfactory distance with number 17 Railway View and its extension to avoid any negative impacts in respect of overshadowing, overbearing impact and overlooking.

There is an approximate separation distance of 25 metres to the rear face of the extension at number 17 Railway View and the rear facing wall of that section of the apartments that fronts Northfield Avenue. There is also an approximate separation distance of 13 metres between the three storey element of the apartments of Railway View and the shared side boundary with number 17 Railway View, thus reducing any impact. The brick built cycle and bin store will be located closest to the shared boundary with a separation distance of approximately 2.5 metres, however given the height of this and its siting roughly in line with the rear two storey building line of number 17 Railway View again no adverse impact will result.

In terms of impact to properties on the eastern side of Railway View, there is no change in relationship than there was with the original scheme. With the highway separating the buildings along with associated front garden areas, there is sufficient distance to avoid any adverse overshadowing, overbearing impact or loss of privacy.

To ensure that noise both from internal and external means does not become an issue for future residents of the flats, Environmental Health have recommended that a scheme for the sound insulation between flats and dwellings is provided and measures to mitigate external noise sources secured via condition. Concern has been raised by Environmental Health regarding the layout of 1 and 3 and 4 and 5 could be improved to ensure habitable areas are not placed adjacent to unacceptable levels of noise sources. The layout provided for these units is not dissimilar to the original scheme approved. It is also recognised by Environmental Health and the applicant that sound insulation can be provided between apartments under approved document E of the Building Regulations.

Concern has been raised about the juxtaposition of the bin store to number 117 Railway View. The bin store proposed is an enclosed brick built building. Subject to rubbish being collected and the area managed correctly, details of which will be secured by condition, it is not considered that any adverse nuisance will result to the occupants of this dwelling.

4. Contamination

Policy 11 of the National Planning Policy Framework requires that the site is suitable for its new use taking account of ground conditions, including pollution from natural hazards and pollution arising from former activities.

In support of the application a land contamination investigation has been submitted. Environmental Health have been consulted on report. The report recommends that further investigation will be required to assess any risk to health, and Environmental Health have recommended that there is still a need for the standard contamination to be applied. This standard contamination condition forms part of the recommendation.

5. Highway Safety Implications

Policy 13 (d) of the North Northamptonshire Core Spatial Strategy requires that developments have a satisfactory means of access and provide for parking, servicing, manoeuvring in accordance with adopted standards. Criteria 13 (n) of the same policy requires that development so not have an adverse impact on the highway network and will not prejudice highway safety.

Vehicular access is proposed from Railway View. NCC Highways have been consulted and subject to conditions which include the provision of a turning area on Railway View have raised no objections.

Concern has been raised about the lack of car parking for the scheme. The layout provides for 28 car parking spaces which equates to one car parking space per apartment. Given the sustainable location of the site adjacent to the town centre, this is considered to be a satisfactory level of provision. Concern has been raised by third parties about the loss of parking on Railway View immediately adjacent to the site, whilst some on street parking may be lost on Railway View, given the sustainable location of the site, and the satisfactory level of provision this is not considered to be a reason for refusal

The scheme is also considered to meet the criteria set out in policy 13 (e) of the North Northamptonshire Core Spatial Strategy which requires that developments be designed to take full account of the transport user hierarchy of pedestrian – cyclist public transport – private vehicle. The scheme is located within an acceptable location within easy reach of town centre facilities and with good access to public transport. Secure covered cycle parking is also provided for at a ratio of 1 cycle space per apartment.

6. Affordable Housing Provision

Policy 15 of the North Northamptonshire Core Spatial Strategy states that to deliver sustainable residential communities, a balanced mix of housing tenures and types should be provided. Policy 15 also states that development within Kettering should provide for 30% affordable housing to meet local need.

The original scheme in 2008 provided for six affordable units, each with 2 bedrooms. The applicant has advised in the revised submission that the provision of affordable housing will make the scheme unviable. In support of this argument, the applicant has submitted a Viability Assessment. This viability assessment has been independently assessed and concurs with the findings. Given these viability issues, this element has not been sought.

7. Flood Risk

Policy 13 (l) of the North Northamptonshire Core Spatial Strategy requires that developments do not increase the risk of flooding on the site or elsewhere. Policy 10 of the National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

The majority of the application site falls within flood zone 1, with only the north western corner of the site falling within flood zone 2. Land within flood zone 1 is defined as having a low probability of flooding (less than 1 in 1000 annual probability of flooding), whilst land within flood zone 2 has a medium probability of flooding (between 1 in 100 and 1 in 1000 annual probability of flooding).

In support of the application, an updated Flood Risk Assessment and associated drainage strategy has been submitted. The Flood Risk

assessment concludes that the development passes the Sequential Test. It also states that the development will be protected against fluvial flooding by raising the finished floor level 300mm above the 1000 year flood level (this would result in a maximum flood depth of 150mm). In terms of surface water run-off, the Flood Risk Assessment states that the development is of a similar scale to previous buildings/ yard areas on the site and therefore will not result in any increased rate of surface water run-off from the site. Other mitigation measures identified within the Flood Risk Assessment include a surface water pumping station to the below ground cycle store, the incorporation of additional drainage defences and surface water attenuation will be provided for by using a below ground storage facility which will provide for a 20% reduction in run off rates from the site.

The Environment Agency have raised no objections to the revised flood risk assessment, subject to the development being carried out in accordance with the recommendations and mitigation measures set out in the Assessment. This matter can be addressed by condition.

Anglian Water raised objections to the original Flood Risk assessment submitted. Anglian Water comments are still outstanding and any additional comments received will be included within the update report to committee.

8. S106 Implications

Policy 6 (Infrastructure Delivery and Developer Contributions) of the North Northamptonshire Core Spatial Strategy requires that new development be supported by the timely delivery of infrastructure services and facilities. Developers will either make direct provision or financial contribution towards the provision of local and strategic infrastructure required by this development alone or cumulatively with other developments.

On the original scheme in 2008 contributions were agreed for primary education (£8,022), the Fire Service (£2,576), Library Services (£3,833) and a NCC Highway contribution towards the provision of a bus shelter (£5,000).

With respect to Education. NCC have confirmed that there is no longer a requirement for a contribution towards primary education. Subject to the completion of a S106 obligation, it is considered that the contributions agreed will provide for the local and strategic infrastructure which is generated by this development.

Taking account of the issue of viability and the best way of allocating S106 resources, members will be advised at the update on the recommended action to secure best benefit.

9. Sustainable Development

Policy 14 of the North Northamptonshire Core Spatial Strategy requires that development should meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. The North Northamptonshire Core Spatial Strategy was not adopted and hence not considered when the application was originally determined at committee in 2008. As part of this current application, no firm details have been submitted to demonstrate how the requirements of this policy will be met.

Part 14 (b) i of this policy requires that developments incorporate techniques of sustainable construction and energy efficiency; provision for waste reduction/ recycling and provision for water efficiency and water recycling. The inclusion of such measures within the scheme can easily be incorporated within the scheme and these measures can be secured by condition.

Given the size of the development, part (b) of this policy requires that developments should demonstrate that at least 10% of the demand for energy will be met on-site and renewably and/or from a decentralised renewable of low carbon energy supply. The scheme provides for no provision for on- site renewable energy. Given the constrained nature of the site, the options for the provision of on-site renewable energy are limited to solar or photovoltaic panels on the roof. Given the prominent nature of the building and its height, it is not considered that the introduction of such panels would fit comfortably with the design in this location. This consideration alongside the fact that the scheme was deigned before the requirement came into place are material considerations which outweigh the need to provide for the 10% on site renewable energy.

10. Comments on other points raised by proposal

The scale of the scheme remains unchanged from the previous plans for which Members' resolved to approve at committee. Whilst the description of development has changed to accurately reflect the storey height of the development, the plans themselves have not changed.

Conclusion

The principle of residential development on the site is in accordance with national and local policy. The scheme will provide for a landmark building in this prominent location whilst also respecting residential amenity. The scheme raises no adverse highway safety or flood risk implications.

Background Papers

Title of Document:
Date:

Previous Reports/Minutes

Ref:
Date:

Contact Officer: Anne Dew, Senior Development Officer on 01536
534316