

BOROUGH OF KETTERING

Committee	Full Planning Committee - 10/03/2015	Item No: 5.1
Report Originator	Richard Marlow Senior Development Officer	Application No: KET/2014/0546
Wards Affected	William Knibb	
Location	Kettering Borough Council Car Park, Queen Street, Kettering	
Proposal	Full Application: Extension to KET/2011/0152 of 21 no. hotel rooms and a re-configured car park, with access onto Queen Street	
Applicant	Mr K Jones, Kettering Cultural Quarter 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 to the following conditions:-

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

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

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details shown on drawing numbers N020-2 P01A received 26/09/2014, N020-2 P02B received 23/12/2014 and N020-2 P03C received 09/02/2015 by the Local Planning Authority.

REASON: To clarify the terms of the permission and to ensure an appropriate form of development in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. The following materials shall be used in the construction of the external facing and roofing of the development:

- Arden Red facing brickwork
- Render in colour buff.
- Single ply membrane - colour RAL 7012 Basalt Grey.
- Stained larch cladding
- Rendered panel grey
- White render

REASON: To ensure an appropriate appearance for the building as a whole and to protect the character and appearance of the Conservation Area in accordance with policy 13 of the North Northamptonshire Core Spatial

Strategy.

4. Prior to the commencement of development, full details of the proposed design, materials and finish for the supporting structure at ground floor hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: To ensure an appropriate appearance for the building and to protect the character and appearance of the Conservation Area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

5. All glazed openings shall be 'Unique Windows' aluminium framed and finished Anthracite Grey (RAL 7016). The windows shall be recessed and installed in accordance with full details, including cross-sections, which have first been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure an appropriate appearance for the hotel building and to protect the character and appearance of the Conservation Area 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 amenities of the area, adjoining residential properties and highway users in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

7. The windows on the east elevation at second, third and fourth floor shall be non-opening and glazed with obscured glass (no less than level 4 Pilkington Standard, or equivalent) and shall be permanently retained in that form thereafter.

REASON: To protect the privacy of neighbouring properties and to prevent overlooking in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

8. The development hereby permitted shall not be occupied 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 building shall not commence until the approved scheme has been fully implemented and shall.

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

9. Hoggs Lane shall not be severed to vehicular traffic until the revised alignment to Queen Street has been provided in accordance with drawing number N020-2 P02B received by the Local Planning Authority on 23 December 2014.

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

10. The cycle parking as shown on the approved plan reference N020-2

P03C dated 9 February 2015 shall be constructed prior to first use of the building and retained for the purposes of storing cycles thereafter.

REASON: To protect the amenities of the development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy

11. The development hereby permitted shall not be occupied until the car parking and

servicing facilities have been completed in accordance with drawing number N020-2 P02B received by the Local Planning Authority on 23 December 2014.

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

12. Prior to first use or occupation, a design depicting the bollards that are to be placed on the new footway at the corners and along the length of the overhang of the building and at the junction with Horsemarket and the reflective strips to be placed on the corners of the building to aid the prevention of large vehicles over riding the footway so far that they could strike the overhanging building, shall be submitted and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

13. Prior to first use or occupation of the development hereby permitted, pedestrian visibility splays of at least 2.4m x 2.4m (2m x 2m where there is turning space within the site) shall be provided on each side of the vehicular accesses. These measurements are taken from and along the highway boundary. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6m in height above access / footway level.

REASON: In the interests of highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

14. Prior to the commencement of the development hereby permitted, details of a positive means of drainage to ensure that surface water from the private land does not discharge onto the highway shall be submitted to and be approved in writing by the local planning authority. Such details as may be approved shall thereafter be installed and operational prior to first use and thereafter be maintained.

REASON: In the interests of highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

15. A minimum vertical clearance of 2.4m from the highway surface to the lower surface of the projecting / overhanging building shall be provided.

REASON: In the interests of highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

16. Prior to the commencement of the development hereby permitted, details of measures to ensure that mud and other such loose material do not migrate onto the highway shall be submitted to and shall be approved in

writing by the local planning authority. Such measures as may be approved shall thereafter be implemented and maintained for the duration of the construction period.

REASON: In the interests of highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0546

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

3.0 Information

Relevant Planning History

Application site

KET/2011/0196 - Redevelopment of car sales and services area car park and access road to form phase 2 of retail (A1/A3) and hotel development. APPROVED 16/08/2011.

Adjacent Site – Phase 1 Hotel

KET/2014/0383 - Change of use of site to a car park with car valet service, new vehicular access to Queen Street and erection of portacabin. APPROVED 04/08/2014.

KET/2014/0234 - Change of use of site to a car park with car valet service, new vehicular access to Queen Street and erection of portacabin. WITHDRAWN

KET/2011/0152 s.73 Application Variation of conditions 2 (materials), 4 (noise mitigation), 5 (contamination assessment), 10 (approved drawings), 11 (servicing facilities) and 12 (highway details) of planning permission KET/2007/0449 (permission allows a hotel, ground floor retail unit and basement health club) in order to accommodate planned highway improvements and changes to fenestration APPROVED 03/06/2011.

KET/2010/0344 – Landscaping scheme – APPROVED 15/07/2010

KET/2009/0661 – Demolition of buildings – APPROVED 25/02/2010

KET/2008/0924 – Demolish and clear existing buildings – APPROVED 29/01/2009

KET/2007/0449 – 45 bed hotel with ground floor A1 or A3 unit and basement health club – APPROVED 11/06/2008

Site Description

Officer's site inspection was carried out on 03/12/2014. The application site stands within Kettering Town Centre and is located within the Silver Street Quarter established by policy 22 of the Kettering Town Centre Area Action Plan (AAP).

The site currently provides 32 surface level car parking spaces and is surrounded by a mix of commercial and residential uses. Queen Street bounds the site to the north which is currently a one way street leading towards Horsemarket. Planned highway improvements in Queen Street

set out in the AAP would accommodate two way traffic and these would encroach into the site. To the south of the site is Hogs Lane, a narrow one way service road that serves the rear of residential properties fronting Green Lane. A car sales site stands beyond Hogs Lane to the south, whilst to the north there is a vehicle body repair specialist and a 4 storey flatted development. To the east is of the site is a restaurant whilst to the west a boarded site fronting Horsemarket has an extant permission for a 45 bed hotel that would be extended through this proposal

Proposed Development

The application seeks permission for an extension to the hotel permitted through application KET/2011/0152. The extension would provide an additional 21 hotel rooms between the second and fourth storey and would oversail the surface level parking at ground floor.

Any Constraints Affecting The Site

Planned Highway Improvements to Queen Street.
Adjacent to Conservation Area.

4.0 Consultation and Customer Impact

Environmental Health

No objection to the proposal and have recommended conditions regarding working hours should consent be given.

Northamptonshire County Council Waste Planning

No objection and have recommended that the proposal should seek to make efficient use of resources in both the construction phase and its operation.

Highways

No objection subject to the imposition of conditions which maintain highway safety.

Neighbours

Two third party objections on the following grounds

- Insufficient car parking for customers, staff and local residents.
- The site should be checked for pollution prior to any development
- Insufficient provision for waste storage
- Changes to Hogs lane and the Horsemarket junction
- Inappropriate materials facing a row of Victorian/Edwardian terraces built in Kettering brick.
- It is too close to residents' blocks in Mobs Yard and residences on Green Lane. For both there will be increased noise, overlooking, light pollution from increased traffic in the car park.
- The privacy of residents on Green Lane will be destroyed by the 4 storey building.
- Deliveries to the development will block Hogs Lane impacting on 2 apartments front entrances and exits on Hogs Lane and the

- garage business between Hogs Lane and Green Lane.
- Reduced sunlight to the residential block to the north whose ground floor residents will be in perpetual gloom.
 - Increased crime. The design of the ground floor car park will create an enclosed unlit, secluded area in the town centre that will be a target for crime and antisocial behaviour.
 - Hogs Lane is a public highway and is currently used by neighbouring residents and businesses. We totally object to a public highway being used for commercial/ financial gain of a private business. Any redevelopment which that affects neighbour vehicle access should involve a consultation with all affected parties.
 - Overshadowing from the proposed development and the creating of a very dark street area between the development and Green Lane will be a haven for criminals.

5.0 Planning Policy

National Planning Policy Framework

Paragraph 7 – Sustainable Development

Paragraph 17 – Core Planning Principles

Policy 1 – Building a strong, competitive economy

Policy 2 – Ensuring the vitality of town centres

Policy 4 - Promoting sustainable transport

Policy 7 - Requiring good design

Policy 8 – Promoting healthy communities

Development Plan Policies

North Northamptonshire Core Spatial Strategy (June 2008)

Policy 1 – Strengthening the Network of Settlements

Policy 8 – Delivering Economic Prosperity

Policy 9 – Distribution and Location of Development

Policy 13 – General Sustainable Development Principles

Policy 14 – Energy Efficiency and Sustainable Construction

Local Plan for Kettering Borough

Policy 64 – Shopping: Development Within Existing Shopping Areas

Policy 103 – Leisure: Hotel Accommodation

Kettering Town Centre Area Action Plan

Policy 1 – Regeneration Priorities

Policy 2 – Urban Quarters, Urban Codes and Development Principles

Policy 5 – Culture, Tourism and Leisure

Policy 7 – Road Network and Junctions

Policy 22 – The Silver Street Quarter

Supplementary Planning Documents

Sustainable Design SPD

6.0 Financial/Resource Implications

A S106 obligation was secured against the original and subsequent planning permission to require a scheme for the provision of servicing the development and its implementation prior to occupation.

The proposed development is inextricably linked to phase 1 (KET/2011/0152) through both physical attachment and shared servicing and parking arrangements. In the interests of securing a comprehensive form of development across the entire site in line with the aspirations of the AAP it would not be appropriate for the development subject of this application to be implemented independently from phase 1 and a S106 agreement will be used to control this.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development;
2. Design;
3. Amenity;
4. Highways and Parking;
5. Sustainable Design and Construction;
6. Crime and Disorder.

1. Principle of Development

In policy terms, the overarching principle of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development requiring developments that accord with the Development Plan to be approved without delay. Policy 2 of the NPPF requires Local Planning Authorities to promote town centre competitiveness, vibrancy, vitality and viability, through, amongst other ways, ensuring a viable mix of appropriate uses

The proposed hotel development constitutes a main town centre use as defined by the NPPF and is therefore an appropriate use for Kettering town centre. The application site together with the phase 1 hotel comprises the entirety of site SSQ5, as set out in the Kettering Town Centre Area Action Plan, allocated for commercial use and having potential for hotel use together with road and junction improvements as set out in policy 22. The AAP at the time of adoption in July 2011 envisaged delivery of the wider site in the period 2017-18.

The extension proposed would also represent the second phase of a larger hotel and retail/restaurant development granted under planning permission KET/2011/0152. The proposed scheme would therefore contribute to the comprehensive redevelopment of a key site within the

town centre, namely expanding the hotel use identified as a proposal under policy 22 of the Kettering Town Centre Area Action Plan.

The proposal is therefore considered to be acceptable in principle and in accordance with the requirements of the development plan subject to satisfying the criteria below.

2. Design

The site comprises of a surface level car park which is surrounded by a mix of commercial and residential uses. To the west Phase 1 of this development benefits from extant planning permission for a 45 bed hotel with A1 or A3 use at ground floor level and basement health club.

The proposed extension will replicate the design approach utilised on phase 1 with a contemporary four storey height building with a flat roof and large expanses of glazing. The structure would oversail the surface level car park providing 7 additional hotel rooms on the second, third and fourth floors.

The development would present a coherent appearance when viewed in combination with the consented Phase 1 hotel from Queen Street and the Horsemarket, and maintains a consistent building height with that previously approved. The east elevation is more muted but uses design detailing, including recessed panels, to ensure a consistent visual appearance across the entire scheme.

The building would utilise materials matching that of those approved for phase 1 and this should be secured by condition to ensure an appropriate visual relationship. UPVC windows are again proposed for openings at upper floor level and as with phase 1, this material is considered inappropriate. The UPVC frames would present a somewhat bulky appearance with a shiny finish and crude imitation grain effect. This material would undermine the otherwise high quality finish of the building and significantly detract from both the character and appearance of the building itself and the adjacent Conservation Area, which dissects the phase 1 building. A condition would need to secure the use of recessed windows and aluminium frames matching those conditioned for the phase 1 hotel to avoid this adverse impact.

Limited details have been provided of the supporting steel structure that will be used to elevate the structure above the surface level car park. A condition to secure full details and an appropriate finish prior to the commencement of development is recommended is to ensure an appropriate visual appearance.

Overall, the development is considered to accord with criteria (h) of CSS policy 13.

3. Amenity

The development would extend 17.4m to the east of the extant hotel

over the existing surface car park at a commensurate height to that approved through phase 1. The extension would be sited directly north of the neighbouring car sales/ servicing business accessed off Green Lane and south of the vehicle body repair specialists on the opposing side of Queen Street. The extension is located to the north west of the nearest residential property at no 27 Green Lane, and therefore due to the path of the sun will result in no overshadowing. A flatted development is located in excess of 18m to the north east of the extension on the opposite side of Queen Street. Given the 12.5m height of the extension and its siting in relation to this neighbouring flatted development any potential overshadowing of ground floor properties will be minimal and insufficient to warrant refusal.

The southeast corner of the extension includes a set back without windows and this ensures that there is no direct overlooking or privacy issues for the nearest neighbour at no. 27 Green Lane. Windows are proposed in the south elevation of the extension and three windows serving the corridor at each floor in the east elevation. A condition to obscure glaze the three windows on the east elevation will protect neighbouring amenity for those residential properties on Green Lane nearest to the site.

The use of the ground floor as surface level car parking would remain through this proposal with amendments to the layout to provide service road and access to the rear of the hotel and an amended point of exit for vehicles using Hogs Lane. The servicing area has previously been consented and would be located to the rear of the buildings and accessed from Queen Street. It is included in the S106 for the phase 1 hotel site as it lies outside of the application site.

Bin storage facilities are provided internally within the consented phase 1 hotel scheme. The extension will increase the size of the development and the amount of waste it generates and therefore a condition which requires an appropriate waste storage and collection scheme is recommended to ensure neighbouring amenity is not compromised.

No significant adverse impact would result from the development in terms of amenity and the scheme therefore accords with policy 13(l) of the Core Spatial Strategy.

4. Highways and Parking

Policy 13(d) and (n) of the North Northamptonshire CSS requires that developments have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards and do not have an adverse impact on the highway network.

The site extends across the public car park adjoining Queen Street which would be reconfigured along with alterations to Hogs Lane so as to provide two way access from Queen Street, enabling service vehicles

access to the service bay proposed to the rear of the consented hotel. Direct access from Hogs Lane onto Horsemarket would be removed as part of the development and a section of public highway would therefore need to be stopped up.

The Highway Authority has not raised any objection to the proposed stopping up of Hogs Lane although a Stopping Up Order would need to be sought from the Highway Authority. A Traffic Regulation Order would also be necessary under the Highway Act for making part of Hogs Lane two-way. These are important matters for the applicant to consider but are legal requirements controlled by legislation outside of the planning system, it is not therefore appropriate to control these matters through any planning permission granted.

Concerns have been raised regarding access to the rear of properties fronting Green Lane as this is currently gained via Hogs Lane. The proposed alterations to allow access from Queen Street and the introduction of a two-way road in the vicinity of the car park will in fact improve accessibility for users of the public highway. The remaining stretch of Hogs Lane (beyond the car park) would remain unaltered. Both Hogs Lane and the new access from Queen Street would also be accessible to refuse collection crews serving the rear of properties which front Green Lane.

The development would result in the existing car park being reduced in size so as to accommodate the realignment of Hogs Lane. The number of spaces would be reduced from 32 to 18 including two disabled bays. The site is located within Kettering town centre, in an accessible urban location whereby alternative modes of transport to the car would be on offer and the Highways Authority have no objection to the proposal. The revised parking provision is considered acceptable in this town centre location where there are a number of other public car parks in close proximity to the site. It will also not prejudice the planned highway improvements to provide two way traffic on Queen Street as envisaged by the AAP.

In summary it is considered that the proposal complies with Policy 13 (d) and (n) of the CSS.

5. Sustainable Design and Construction

Policy 14 of the CSS requires new development to meet the highest standards of resource and energy efficiency and reduction in carbon emissions. Development proposals should; incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and provide for water efficiency and water recycling. A condition is therefore recommended to ensure that a sustainable construction plan is submitted prior to development commencing and that the development is carried out in accordance with the approved details.

6. Crime and Disorder

Policy 8 of the NPPF and policy 13 of the CSS emphasise the importance of considering the potential for crime in planning decisions. Northamptonshire Police have previously suggested a number of methods for reducing the potential for crime and anti-social behaviour within the hotel development. It is therefore considered reasonable to impose a condition requiring the submission of a scheme of security measures to be incorporated within the scheme.

Conclusion

The proposed development accords with both national and local planning policy and there are no material planning matters that indicate against the scheme; as such, planning permission should be granted subject to the conditions recommended above and a S106 obligation to prevent implementation of this permission independently from phase 1 (KET/2011/0152).

Background Papers

Title of Document:

Date:

Contact Officer:

Richard Marlow, Senior Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date: