

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 28/07/2015</b>	<b>Item No: 5.4</b>
<b>Report Originator</b>	<b>Susan Garbutt Senior Development Officer</b>	<b>Application No: KET/2015/0377</b>
<b>Wards Affected</b>	<b>St. Michaels and Wicksteed</b>	
<b>Location</b>	<b>Orion Way, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Construction of 13 no. industrial units class B1(c) &amp; B8</b>	
<b>Applicant</b>	<b>Mr J Penman Tungsten Properties Ltd,</b>	

### 1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### 2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED, subject to a S.106 OBLIGATION being entered into, and to the following conditions:-

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

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

2. Unit N shall be used only for B8 (storage and distribution) use and for no other purpose whatsoever (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: To clarify the terms of the permission.

3. Units A, B, C, D, E, F, G, H, J, K, M1 and M2 shall be used only for B1c (any industrial process) and/or B8 (storage or distribution) uses and for no other purpose whatsoever (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any statutory instrument revoking and re-enacting that Order with or without modification). The maximum B1(c) floorspace across those units is 1599.5sqm.

REASON: To clarify the terms of the permission.

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

REASON: Details of materials are necessary prior to the commencement of development in the interests of the visual amenities of the area in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

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

REASON: Finished Floor Levels are necessary prior to commencement to ensure the overall height of the buildings is controlled in this highly visible location adjacent to the A14 in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. Prior to first occupation of the development a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. 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 of the North Northamptonshire Core Spatial Strategy.

7. The development shall achieve a 'Very Good' rating under BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) for the Shell stage. Prior to commencement of works on site, a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) Shell only pre-assessment report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the whole site will achieve a 'Very Good' rating.

Within 3 months of work starting on site, unless otherwise agreed in writing, a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) Shell only Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE), shall be submitted, by the developer, and approved in writing by the Local Planning Authority to show that a minimum 'Very Good' rating will be achieved.

Prior to first occupation of the building, unless otherwise agreed in writing by the Local Planning Authority, a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) Shell only Final (Post-Construction) Certificate, issued by the BRE, must be submitted to and approved in writing by the Local Planning Authority to demonstrate that a 'Very Good' rating has been achieved. All the measures implemented shall be retained as approved thereafter.

REASON: To secure the highest viable standards of resource and energy efficiency and reduction in carbon emissions in accordance with policy 14(a) of the North Northamptonshire Core Spatial Strategy.

8. The development shall achieve a 'Very Good' rating under Parts 2, 3 & 4 BREEAM Refurbishment and Fit-out 2014. Prior to commencement of the fit-out of any unit, unless otherwise agreed in writing by the Local Planning Authority, a BREEAM Refurbishment and Fit-out pre-assessment report for parts 2, 3, & 4 for that unit, shall be submitted, to and approved in writing by the Local Planning Authority to demonstrate how the fit-out elements of the work will achieve a 'Very Good' rating as a minimum. Prior to commencement of the fit-out of the building, unless otherwise agreed in writing by the Local Planning Authority, a BREEAM Refurbishment and Fit-out 2014 Interim (Design Stage) Certificate for Parts 2, 3 & 4, issued by the Building Research Establishment (BRE), must be submitted to and approved in writing by the Local Planning Authority to show that a minimum 'Very Good' rating will be achieved. Within 3 months of first occupation of any unit, unless otherwise agreed in writing by the Local Planning Authority, a BREEAM Refurbishment and Fit-out 2014 Final (Post-Construction) Certificate for Parts 2, 3 & 4, issued by the BRE, shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that a 'Very Good' rating has been achieved. All the measures implemented shall be retained as approved thereafter. Where BREEAM Refurbishment and Fit-out Parts 2, 3 & 4 is not being proposed or where a BREEAM 'very good' standard cannot be achieved for the fit-out stage, full justification by way of a detailed viability study should be submitted and approved in writing by the Local Planning Authority to demonstrate why BREEAM Refurbishment and Fit-out Parts 2, 3 & 4 'Very Good' is not feasible and/or economically viable.  
REASON: To secure the highest viable standards of resource and energy efficiency and reduction and reduction in carbon emissions in accordance with policy 14(a) of the North Northamptonshire Core Spatial Strategy.

9. Prior to the occupation of each unit, an Occupier's Travel Plan for that unit shall be submitted to and approved in writing by the Local Planning Authority. The Occupier's Travel Plan shall be in accordance with the Green Commuter Plan (Rev A June 2015) received by the Local Planning Authority on 12 June 2015. The development shall be carried out in accordance with the approved Travel Plans.  
REASON: To promote more sustainable travel choices and contribute to a modal shift in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

10. No development shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before any buildings hereby approved are first occupied.  
REASON: Details of materials are necessary prior to the commencement of development in the interests of visual amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

11. There shall be no external illumination or CCTV 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 and security of the area and in the interest of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

12. Prior to commencement of development a Site Specific Waste Audit shall be submitted to the Local Planning Authority. The audit must take the form of a written report (accompanied by layout plans where appropriate) and must include matters (a) to (j) inclusive as listed in paragraph 2.28 of the Northamptonshire County Council Development and Implementation Principles Supplementary Planning Document (September 2011).

REASON: A Waste Audit is necessary prior to commencement of development to ensure resources are used efficiently during construction and operation in accordance with policy 30 of the Minerals and Waste Local Plan 2014.

13. Prior to commencement of development a Site Specific Waste Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy must take the form of a written report (including accompanying layout and design plans) and address points (a) to (h) inclusive as listed in paragraph 2.52 of the Northamptonshire County Council's Development and Implementation Principles Supplementary Planning Document (September 2011).

REASON: A Waste Management Strategy is necessary prior to commencement to create a holistic and integrated approach to waste management in accordance with policy 31 of the Minerals and Waste Local Plan 2014.

14. No part of the development shall be occupied until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all boundaries plus details of the internal fencing and gates as shown on the approved plans. No unit hereby permitted shall be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenity and security in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

15. Prior to commencement of the development a full Construction Traffic management Plan (CTMP) covering the following shall be submitted to and approved in writing by the Local Planning Authority;

a. Detailed work programme / timetable.

b. Site HGV delivery / removal hours to be limited to between 10:00 - 16:00

c. Detailed routeing for demolition, excavation, construction and abnormal loads.

d. Supply of pre-journey information on routeing and site restrictions to contractors, deliveries and visitors.

e. Detailed plan showing the location of on-site stores and facilities including the site compound, contractor & visitor parking and turning as well as un/loading point, turning and queuing for HGVs.

f. Breakdown of number, type, size and weight of vehicles over demolition & construction period.

g. Details of debris management including location of wheel wash, programme to control debris spill/ tracking onto the highway to also include sheeting/sealing of vehicles and dust management.

h. Details of public impact and protection to include road, footway, cycleway and Public Right of Way. Details of TROs and road / footway / cycleway / PRoW closures and re-routeings as well as signage, barriers and remediation.

i. Public liaison position, name, contact details and details of public consultation/liason.

j. Route details as required covering culverts, waterways, passing places, tracking of bends/junctions and visibility splays.

- k. Pre and post works inspection of the highway between points A and B as requested to identify remediation works to be carried out by the developer. Inspections are to be carried out in the presence of a member of the Highway Authorities Inspection team. To also include the removal of TROs, temporary signage, barriers and diversions.
- l. Overall strategy for managing environmental impacts which arise during the project.
- m. Details of temporary construction accesses and their remediation post project.
- n. Noise control methods.
- o. Provision for emergency vehicles.
- p. Waste audit and scheme for waste minimisation including recycling/disposing of waste resulting from construction works including confirmation of any material exports, routing and deposition sites.

REASON: Construction traffic management details are necessary prior to commencement of development to ensure a satisfactory means of access, no adverse impact on the highway and no prejudice to highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

16. No development shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment (prepared by Diamond Wood & Shaw Ltd, dated July 2015, revision B, ref 14-12700) received by the Local Planning Authority 15 July 2015, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the construction of any hard standing areas.

The details of the scheme shall include:

- a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, ACO drains and storage tanks.
- b) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers hydraulic curves should be submitted for all hydrobrakes and other flow control devices.

REASON: A surface water drainage scheme is required prior to commencement to prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with policy 13(q) of the North Northamptonshire Core Spatial Strategy.

17. No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

REASON: A maintenance scheme is necessary prior to commencement to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system in accordance with policy 13(q) of the North Northamptonshire Core Spatial Strategy.

## **Officers Report for KET/2015/0377**

This application is reported for Committee decision because the application requires an agreement under s.106.

### **3.0 Information**

#### **Relevant Planning History**

KE/1995/0227 Outline for development of 2 no. B1c,B2 & B8 units with associated servicing,car parking & landscaping APPROVED 23/5/95

KE/1990/0665 Single storey offices for use within class B1 (business) APPROVED 22/10/90

KE/1988/0378 Development as an industrial estate (to Class B1, B2 and B8 uses) for Kettering Borough Council APPROVED 19/4/88

#### Adjacent site to the north

KET/2007/0981 DSA drive and test centre. Single storey development with parking and a 125x40 metre motorcycle area APPROVED 21/12/2007

KET/2007/0770 Single storey building incorporating DSA Drive and Test Centre WITHDRAWN 11/10/2007

#### **Site Description**

Officer's site inspection was carried out on 21/05/2015.

The site is located off Orion Way, in the south of Kettering and within the employment zone indicated on the Local Plan Proposals Map. The site is accessed from Orion Way and utilises an existing access currently used by the Driver Standards Test Centre. The site is irregular in shape as it wraps around the Driver Standards Test Centre tarmaced area. The site is located adjacent to the A14 to the south-west, Pytchley Lane to the south-east, Orion Way and industrial units to the north-east, and the Driver Standards Test Centre to the north-west.

#### **Proposed Development**

Construction of 13 no. industrial units class B1(c) (1599.5sqm GIF) and B8 (2525.5sqm GIF). Unit N is the largest unit and is to be solely B8 use (926sqm), the remaining units are all to be 50% B1(c) and B8 each. The smallest unit is 300sqm.

Revised plans have been received which amended the colour of the buildings and some elevations and added details of the fence and gates. A revised Travel Plan was also received. All were consulted upon for 7 days. Two revisions to the FRA were also received and consulted on with the Lead Local Flood Authority and Anglian Water.

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

Nene Valley Nature Improvement Area (NIA) Boundary  
Waste  
Flood Plain

#### **4.0 Consultation and Customer Impact**

##### **Highway Authority**

No objection subject to a £25,000 contribution towards mitigation of the capacity at the junction of the A509 and Orion Way, and a condition requiring a full Construction Traffic Management Plan.

##### **Highways England**

No objection

##### **Police Crime Prevention Advisor**

Comment that car parking for unit N is secluded and need for lighting and CCTV. Advice regarding secured glazing, shutters, doors and windows.

##### **County Council Minerals**

The site is within a sand and gravel Minerals Safeguarding Area. Prior to development the applicant should demonstrate how it meets policy 32 of MWLP. Applicant has demonstrated this.

##### **County Council Waste**

Recommend conditions to secure a Waste Audit and Waste Management Strategy.

##### **County Council Lead Local Flood Authority**

No objection to the revised FRA (revision B) subject to conditions securing a surface water drainage scheme and a scheme for maintenance of the surface water drainage system.

##### **Anglian Water**

Recommend a condition to secure a Surface Water Management Strategy.

##### **Environmental Health**

No objection

##### **County Natural Development Officer**

No comments received.

##### **Neighbours**

No comments received.

#### **5.0 Planning Policy**

##### **National Planning Policy Framework**

1 Building a strong competitive economy

4 Promoting sustainable transport

7 Requiring good design

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

11 Conserving and enhancing the natural environment

13 Facilitating the sustainable use of minerals

## **Development Plan Policies**

### **North Northamptonshire Core Spatial Strategy**

- 1 Strengthening the network of settlements
- 5 Green infrastructure
- 8 Delivering economic prosperity
- 9 Distribution and location of development
- 13 General sustainable development principles
- 14 Energy efficiency and sustainable construction

### **Local Plan**

Employment Zone on Proposals Map

### **Northamptonshire Minerals and Waste Local Plan (MWLP) (Oct 2014)**

- 30 Sustainable design and use of resources
- 31 Co-location of waste management facilities with new development
- 32 Minerals Safeguarding Areas

### **SPGs**

MWLP Development and Implementation Principles SPD (Sept 11)

## **Emerging Plan**

### **North Northamptonshire Joint Core Strategy 2011-2031 Pre-Submission Plan (Jan 15)**

Policy 9 Sustainable Buildings and Allowable Solutions

## **6.0 Financial/Resource Implications**

Section 106 - £25,000 for Highways (see above)

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Highways impact
3. Amenity impact
4. Design and appearance
5. Sustainable Design and Appearance
6. Flood risk
7. Minerals and Waste
8. Nene Valley NIA
9. Crime prevention

### **1. Principle of Development**

The site is within the employment zone indicated on the Local Plan Proposals Map. CSS policy 1 directs employment development to Kettering. CSS policy 8 seeks a net increase in jobs in all B use classes. CSS policy 9 states that priority will be given to suitable previously developed land and buildings within urban areas. Policy 11 states that existing employment areas/allocated sites will be safeguarded for



employment use. The NPPF is committed to securing economic growth in order to create jobs and prosperity.

Therefore, it is considered that the development of B uses (B1(c) any industrial process and B8 storage and distribution) in this location is acceptable in principle. As the application has been consulted upon based upon the proposed mix of uses only, these uses will be conditioned. Any proposed change to those uses would therefore need permission and the impact would be considered.

## 2. Highways impact

CSS policy 13 parts (d), (e), (k) and (n) states that development should have a satisfactory means of access, take account of the transport user hierarchy, allow for travel on foot and cycle and by public transport and not have an adverse impact on the highway network or prejudice highway safety.

The applicant has submitted a Transport Statement, swept path analysis and a Travel Plan. These documents were revised and the Highways Authority is satisfied with them. The analysis shows that there will be an impact upon the A509/Orión Way roundabout and the applicant has agreed to pay £25,000 for mitigation works to the roundabout. Subject to conditions requiring a Construction Management Plan, compliance with the Travel Plan and the S106 contribution, the development will satisfy the above policies.

## 3. Amenity impact

Policy 13 (l) of the CSS states that development should not result in an unacceptable impact on the amenity of neighbouring properties or wider area.

There is no objection from Environmental Health. The site is separated from the adjacent industrial units by mature hedging. The units mainly look inwards into the site. There are no unacceptable amenity impacts.

## 4. Design and appearance

NPPF policy 7 stresses the importance of promoting or reinforcing local distinctiveness. CSS policy 13 states that development should be of a high standard of design, architecture and landscaping and respect and enhance the character of its surroundings.

During the application Officers made a number of suggestions to the applicant to help improve the design and layout. Revised plans were submitted. The proposed industrial buildings are all split up rather than in one large block which creates a spacious layout broken up by parking. The roofs are curved to create a high quality appearance in this visually prominent location adjacent to the A14. The elevations facing the A14 are of high quality appearance, and the colour is dark to ensure they are not too prominent. A darker grey colour is used to highlight windows and corners of the buildings. Materials details can be secured by condition.

The buildings vary in height. Units A-D and H-K and E-G are approximately 7.7m tall, and units M and N are approximately 12.4m and 12.6m tall respectively. The difference in height will be noticeable; however this impact is reduced across the development by grouping units M and N together. As these units are located adjacent to the A14 and are very visible from it and from Pytchley Lane on the other

side of the A14, it is considered reasonable to request floor levels details of all units prior to commencement. Subject to this condition the design and appearance of the development is acceptable.

#### 5. Sustainable Design and Construction

CSS policy 14(a) requires that large developments should be compliant with BREEAM of at least 'very good' and that a target of at least 30% of the demand for energy will be met on site and renewably. NPPF paragraph 96 states that LPAs should expect new development to comply with Local Plan policies on local requirements for decentralised energy supply and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Emerging Policy 9 states that subject to economic viability, developments of 1000+ sqm should as a minimum meet BREEAM very good or equivalent.

The application includes no details of how this policy is to be met. The Council has used consultants to assess the application and their suggested condition would secure BREEAM 'very good' at both the shell and fit out stages (to be completed by the developer and tenant respectively). The applicant considers that requiring BREEAM 'very good' at fit out stage will be onerous on the tenants of the units which are small (300sqm to 926sqm) and are likely to attract small/start up businesses. It is considered that insufficient viability information has been submitted to demonstrate that the condition should not be applied. However, the recommended condition will allow tenants the opportunity to demonstrate that the BREEAM standard will detrimentally impact the viability of their tenancy or the unit size is too small. Units therefore may be able to demonstrate they cannot meet the standard at fit out stage. Subject to the recommended conditions the policies above will be satisfied.

#### 6. Flood risk

CSS policy 13 (q) states that development should not increase the risk of flooding on the site or elsewhere and lead to a reduction in flood risk.

Part of the site is within zone 3 and part is zone 2. The Applicant has submitted a Flood Risk Assessment (FRA) and this has been revised with additional information on surface water drainage. The Lead Local Flood Authority is now satisfied that FRA is acceptable and subject to conditions regarding a drainage scheme and its maintenance, the application is considered to satisfy the above policies.

#### 7. Minerals and Waste

Policy 32 of the MWLP states that in a Minerals Safeguarding Area, proposals will need to demonstrate that it is compatible with the safeguarding of minerals.

The applicant submitted information by email which demonstrates that there may only be a small quantity of sand and gravel deposits available on site, and it would not be feasible to quarry these. The County Council has accepted this. No conditions are therefore required.

Policy 30 of the MWLP states that proposals should seek to utilise the efficient use of resources in construction and operation. Policy 31 encourages the integration of waste management facilities in areas of significant new development.

The County Council recommends that a Waste Audit and Waste Management Strategy should be secured by condition to address these policies. Subject to the imposition of these conditions, the policy will be satisfied.

#### 8. Nene Valley NIA

CSS policy 5 states that a net gain in green infrastructure will be sought. The site is within a very large area called the Nene Valley NIA.

All opportunities to green the site and provide wildlife corridors should be taken. No comments have been received from the NIA officer and so it is considered that the usual landscaping condition will satisfy the policy.

#### 9. Crime Prevention

CSS policy 13(b) states that development should design out anti-social behaviour, crime and the fear of crime by applying the principles of the 'secured by design' scheme.

Some concerns have been raised by the Police (see above). The car parking for unit N is to be hidden and secluded, but this is to be secured by the fence and gate across the site. Boundary treatment details will also be secured by condition along with details of lighting and CCTV. Details of the glazed curtain walling can be secured by the materials condition. The recommended security details for roller shutters, doors and windows will be added as an informative.

#### **Conclusion**

The application is acceptable in principle. Subject to the recommended conditions and the signing of a S106 agreement as detailed above, the application is considered to meet the relevant policies of the Development Plan and the emerging Core Strategy. There are no material considerations that indicate against the proposal.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

#### **Previous Reports/Minutes**

Ref:

Date:

Susan Garbutt, Senior Development Officer on 01536 534316