

## BOROUGH OF KETTERING

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|--------------------------|---|--|
| <b>Committee</b>         | <b>Full Planning Committee - 20/10/2015</b>   | <b>Item No: 5.1</b>                      |
| <b>Report Originator</b> | <b>John Hill<br/>Development Officer</b>  | <b>Application No:<br/>KET/2015/0244</b> |
| <b>Wards Affected</b>    | <b>William Knibb</b>  |  |
| <b>Location</b>          | <b>25 Durban Road, Kettering</b>  |  |
| <b>Proposal</b>          | <b>Outline Application: Conversion of former factory at front into 9 no. apartments. Demolition of rear extensions to factory and construction of 5 no. dwellings</b> |  |
| <b>Applicant</b>         | <b>Mr T Hopper Corium Leather Retirement Benefits Scheme,</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. Approval of the details of the appearance, landscaping and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In order to secure a satisfactory development.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance and scale of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: In order to secure a satisfactory development

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

5. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to d 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: Details of contamination are required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised

6. No development shall take place until a Demolition and 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 demolition and construction works unless otherwise agreed in writing by the Local Planning Authority. The approved method statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works.

REASON: A method statement is required prior to the commencement of development in the interests of highway safety and residential amenity in accordance with Policy 13 of the Core Spatial Strategy.

7. Prior to the commencement of the use hereby approved details of refuse storage and collection facilities shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage area shall be in a separate room not connected to any habitable area. These facilities shall be retained at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.

REASON: Details of refuse are required prior to the commencement of development, in the interest of public health and residential amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. 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. None of the buildings shall be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: Details of the boundary treatment are required prior to the commencement of development in the interests of the amenity and protecting the privacy of the neighbouring property in the interests of amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

9. No works shall commence on site until a full detailed survey, including working drawings and photographs, of all existing historical and architectural features has been submitted to and approved in writing by the Local Planning Authority in accordance with the guidance set out in 'Understanding Historic Buildings' (Historic England 2006)

REASON: An architectural survey is required prior to the commencement of development to allow for the recording the history of the area in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

10. Development shall not commence until a drainage strategy including on and off-site works 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 strategy, and the building shall not be occupied or the use commence, whichever is the sooner, until the approved strategy has been fully implemented.

REASON: A drainage strategy is necessary prior to commencement of development to ensure a satisfactory development in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

11. Prior to commencement of development a Site Specific Waste Audit and Management Strategy shall be submitted to the Local Planning Authority and approved in writing. 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 required prior to the commencement of development in the interests of the efficient use of resources in accordance with Policy 30 of the Minerals and Waste Local Plan 2014.

12. Before the development hereby permitted is begun, a scheme demonstrating how the development will incorporate techniques for the provision of water efficiency and recycling and demonstrate that at least 10% of the demand for energy will be met on site and renewable and/or from a decentralised renewable or low-carbon energy supply, shall 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: A scheme is required prior to the commencement of development in the interests of energy efficiency and sustainable construction in accordance with Policy 14 of the North Northamptonshire Core Spatial Strategy

13. No demolition and/or conversion work hereby approved shall be undertaken between the 1st March and 31st July (bird nesting season) in any calendar year unless it has first been demonstrated through the undertaking of an appropriate bird survey that shall have been submitted to and approved in writing by the Local Planning Authority and which concludes that that no building is occupied by nesting birds. In the event nesting birds are present demolition and/or conversion works will only be permitted during the aforementioned period subject to the prior written approval of the Local Planning Authority of a mitigation strategy demonstrating no adverse impact on any nesting birds identified in the bird survey.

REASON: In the interests of safeguarding existing biodiversity in compliance with Policy 13 of the North Northamptonshire Core Spatial Strategy 2008

14. No development shall take place on site until the access has been constructed and lines of sight of 2.4 by 43 metres have been provided in accordance with the approved details. The sight lines shall thereafter be permanently retained and kept free of obstacles.

REASON: To provide satisfactory access in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

15. 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, 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.

## **Officers Report for KET/2015/0244**

### **3.0 Information**

#### **Relevant Planning History**

KET/2007/0312 Demolition of existing factory and erection of 11 no. apartments (three storey) 4 no. 2.5 storey town houses, 1 no. two storey dwelling, 1 no. 1.5 storey coach-house (17 total) REFUSED 29/6/07

KET/2005/0869 Demolition of factory and outline permission for residential dwellings WITHDRAWN 12/1/06

KET/2005/0217 Demolition of factory. Outline permission for residential dwellings REFUSED 8/6/05

KET/2004/0673 Extension to side of existing premises to create mini brewery APPROVED 19/10/04

KET/2004/0095 Demolish existing outbuildings, construct warehouse/ storage and WC APPROVED 3/3/04

#### **Site Description**

Officer's site inspection was carried out on 13/4/15.

The rectangular site abuts Durban Road to the south, Sydney Street to the north, and dwellings to the east and west. The site contains a 2 storey former factory building (fronting Durban Road) and a single storey microbrewery (off Sydney Street). The site has vehicular access and parking from Sydney Street. Durban Road is characterised by two storey terraced dwellings, which mainly front the street, as does the factory building. Sydney Street is characterised by semi-detached dwellings and bungalows. Properties on both streets mainly lack off street parking.

#### **Proposed Development**

Outline permission (with matters relating to appearance, landscaping and scale reserved but including access and layout to be determined) is sought for the conversion of part of the former factory into 9 no. apartments, with demolition of the other buildings and the erection of 5 no. dwellings.

Initially a two-storey extension was proposed to the former factory but revised plans have been submitted which show the retention of more of the original factory building. These plans were consulted upon for 7 days (to 20/5/15).

Vehicular access for all the residential units is proposed from Sydney Street leading into an off street parking court providing 15 parking spaces.

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

None

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

#### **Highway Authority**

No objection – recommends conditions.

### KBC Community Services

£7000 off site contribution required for project to develop access to Mill Road Park.

### Environmental Health

No objection subject to conditions regarding contaminated land assessment and demolition and construction method statement and refuse storage and informative on acoustic separation.

### County Archaeology

Part of the factory dates from before 1899. Serious consideration should be given to retaining the original structure, if in suitable condition for conversion. A programme of building recording to Level 2 as defined in English Heritage: Understanding Historic Buildings (2006) is recommended.

### Police Crime Prevention Design Advisor

Suggest safety standards for the boundaries, doors and windows and recommend gated access.

### County Minerals and Waste

Prior to development taking place, the applicant should demonstrate how it meets Policies 30 and 31 of the Minerals and Waste Local Plan.

### Anglian Water

Surface Water Management Strategy should be secured by condition.

### Wildlife Trust

No comments received.

### Neighbours

Objection from 33 Durban Road on the grounds of: 1. Noise to 33 Durban Road from two entrances to 6 flats off Durban Road and off the rear courtyard which are both adjacent to 33 Durban Road, 2. Two storey extension to factory will block sunlight to 33 Durban Road, 3. Amount of parking is excessive, 4. The building is not big enough for that number of flats, 5. Removal of the boundary wall between the site and 33 Durban Road will make its less secure and accessible from the parking courtyard, 6. Asbestos survey required.

Objection from 20 Sydney Street on the grounds of: 1. Would not want trees planted on the shared boundary as this would lead to loss of light, maintenance issues, tree encroachment (roots and branches), 2. Overlooking of house and garden from the proposed flats, 3. Dismantling of the factory could cause damage to our property and would be unsafe to children in our care, 4. There are bats in the factory. Other points raised: Would prefer a secure boundary wall as I am a registered child-minder and electric gates to the parking court to ensure security.

Objection from 23 Durban Road on the grounds of: 1. Concern over insecure boundary when factory demolished, 2. Our outbuilding back wall is the factory wall which will be demolished, 3. Demolition will cause damage to our property.

Comment from 11 Sycamore Close on the grounds of: 1. swifts nest in the buildings and should be considered.

Support from 9 Pinewood Close on the grounds of: 1. Good to use existing buildings for housing, but swifts should not be disturbed in breeding season and nest boxes should be installed.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Encourages the effective use of land by reusing land that has been previously developed (brownfield land) provided it is not of high environmental value (para.17 - Core planning principles)

Local planning authorities should bring back empty buildings in line with local housing and empty home strategies. They should normally approve planning applications for change to residential use from commercial buildings (currently in B use class) where there is an identified need for additional housing in that area provided there are no strong economic reasons why such development would be inappropriate. (para. 51 - Delivering a wide choice of high quality homes)

### **Development Plan Policies**

#### **North Northamptonshire Core Spatial Strategy 2008 (CSS)**

Policy 1 – Strengthening the Network of Settlements: Development directed towards growth towns of which Kettering is one.

Policy 9 – Distribution and Location of Development - Priority to be given to reuse of previously developed land within urban areas. Preference to be given to areas where there is a means of transport.

Policy 10 - Distribution of Housing: Includes focusing housing development on Kettering.

Policy 11 – Distribution of Jobs: Existing employment areas will be safeguarded for employment use unless it can be demonstrated that an alternative use would not be detrimental; to the overall supply and quality of employment land within the Council and/or resolve existing conflicts between land uses.

Policy 13 – General Sustainable Development Principles: development should meet the needs of residents and businesses by complying with a number of development objectives where relevant to the proposed development.

Policy 14 – Energy efficiency and sustainable construction: Development proposals should demonstrate sustainable construction and energy efficiency; waste reduction/recycling and at least 10% of the demand for energy will be met on site and renewably and/or from decentralised renewable or low carbon energy supply.

#### **Northamptonshire Minerals and Waste Local Plan**

Policy 30 - Sustainable design and construction and use of resources: New built development should seek to utilise the efficient use of resources in both its construction and its operation through a series of set objectives.

Policy 31 – Co-location of waste management facilities with new development: Relates to areas of significant new development and the provision of a neighbourhood scale waste management facility.



## **Local Plan (LP)**

Saved Policy 35 – Within Towns: Planning permission will normally be granted for residential development within towns which includes Kettering.

## **SPDs**

Biodiversity SPD

Minerals and Waste Development and Implementation Principles Supplementary Planning Document

## **6.0 Financial/Resource Implications**

Section 106 financial contribution

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Access and layout
3. Heritage impact
4. Ecology
5. Waste
6. Sustainability
7. S106
8. Other matters

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

The site is located within Kettering town, within the town boundary (as defined by saved LP Policy 35) and within a mainly residential area. The site is partly disused (the 2/3 storey factory fronting Durban Road), and partly in use as a microbrewery (off Sydney Street).

CSS Policy 11 states that existing employment areas will be safeguarded for employment use unless it can be demonstrated that the alternative use would not be detrimental to the overall supply and quality of employment land within the Borough or resolve existing conflicts between land uses. The Borough has an over-supply of employment land (as stated in paragraph 8.7 of the North Northamptonshire Joint Core Strategy 2011-31 Pre-Submission Plan (January 2015)). Also, there have been no objections to the loss of this land for employment purposes. Therefore, it is considered the proposal does not conflict with the aims of this policy.

The conversion of a redundant factory building to residential would bring an existing building back into use. Such development is supported by the NPPF, which encourages the effective use of brownfield land. Therefore the proposed development is acceptable in principle.

Previous applications to demolish the factory have not been refused on the principle of redevelopment for housing. They were refused on the grounds of overdevelopment, inappropriate character, lack of amenity space and lack of vehicular turning space and lack of S106 agreement. These points are discussed in the relevant sections below.

## 2. Access and layout

This application is in outline, with access and layout the only matters submitted to be determined, all other matters are reserved for subsequent approval if outline planning permission is granted.

The vehicular access for the whole development, both flats and houses, is off Sydney Street where the existing vehicle access to the site exists. The vehicle access serves a parking court of some 15 spaces to serve the proposed 14 residential units - 5 houses (2x3bed and 3x1bed) fronting Sydney Street and 9x1bed flats in the converted part of the building fronting Durban Road. The houses have modest south facing rear gardens with the flats themselves also having an area of amenity open space, some 155sqm.

The layout has been revised to retain more of the original factory building within which all the flats are proposed. The layout shows the flats over primarily two floors fronting onto Durban Road with a substantial return of some 22m along the boundary with the adjoining property 33 Durban Road.

Concerns have been raised by neighbours regarding the location of the entrances to the flats. Although layout is a matter to be determined here, this means general layout of buildings to spaces, including their orientation, and does not include detailed design issues such as building access points, window locations and internal layout.

The Highway Authority has not raised any objections to the scheme subject to conditions. On this basis the access/parking proposals are considered acceptable.

The layout is also considered acceptable. The use of the existing part of the factory to be retained and converted to flats is an acceptable use and the new houses fronting Sydney Street are in keeping with the existing residential street scene.

The access and layout proposals are therefore considered compliant with Policy 13 of the CSS.

33 Durban Road has raised a concern that 6 flats would be accessed from next to their property. The revised layout plans show access for only 4 flats. Two flats would be accessed from the internal courtyard. Units A, B and E would not have access to the courtyard from the flats. This is an issue that can be looked at in further detail as and when the reserved matters are submitted for the detailed design.

Communal bin storage is shown on the layout but final details can be secured by condition.

## 3. Heritage impact

The NPPF requires the developer to record and advance understanding of the significance of heritage assets to be lost to development. Paragraphs 135 and 139 recognise that non-designated heritage assets can be of value and in certain circumstances be considered subject to policies of designated heritage assets. CSS Policy 13 states that development should create a strong sense of place by strengthening distinctive historic qualities. The County Archaeologist originally raised concerns about the loss of part of the original factory. The plans have been revised to retain all original elements and no objection is raised subject to an appropriate condition being attached to secure compliance with Policy 13 in this respect.

#### 4. Ecology

NPPF Section 11 states that Local Planning Authorities should aim to conserve and enhance biodiversity and harm should be mitigated. CSS Policy 13 states that development should conserve and enhance biodiversity. The Biodiversity SPD recommends a bat and bird survey when a building is proposed to be demolished.

Several comments have been received regarding bats and swifts in the factory building. As a consequence a bat and bird survey has been submitted. This concludes there is no evidence of bats at the site but some evidence of swifts that were observed in August 2015 using the building fronting Durban Road at the western end. Works therefore on this building should not be undertaken during the bird nesting period without a further bird survey taking place before any works. Works can take place outside the bird nesting period without constraint. A condition to address this situation can be attached to any permission and secure compliance with Policy 13.

The Wildlife Trust has been consulted on the survey. Their response was still outstanding at the time of drafting the report and an update will be provided at Committee.

#### 5. Waste

Policies 30 and 31 of the Northamptonshire Minerals and Waste Local Plan state that new development should seek to utilise the efficient use of resources in both construction and operation, and encourage the integration of waste management facilities. The MWLP Development and Implementation Principles SPD recommends conditions to secure a Waste Audit and Waste Management Strategy.

#### 6. Sustainability

The NPPF states that planning should support the transition to a low carbon future and encourage the conversion of existing buildings. CSS Policy 14 requires development to demonstrate that it incorporates techniques of sustainable construction and energy efficiency, provision for waste reduction/recycling and water efficiency/recycling plus demonstrate that 10% of the demand for energy will be met on site or renewably.

As the application is in outline at this stage, a scheme to ensure compliance with Policy 14 can be secured by condition.

#### 7. S106

The Council's Community Services have requested a financial contribution of £7000 as an off-site contribution towards enhancing existing community facilities at Mill Road Park. This is considered CIL (Community Infrastructure Levy) compliant and the applicant has agreed to enter into an agreement to make such a contribution.

#### 8. Other matters raised by the proposal

Comments were received regarding proposed landscaping and the encroachment of trees. However landscaping details at this time are only indicative and are not included in the formal application but are reserved for future submission in the event outline planning permission is granted.

Neighbours have raised the issues of boundary treatment. Details will be secured by condition. The applicant will be reminded of their responsibilities under the Party Wall Act.

Neighbours have raised the issue of noise and disturbance during demolition and construction. Environmental Health recommend a Demolition and Construction Method Statement is secured by condition.

Neighbours have raised the issue of potential noise from working on cars in the parking area. The courtyard will be private and managed by the property management company appointed by the applicant.

#### Conclusion

The proposed development is compliant with the relevant national planning policy guidance and local development plan policy and is therefore considered acceptable. Outline planning permission can therefore be granted subject to conditions and the decision notice issued upon the completion of the required S106 legal agreement.

#### **Background Papers**

**Title of Document:**

**Date:**

**Contact Officer: John Hill, Development Officer on 01536 534316**

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

**Ref:**

