

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/11/2015	Item No: 5.1
Report Originator	John Hill Development Officer	Application No: KET/2015/0386
Wards Affected	St. Michaels and Wicksteed	
Location	Chelsea Works, St Michaels Road, Kettering	
Proposal	Full Application: Demolition of existing buildings and construction of 14 no. dwellings	
Applicant	Berkeley DeVeer C/O England & Lyle,	

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. 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: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. No demolition or 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 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 demolition and construction;
- a scheme for waste minimisation and recycling/disposing of waste resulting from the demolition and construction works, which must not include burning on site.
- design of construction access
- hours of demolition and construction work
- control of noise and/or vibration
- measures to control overspill of light from security lighting

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, unless otherwise agreed by the Local Planning Authority.

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

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, 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 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 first occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: 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.

6. Prior to commencement of development a Site Specific Waste Audit shall be submitted to and approved by the Local Planning Authority. The audit shall 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). The development shall not be carried out other than in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

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.

7. 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 shall take the form of a written report (including accompanying layout and design plans) and address points (a) to (e) inclusive as listed in paragraph 2.51 of the Northamptonshire County Council's Development and Implementation Principles Supplementary Planning Document (September 2011). The development shall not be carried out other than in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

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.

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

9. Notwithstanding the approved plans, prior to first occupation of the development a scheme of hard and soft 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.

10. 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 of the history of the building in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

11. No demolition 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, which shall have been submitted to and approved in writing by the Local Planning Authority, that no building is occupied by nesting birds. In the event nesting birds are present demolition work will only be permitted during the aforementioned period subject to the prior written approval of the Local Planning Authority of a mitigation survey.
REASON: In the interests of safeguarding biodiversity in compliance with policy 13 of the North Northamptonshire Core Spatial Strategy.

12. Prior to the commencement of development full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment document (prepared by iD Civils Design Ltd, report ref 4406/FRA1 revision C dated 12/10/2015), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The details of the scheme shall include:

- a) Evidence, by way of infiltration testing, that the discharge of surface water via infiltration is not feasible on the site;
- b) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions, materials and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, permeable paving, and outfalls/inlets. This should include a plan which notes manhole and pipe numbers as referenced in the associated Micro-Drainage calculations.
- c) Cross sections of the flow control chamber (including site specific levels mAOD) and the manufacturer's hydraulic curves for the specified devices.

REASON: 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 of the North Northamptonshire Core Spatial Strategy.

13. Prior to the commencement of development a detailed scheme for the ownership and maintenance of the surface water drainage system shall be 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: 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 of the North Northamptonshire Core Spatial Strategy.

14. Prior to the commencement of development hereby approved a survey of the building for use by bats shall be undertaken and a report detailing the findings shall be submitted to and approved in writing by the Local Planning Authority. In the event the

presence of bats is found a mitigation scheme shall accompany the survey report responding to the nature of any occupation found. Any mitigation scheme shall be implemented in full accordance with that approved.

REASON: In the interests of safeguarding the health and wellbeing of any bats found present in the building in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2015/0386

This application is reported for Committee decision because there are unresolved, material objections to the proposal and the application requires an agreement under s.106.

3.0 Information

Relevant Planning History

KET/2013/0279 Demolition of factory unit and construction of 3 no. dwellings APPROVED 14/6/13 (eastern part of the application site only and remains extant)

Site Description

Officer's site inspection was carried out on 12/06/2015.

The site is located on the south side of St Michael's Road. The site abuts St Michael's Road to the north, Garfield Street to the east, the rear gardens of residential properties on Garfield Street and The Oval to the south and number 95 St Michael's Road to the west. The site currently contains a variety of single storey red brick buildings plus a three storey red brick building fronting St Michael's Road. The buildings are traditional style factory buildings including north facing roof lights. It is not clear if any of the site is currently occupied, but at the site visit there was no evidence of anybody on site. The site has vehicular access off St Michael's Road.

Proposed Development

Demolition of the existing factory buildings and erection of 14 dwellings (two pairs of semi-detached and three sets of 3 dwelling terraces). The development as a whole fronts St Michaels Road with the dwellings set back providing car parking in front of the dwellings with the exception of two parking spaces accessed off Garfield Street. All the properties have relatively deep rear gardens as a result of the depth of the existing factory which in the main backs onto the rear gardens of The Oval.

Any Constraints Affecting the Site

None.

4.0 Consultation and Customer Impact

Revised plans have been submitted to address comments made by Highways and the design of the scheme and a Flood Risk Assessment was also submitted and consulted upon.

Highway Authority

No objection subject to a condition regarding control of material on the highway, and informatives.

Environmental Health

No objection subject to conditions regarding contaminated land, a Demolition and Construction Method Statement and an informative regarding acoustic separation.

County Archaeology

The English Heritage Boot and Shoe Survey identified the building as suitable for building recording. If the building is to be demolished then a programme of building recording at

Level 2 should be carried out and a condition should secure a programme of archaeological work.

Police Crime Prevention Design Advisor

Recommend garden access from the front rather than using rear alleyways. Development should be built to secured by design standards. Internal fence panels should be 1.8m tall for privacy and security. Recommend PIR lights for parking for plots 13 and 14, and gates to be lockable from both sides, and boundary treatment for plot 14 to allow some surveillance of parking.

County Council Minerals and Waste

Standard conditions recommended for a Waste Audit and Waste Management Strategy.

Community Services

A total of £5,000 is required for community infrastructure to make the development acceptable in planning terms. The park serving the area Highfield Road/Spring Rise (Top Park) and the sum will contribute to the enhancement of the multi-use games area and associated equipment in that location within the next 5 years.

County Council Development Management

Request the following financial contributions: Education £120,008.00, Fire and Rescue Infrastructure £1484.00 and Library Services £3,346.00.

Anglian Water

Recommend a condition securing a Surface Water Management Strategy.

Lead Local Flood Authority

Planning permission can be granted subject to conditions relating to surface water drainage.

Neighbours

Objection from 64 Garfield Street on the grounds of: (1) removal of the factory wall and replacement with 1800mm wooden fence is unacceptable as it is not as robust and will reduce my privacy and security, (2) my car port and gates are affixed to the wall to be removed. Would prefer the wall to be retained, rendered and capped at 8ft tall, (3) concern about safe removal of asbestos roofing adjacent my property, (4) will the drains in Garfield Street cope with the extra properties, (5) concern about soil contamination from previous uses on the site, (6) the buildings could be re-used as offices.

5.0 Planning Policy

National Planning Policy Framework (NPPF)

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)

Policy 7 - Requiring good design

Development Plan Policies

North Northamptonshire Core Spatial Strategy (CSS)

Policy 1 Strengthening the Network of Settlements

Policy 6 Infrastructure Delivery and Developer Contributions

Policy 9 Distribution and Locations of Development

Policy 10 Distribution of Housing

Policy 11 Distribution of jobs

Policy 13 General Sustainable Development Principles

Policy 14 Energy efficiency and sustainable construction

Kettering Local Plan (LP)

Policy 35 (Saved) Within Towns – Planning permission will normally be granted for residential development

Northamptonshire Minerals and Waste Local Plan

Policy 30 Sustainable design and use of resources

Policy 31 Co-location of waste management facilities with new development

SPDs

Biodiversity SPD

MWLP Development and Implementation Principles SPD

6.0 Financial/Resource Implications

Section 106 contribution - £5,000.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Design, character and appearance
3. Highways impact
4. Amenity impact
5. Waste
6. Sustainability and energy efficiency
7. Surface Water Management
8. Contamination
9. Ecology
10. S106
11. Other Matters

1. Principle of Development

The site is located within Kettering town boundary as defined by saved Policy 35 of the Local Plan. CSS Policy 1 seeks to direct development to Kettering growth town. Policy 9 states that the priority for development is suitable previously developed land and buildings within urban areas. Preference will be given to areas that are accessible by a choice of means of transport. Policy 10 sets out that 7,500 dwellings are to be delivered in Kettering by 2021. Therefore the development of the site for housing is considered to meet the above policies.

CSS Policy 11 states that existing employment areas will be safeguarded for employment use unless the alternative use would not be detrimental to the overall supply and quality of employment land and/or resolve existing conflicts between land uses. The consultation exercise undertaken on the application has resulted in no comments objecting to the loss of the site for employment use. The applicant states that the site currently provides 3 jobs, but the site is unsuitable for the occupier and so will shortly be vacant. The site does not therefore provide significant employment. The factory site pre-dates the dwellings around it, but is now surrounded by residential development. As such, a housing scheme would resolve potential land use conflicts, such as noise and delivery traffic.

The NPPF requires the developer to record and advance understanding of the significance of heritage assets to be lost to development. CSS Policy 13 states that development should create a strong sense of place by strengthening distinctive historic qualities.

The scheme includes the demolition of the original factory buildings. The County Archaeologist notes that the building's significance lies in its place in the boot and shoe industry (Caswell & Co. making dubbins and polishes) as well as its historic fabric. The building is not listed but it has been identified by English Heritage as worthy of recording. A condition is recommended to ensure the recording of the building.

The eastern section of the site already has an extant permission for 3 no. dwellings and this is a material consideration in favour of the proposal.

Therefore, the demolition of the current factory buildings and redevelopment for housing is considered acceptable in principle and compliant with Policies 1, 9, 10 and 11 of the CSS.

2. Design, Character and Appearance

NPPF Policy 7 states that good design is a key aspect of sustainable development, and it is proper to seek to promote and reinforce local distinctiveness. CSS Policy 13 states that development should be of a high standard of design and create a strong sense of place.

The design and layout of the scheme has been amended by the applicant, following concerns raised by the case officer. The revised layout includes frontage parking for units 1 to 12, and rear parking for units 13 and 14. This does not reflect the usual on-road parking for the terraced dwellings but, the revisions include direct front door access in most cases and landscaping between parking spaces. This helps to ensure the parking does not dominate the frontage and off street parking is preferable to the existing on street parking situation.

The layout includes alleyways between properties 7 and 8 and 10 and 11 to allow rear garden access, and the storage of bins. All other plots have direct garden access. The use of rear alleyways has been minimised as it is not recommended by the police due to insecurity.

Proposed materials are red brick and grey tile, further details and samples can be secured by condition.

The revised dwelling design includes vertical emphasis to the windows, cill and lintel details to windows and doors and horizontal banding. Additionally, the corner plot (plot 14)

includes features such a chimney, gable frontage and horizontal banding along the elevation facing Garfield Street. These amendments better reflect the local vernacular terraced dwellings in the area, for example those on Hawthorn Road. Providing a higher quality feature building on plot 14 also reflects the local style.

The proposed close boarded fence boundary treatment has been objected to a neighbouring resident, revised details can be secured by condition.

The Government recently published Technical Housing Standards. The guidance is for use by LPAs who adopt the standard as part of their Local Plan. Kettering Borough has not adopted the standard (but are proposing to do so under emerging Policy 30 of the update Joint Core Strategy). The dwellings are about 77sqm which is smaller than the 93sqm in the standard. As the standard is not currently referred to in the adopted Local Plan this is not a justifiable sole reason for refusal.

Therefore, the design is considered compliant with Policy 13 of the CSS.

3. 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 layout has been amended to meet highway standards. The scheme will provide 20 parking spaces for the 14 dwellings. The Highway Authority has no objections subject to conditions and informatives. Therefore the highways impact is considered acceptable and compliant with Policy 13 of the CSS

4. 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.

The dwellings all face St Michaels Road, with over 22m between them and existing properties. The rear elevations of units 1-8 are over 32m from the dwellings to the south. Number 95 St Michael's Road has no windows on its side (east) elevation so no amenity impact is created. The side elevation and garden of number 64 Garfield Street faces the rear elevations of plots 9 to 14 which have bedroom windows at first floor. The separation distance is over 17m and this is considered acceptable to ensure overlooking is minimal

Environmental Health has no objection subject to conditions. The neighbours concern about the removal of asbestos can be addressed by the Demolition and Construction Management Plan.

Therefore, the amenity impact of the proposal is considered acceptable and compliant with Policy 13 of the CSS.

5. Waste

In light of the proposed demolition, conditions are recommended to secure a Waste Audit and Waste Management Strategy in accordance with policies of the Northamptonshire Minerals and Waste Local Plan.

6. Sustainability and Energy Efficiency

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.

The application does not include details of how the policy will be met, therefore details can be secured by condition.

7. Surface Water Management

CSS policy 13(q) states that development should not cause a risk to (and where possible enhance) the quality of underlying groundwater or surface water, or increase the risk of flooding on the site or elsewhere.

A revised Flood Risk Assessment has been submitted by the applicant and considered acceptable by the County Council as Lead Local Flood Authority. Conditions are recommended requiring details of the proposed surface water drainage system and its future maintenance.

8. Contamination

NPPF Policy 11 states that decisions should ensure the site is suitable for its new use taking account of ground conditions. The LPA should ensure adequate site investigation and mitigation.

Environmental Health recommends the standard contaminated land condition due to the potential for land contamination from the previous uses of the site.

9. Ecology

NPPF Policy 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. Conditions are recommended with regard to bats and birds to ensure that these species are protected throughout the demolition phase.

10. S106

Community Services have requested £5000 for Highfield Road/Spring Rise (Top Park), the park serving the area. The money would go towards the enhancement of the multi-use games area and associated equipment within the next 5 years. The money would be paid on the first occupation of any dwelling and utilised within 10 years. This is considered compliant with S122 of the CIL (Community Infrastructure Levy) Regulations, the legislation setting out the criteria to be met securing section 106 monies.

The County Council have requested a total of £124,838.00 towards education, fire and rescue and libraries, the individual sums of each are set out above. Compliance with S122 of the CIL regulations has been closely assessed and it has not been possible to identify clear links between what such monies would be spent upon and the development hereby applied for and this is one of the key criteria to be met to satisfy S122. Having regard to

this specific application it is not considered justifiable to include securing such sums of money in the S106.

11. Other Matters

The comments from the adjoining occupier to part of the site at 64 Garfield Street are noted. The issues of alterations to the boundary will be addressed through a condition controlling future boundary treatment. Conditions similarly will address surface water drainage and contamination. The issue of structures attached to the boundary wall of the site is a Party Wall matter and not a material planning consideration.

Conclusion

The proposal is acceptable in principle and meets the relevant development plan policies. Therefore it is considered planning permission can be granted subject to conditions and the completion of a Section 106 agreement as set out in the report.

Background Papers

Previous Reports/Minutes

Title of Document:

Ref:

Date: Date:

Contact Officer: John Hill, Development Officer on 01536 534316