

BOROUGH OF KETTERING

| | | |
|--------------------------|---|--|
| Committee | Full Planning Committee - 16/08/2016 | Item No: 5.2 |
| Report Originator | Andrew Smith Development Team Leader | Application No: KET/2016/0321 |
| Wards Affected | All Saints | |
| Location | 11-12 Newland Street, Kettering | |
| Proposal | Full Application: Demolition of existing units and construction of 2 no. retail units and 28 no. flats | |
| Applicant | Mr K Odunaiya PlayNest 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 the following Condition(s):-

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

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

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans referenced as follows: 15-049-P1; 15-049-P2A; 15-049-P3G; 15-049-P4B; 15-049-P5H; 15-049-P6C.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. 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 materials shall be natural and traditional slates or clay tiles, and the external facing brick a red stock brick in accordance with the samples to be provided. 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 8 of the North Northamptonshire Joint Core Strategy.

4. No development shall take place on site until full details of all windows (including their surrounds and glazing bars), eaves, doors and shopfronts have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include cills and lintels. Windows and shopfront details facing Newland Street shall be of traditional timber with joinery details prepared at a scale of no less than 1:5. The development shall not be carried out other than in accordance with the approved details.

REASON: Details are required prior to commencement of development in the interests of protecting the character and appearance of the site's surroundings in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Prior to the first occupation of the development full details of a scheme for the storage of refuse, including a programme of management and maintenance of the facilities to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The use of the development shall not commence until the approved scheme has been fully implemented, the scheme shall be retained as approved at all times thereafter.

REASON: In the interests of general amenity and to ensure that no obstruction is caused on the adjoining highway in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. No development shall take place until a programme of archaeological work, in accordance with a written scheme of investigation, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

REASON: These details are required prior to the commencement of development, to ensure that features of archaeological interest are properly examined and recorded, in accordance with Policy 12, Paragraph 141 of the NPPF.

7. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include 2m high black painted metal railings alongside the southern boundary, secure gates to all entrances, and a scheme of external lighting for the perimeter of the site. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of safeguarding residential amenity and of designing against crime in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. Prior to the commencement of development a Demolition and Construction Method Statement shall be 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 demolition and construction works unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of safeguarding residential amenity and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. Construction works audible at the site boundary shall not exceed the following times: Monday to Friday 0800-1800 hours, Saturday 08:30 to 13:30 hours and no time whatsoever on Sundays or Public / Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

REASON: In the interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. Prior to the commencement of development an Air Quality Assessment assessing the impact of local air quality on occupiers of the approved development against the National Air Quality Standards and Objectives shall be submitted to and approved in writing by the Local Planning Authority. The document to be submitted shall identify exceedances of the air quality objectives in addition to any associated mitigation measures required to reduce exposure. All approved mitigation measures shall be implemented in full prior to the first occupation of the development and shall be retained at all times thereafter.

REASON: In the interests of safeguarding residential amenity and protecting public health in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. 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 B 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.

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, 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.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the NPPF and 8 of the North Northamptonshire Joint Core Strategy.

12. Prior to the commencement of development a scheme for achieving the noise levels outlined in BS8233:2014 with regard to the residential units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall give consideration to the impact of noise from the ground floor retail units hereby approved, nearby retail/commercial premises and transport sources. The approved scheme shall be fully implemented prior to the first occupation of the residential units hereby approved and shall be maintained in its approved state at all times thereafter (i.e. no alterations shall be made to the approved structure, including roof, doors, windows, external facades, internal layout, noise barriers, etc).

REASON: In the interests of safeguarding the residential amenity of future occupants in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy and the guidance contained within the National Planning Policy Framework.

13. The ground floor retail premises hereby approved shall not be open to the public before 0700 hours or after 1900 hours on Mondays to Saturdays, nor before 1000 hours or after 1600 hours on Sundays and Bank Holidays.

REASON: In the interests of safeguarding the residential amenities of nearby occupants in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy and the guidance contained within the National Planning Policy Framework.

14. No vehicles making deliveries to the ground floor retail units hereby approved shall enter or leave the site except between the hours of 0700 and 1900 Mondays to Saturdays. There shall be no deliveries, or operation of plant or machinery on Sundays or Bank Holidays.

REASON: In the interests of safeguarding the residential amenities of surrounding occupiers in compliance with Policy 8 of the North Northamptonshire Joint Core Strategy and the guidance contained within the National Planning Policy Framework.

15. Prior to the commencement of development a Travel Plan shall be submitted to and approved in writing by the Local Highway Authority. The Travel Plan shall indicate how it is intended to encourage and implement proposals which will result in a reduction in the need for car borne traffic to/from the site (to include full details of the drop-off facility and cycle storage facilities on-site). The proposals for a Travel Plan shall also include the preparation and distribution, for prospective occupiers, of a residents information pack to include public transport options and details of an identified Travel Plan Co-ordinator who will promote, manage and monitor the Travel Plan and shall provide periodic reviews to the Local Planning Authority in accordance with a frequency to be agreed with the Local Planning Authority. The Travel Plan shall be implemented in full accordance with the approved details.

REASON: In the interests of sustainability in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

16. No development shall take place until a sectional 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 preserve the character of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

17. Notwithstanding the provisions of Schedule 2, Part 3 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended), the ground floor retail units hereby approved (annotated Number 11 and Number 12, Newland Street upon approved plan 15-049-P3E) shall be used only for retailing (Use Class A1) and for no other purpose whatsoever.

REASON: To ensure a retail presence within a designated primary shopping frontage in accordance with Policy 3 of the Kettering Town Centre Area Action Plan and the guidance contained within the National Planning Policy Framework.

18. This permission is for 28no. flats located across a total of four stories of accommodation (as annotated on approved floorplans 15-049-P3E & 15-049-P4B) and for 2no. ground floor retail units providing a combined gross internal floor space of 171 sq. m (as annotated on approved floorplan 15-049-P3E).

REASON: For the avoidance of doubt and to guard against any potential overdevelopment of the site in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy and the guidance contained within the National Planning Policy Framework.

19. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in full accordance with the approved details prior to the first occupation of development.

REASON: To ensure a satisfactory means of surface water attenuation and to reduce the risk of flooding both on and off site in accordance with the guidance contained within the National Planning Policy Framework.

Officers Report for KET/2016/0321

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

3.0 Information

This is a supplemental Committee Report following the deferral of the item at the 19th July Committee. It was deferred to allow the opportunity for alterations to be negotiated to the scheme. Concerns were raised by Members that the proposed number of flats and their configuration would lead to an overdevelopment of the site. The bin store and cycle store arrangements were also questioned in terms of their suitability.

Following the Committee, a meeting was held between officers and the applicants in the interests of negotiating an appropriate way to tackle the relevant issues. It was agreed that the applicants submit a supplemental Planning Statement to explain the evolution of the design of the scheme and how they have responded to the individual requirements of external consultees as part of this process. The applicant also agreed to submit revised floor plans and elevations in the interests of reconfiguring the proposed cycle storage arrangements and enlarging side elevation window openings to the southern elevation (in the interests of promoting outlook and natural light for future occupiers). An 'Estate Management Monitoring Statement' has also been submitted. The further information was received on 29th July 2016; officers' associated considerations are outlined below.

4.0 Consultation and Customer Impact

Further comments received since the Committee deferral on 19/07/2016:

Highway Authority: Pleased to see that the applicant has found an appropriate cycle parking solution. Cycles would be secured to racks within a locked room.

Neighbours: Upon the receipt of revised plans, a further 7-day re-consultation of the nearest affected neighbours was undertaken on 02/08/2016. 1no. response had been received at the time of the publication of this report and can be summarised as follows. Any further responses shall be reported via the Committee Update.

25 St Andrews Street: Objection, relevant parking spaces should be provided – it is currently difficult to park in the area even with a permit.

5.0 Planning Policy

The relevant planning policy context is outlined in the original Committee Report, attached as Appendix A. It should be noted that the proposed planning conditions have been reworded where relevant to reflect the formal adoption of the North Northamptonshire Joint Core Strategy. This was an

emerging document when the conditions were first drafted for the original Committee Report.

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration are outlined in full within the original Committee Report (Appendix A), which includes an assessment of the principle of development. The following supplemental sections expand further upon these considerations, but purely in respect to the additional information that has been submitted for consideration by the applicant.

1. Design & Residential Amenity
2. Bin & Cycle Stores
3. S106 & Viability
4. Other Matters

1. Design & Residential Amenity

The supplemental Planning Statement that has been received comments upon the history and evolution of the scheme. The applicant entered into pre-application discussions with the Council in 2015 (under reference PRE/2015/0067) – the initial scheme that was put forward was also for two retail units at the front of the site with flatted units above and behind. The residential units were however originally proposed to be sited in two separate blocks (i.e. one to the front and one to the rear of the site). The applicant was guided towards the development of a single inverted U-shaped block design to provide surveillance of the adjoining public alleyway as well as to provide a useable area of open space to alleviate potential amenity concerns. This is an accurate reflection of how the design approach for the site has evolved.

As noted in the Planning Statement, the initial planning application that was submitted on the site (KET/2015/0708) was for 32no. dwellings. This quantum of development was deemed to be inappropriate by officers and that scheme was withdrawn. A reduction to 28no. units was subsequently negotiated with the applicant – most notably the building height to the rear of the site was progressively lowered to two stories in height in the interests of safeguarding the amenities of adjoining existing occupiers upon St Andrews Street. Through re-design, the overall building height was also reduced to the Newland Street frontage of the site.

As part of the reconfiguration of the scheme following the withdrawal of KET/2015/0708, the internal arrangements were modified for a number of the proposed flats to ensure that bedroom areas were provided to the northern side of the site (i.e. where limited outlook would be available for future occupants given the presence of the Wilkinsons store). It was ensured that lounge and dining areas (i.e. most likely to be used during daytime hours) were

located either to the southern, western or eastern sides of the block to assist in encouraging habitable living arrangements with appropriate levels of outlook afforded for future occupants. This approach has been further re-enforced through the submission of revised elevation drawings depicting notably enlarged window openings to the south-facing side elevation of the property (i.e. increasing from 1m to 2m in height). This, it is considered, would ensure the provision of suitable standards of outlook and natural light to the affected flats.

2. Bin & Cycle Stores

In terms of the bin store, it has been clarified in the Planning Statement that its location and specification has been led by discussions throughout the planning process with Northants Police and the Local Highway Authority. Furthermore, the Council's Recycling Officer has confirmed that the bin store provision appears adequate subject to a management company being put in place to manage and maintain this particular area of the site. The proposed Condition 5 requires the final specification of the bin store to be submitted alongside a programme of management and maintenance for the facility.

The Estate Management Monitoring Statement that has been submitted confirms that a Management Company shall be appointed to undertake daily management of the block, which would be funded through a service charge to be levied upon residents. All communal areas, including the bin store, landscaped areas and the site's car parking spaces, would be actively monitored (via CCTV) and maintained by the Management Company.

In respect to the proposed cycle storage arrangements, the Local Highway Authority has, throughout the planning process, requested that a single covered and secure cycle space be provided for each residence. The latest revised proposals – as detailed upon the site plan that has been submitted – illustrate a bike store with lockable double-access doors and internal racks that provide capacity for 30no. cycles (to serve 28no. residential units). The Local Highway Authority has confirmed their acceptance to these proposed arrangements. It is considered that the proposed storage arrangements are appropriate to serve a scheme of this scale and nature.

3. S106 & Viability

The applicant, within their Planning Statement, has made it clear that they consider that the scheme would be unviable with any further reduction in the number of proposed units. The application is accompanied by viability analysis that clearly indicates that the scheme offers the potential to accrue only marginal levels of profit levels. In fact, against the industry standard of a 20% profit level, the financial analysis indicates that the scheme would make a loss. The applicant has clarified that the current calculated profit level of 16.48% (based on 28no. units) would reduce to 13.78% with the loss of just a single residential unit (i.e. a 27no. unit scheme). It is acknowledged by officers that the scheme is marginal in viability terms and that the present scheme for 28no. units is not able to support the provision of affordable housing units on-site. Furthermore, as outlined in the original Committee Report, the submitted viability work has been assessed both internally and externally and is adjudged

to draw reasonable conclusions.

4. Other Matters

The submitted Planning Statement provides further commentary in respect to a number of other matters, which can be summarised as follows. It has been stated that the site is currently in a very poor state and represents a public health risk. The poor state of the site is acknowledged within the 'Heritage & Conservation' section of the original Committee Report. The applicant has also provided reassurances that the suggestions put forward by Northants Police have been taken on board; i.e. in respect to boundary treatment, the specification of window and door openings and the installation of CCTV and alarm systems. In terms of parking, the three drop-off car parking spaces on-site would be reserved for use by future residents and would be managed by the proposed management company. In respect to drainage provisions, the applicant has clarified that the preliminary designs have been supported by both Anglian Water and the Lead Local Flood Authority.

A letter of objection has been received from a local neighbour, this relates to the low level of off-street car parking that would accompany the scheme. The rationale behind the low level of car parking is discussed within the 'Highways & Parking' section of the original Committee Report. Essentially the site's sustainable location within the heart of the town and opposite the town's main bus terminus has been recognised by the Local Highway Authority in supporting a low level of on-site parking provision in this instance.

Conclusion

It is considered that the applicant has provided adequate assurances (through the submission of a supplemental Planning Statement and of a revised site plan and elevations) that the scheme is acceptable in planning terms and accords with the requirements of the Development Plan in conjunction with other material considerations.

The proposed development would make efficient use of an underutilised, vacant and derelict town centre site, would respect the character and appearance of the surrounding area including the neighbouring Kettering Conservation Area, would safeguard residential amenity and would not prejudice highway safety in compliance with Policies 1, 2, 3, 6, 12 and 15 of the Kettering Town Centre Area Action Plan (2011), Emerging Policies 2, 8, 12, 29 and 20 of the North Northamptonshire Joint Core Strategy and the policy guidance contained within the National Planning Policy Framework.

Background Papers

Title of Document:

Date:

Contact Officer:

Andrew Smith, Development Team Leader on 01536 534316

Previous Reports/Minutes

Ref:

Date: