

BOROUGH OF KETTERING

Committee	Full Planning Committee - 13/12/2016	Item No: 5.3
Report Originator	Andrew Smith Development Team Leader	Application No: KET/2016/0674
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 24 no. flats with associated parking	
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-P30C; 15-049-P31A; 15-049-P32B; 15-049-P33B; 15-049-P34.

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. Glazing bar details are not hereby approved. 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. 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.

13. 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.

14. 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. 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.

15. 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.

16. 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-P30C) 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.

17. This permission is for 24no. flats located across a total of four stories of accommodation (as annotated on approved floorplans 15-049-P30C; 15-049-P34 & 15-049-P31A) 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-P30C).

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.

18. 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.

19. No development shall take place until a detailed scheme for the ownership and maintenance for 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.

REASON: To ensure the future maintenance of drainage systems associated with the development in accordance with the guidance contained within the National Planning Policy Framework.

20. Prior to the first occupation of the development hereby approved the proposed management details of all common areas including full details of the closed circuit television (CCTV) system to be installed, to include details of how the system shall be monitored, shall be submitted to and approved in writing by the Local Planning Authority. This shall include identifying all the activities to be covered by the

management regime, their frequency and the contingencies for dealing with issues arising that need attention. Development shall be implemented and maintained in full accordance with the approved details.

REASON: In the interests of promoting a safe a secure development in accordance with Policy 8 (e) of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2016/0674

This application is reported for Committee decision. Arising from refusal of an earlier scheme the applicant has now reduced the proposed number of units and provided parking.

3.0 Information

Relevant Planning History

KET/2016/0321 Demolition of existing units and construction of 2no. retail units and 28no. flats (Refused)

KET/2015/0708 Demolition of existing units. Construction of 2no. retail units and 32no. flats (Withdrawn)

Site Description

Officer's site inspection was carried out on 20/05/2016.

The site contains a mixture of 2no. and 3no. storey built form that fronts Newland Street within Kettering town centre. The buildings form part of a terraced frontage that runs the eastern side of Newland Street. The buildings are vacant, predominantly boarded up and in a state of disrepair. Within the rear portion of the site is located a hard-surfaced yard area (currently bound with temporary timber boarding for security purposes); the yard also contains a derelict brick-built structure that abuts the rear western boundary of the site where St. Andrews Street is located.

On the opposing side of Newland Street to the west is located the Newlands Shopping Centre. To the north of the site is located the Wilkinsons store, the blank flank wall of which runs the entire northern boundary of the site at a height of approximately 2no. storeys. To the east of the site, beyond St. Andrews Street, there is a notable residential presence – including a development site for 9no. dwellings that immediately opposes the site. To the south of the site there runs a publically accessible footpath that links Newland Street to St. Andrews Street; on the footpaths southern side is positioned a short terrace of 3no. 2-storey properties that front Eden Street and neighbouring commercial buildings that front Newland Street (these are served by rear yard / parking areas, similar to the application site itself). The Kettering Conservation Area abuts the application site and encompasses the neighbouring terrace of residential properties on St. Andrews Street and further land to the south and east (including the development site that opposes the site).

Proposed Development

It is proposed that the existing built form on site be demolished and subsequently replaced by a development of up to 4no. storeys in height. To the Newland Street frontage of the site the proposed development would cover the full width of the site and would incorporate 2no. integral retail units at ground floor level – these would provide 83 and 87 sq. m of internal floor area respectively. It is proposed that traditionally styled ground floor

shopfronts be provided, above which brick-built elevations are proposed to be articulated by sash-style windows and stone detailing, including quoining to the sides of the buildings. Dual-pitched roof elements are also proposed to the Newland Street facing part of the works – flat-roofed elements would be introduced to the rear (east).

Above and to the rear of the retail units it is proposed that a total of 24no. flats be constructed (7no. 1-bed flats and 17no. 2-bed flats). These would be positioned around a courtyard area to be kept clear of development to the southern side of the site. To the eastern side of the site the scale of development would reduce to a mix of 3no. and 2no. storey built form. The proposals incorporate glazed stairwell elements, designated bike and bin storage areas.

The proposals represent a significantly revised scheme compared to a similar application at the site that was refused earlier this year (KET/2016/0321). The previous scheme involved the construction of 2no. retail units and 28no. flats. This new scheme, in comparison, would provide 4no. fewer flats at ground floor level. An undercroft car parking area to accommodate 11no. on-site car parking is instead proposed at ground floor level, which would be accessed from St. Andrews Street.

Any Constraints Affecting The Site

Adjacent to Kettering CA (Conservation Area)
Primary Shopping Frontage – Newland Street

Consultation and Customer Impact

Highway Authority: No objection, subject to car parking, car turning, access, gates, cycle parking and visibility splays being laid out in accordance with the submitted plans.

KBC Environmental Health: No objection subject to planning conditions being applied to secure a Demolition and Construction Method Statement, an Air Quality Assessment and a remediation scheme.

KBC Housing: No comments received. But it was previously stated in connection with KET/2016/0321 that with developer profit forecast to be low, the Council is not able to seek a commuted sum for affordable housing.

KBC Recycling Officer: Happy with the size and location of the proposed bin store. It is suitable for collections from it. The store should be secured, it is considered essential that a Management Company in place to deal with any issues that arise in this area of the site.

NCC Lead Local Flood Authority: Subject to suitably worded planning conditions being applied to secure full details of a surface water drainage scheme (including maintenance details), the impacts of surface water drainage will have been adequately addressed.

NCC Archaeology: The site lies in a medieval part of Kettering, there is potential for remains of archaeological interest to survive on site – albeit truncated by more recent activity. Adequate provision for the investigation and recording of any remains to be affected should be secured via an appropriately worded planning condition.

NCC Development Management: A Primary Education contribution is requested in the interests of ensuring that there is adequate capacity for the children that the development will generate, as is a libraries contribution to go towards improvements at Kettering library. The development could need 1 fire hydrant to be installed.

Northants Police: Initial comments (10th Nov 2016) received noting that the area has historically suffered from incidences of crime; the submitted scheme does not demonstrate that the applicant has sought to design out crime and antisocial behaviour. More details are required in respect to the ground floor and car parking layout, the security specifications of doors, windows and the proposed CCTV system. It would be preferable for the walkway running the southern boundary of the site to be widened and made more appealing to use.

Further comments received (30th Nov 2016) in response to the applicant's Supplementary Design & Access Statement. The final details of the proposed perimeter lighting to the building shall be required to ensure that an appropriate level of lighting uniformity is secured so as to reduce the fear of crime. Limited surveillance would be provided to the walkway, if the applicant is unable to accommodate a widening of the walkway an increase in down lighting should be considered. Full details of the CCTV system should be provided.

The Victorian Society: Resubmission of comments made in respect to KET/2016/0321. Objection to the demolition of 11-12 Newland Street, which would harm the character and identity of the local area. Ways in which the buildings could be retained should be explored. The buildings have evident historic and architectural interest and are non-designated heritage assets; a detailed historic building assessment is required. Demolition would be harmful to the setting of the Kettering Conservation Area.

Neighbours: Notification letters were sent out to close proximity occupiers. No responses have been received, although the latest consultation period expires on 9th December 2016. Any comments received as a result of this shall be reported to Committee by way of the Committee Update Sheet.

Planning Policy

National Planning Policy Framework:

Policy 2: Ensuring the Vitality of Town Centres

Policy 6: Delivering a wide choice of high quality homes

Policy 7: Requiring good design

Development Plan Policies

North Northamptonshire Joint Core Strategy:

Policy 2: Historic Environment

Policy 8: North Northamptonshire Place Shaping Principles

Policy 12: Town Centres and Town Centre Uses

Policy 29: Distribution of New Homes

Policy 30: Housing Mix and Tenure

Local Plan:

Saved Local Plan Policy 35 – Housing within towns

Kettering Town Centre Area Action Plan (AAP)

Policy 1 - Regeneration Priorities

Policy 2 - Urban Quarters, Urban Codes and Development Principles

Policy 3 - Primary Shopping Area (Primary and Secondary Frontages) and the Evening Economy.

Policy 6 - Residential

Policy 12 - Heritage, Conservation and Archaeology

Policy 15 - The Shopping Quarter

Supplementary Planning Guidance:

North Northamptonshire Sustainable Design SPD

Financial/Resource Implications

None

Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Design & Visual Appearance
3. Heritage & Conservation Area
4. Crime Prevention
5. Bin Storage
6. Residential Amenity
7. Highways & Parking
8. Cycle Parking
9. Travel Plan
10. Drainage
11. Viability: S106 & Affordable Housing

1. Principle of Development

The site is located within Kettering town centre and is positioned with the 'Shopping Quarter' as designated by the Kettering Town Centre Area Action Plan (CAAP). The Shopping Quarter is the focus for retail development supported by residential development where it supports or complements the retail focus. The CAAP also sets out objectives to make more efficient use of finite town centre land (recognising that surface car parking is an inefficient use of land) and to increase the town centre residential population in order to support its facilities, services and shops. The site forms part of a designated Primary Shopping Frontage – the focus for retail within the Plan Area. The proposed development, which includes ground floor retail units within a designated shopping frontage in addition to the provision of residential units, therefore accords with the principles set out in the CAAP (Policies 1, 2, 3, 6 and 15).

In accordance with Policy 6 of the CAAP, the scheme, which is comprised solely of flats, is focused upon a central site where space is at a premium and where the flats would form part of a vertical mix of uses (i.e. A1 retail being positioned at ground floor level). Furthermore, a healthy mix of 1-bed and 2-bed flats is proposed and the emphasis is not placed upon 1-bed units (i.e. only 8no. of the total 28no. residential units). Policy 6 of the CAAP applies to proposals with low parking provision being linked to specific Travel Plan measures. Due to some parking now being available, this policy can be satisfied.

In terms of national policy, it is considered that the scheme complies with the policy guidance contained within the National Planning Policy Framework (NPPF). Policy 2 of the NPPF seeks to ensure the vitality of town centres. Town centres are recognised as sustainable centres for growth, the policy also recognises the important role that residential development can play in ensuring the vitality of centres. Policy 6 of the NPPF notes that residential applications should be considered in the context of the presumption in favour of sustainable development and that a mix of housing provision should be planned for.

The proposals are also in accordance with Development Plan policy. Policy 12 of the North Northamptonshire Joint Core Strategy (JCS) supports a vibrant mix of retail, employment, leisure and cultural facilities to be supported by the provision of additional residential uses on appropriate sites.

The principle of the proposed retail and residential redevelopment of the site is, therefore, established. The scheme would make efficient use of an underutilised, vacant and derelict site. The parcel of land in question currently detracts from the character and appearance of the town centre and offers nothing to support its vitality and viability. It is noted that the proposed redevelopment of the site would be largely residential-led; 2no. relatively small retail units would result from the scheme (83 sq. m and 87 sq. m respectively). These units would however provide an important retail presence at street level within a defined Primary Shopping Frontage and would be of sufficient size and presence to contribute positively to the retail offer in this central part of the town. The provision of 24no. residential flats

would also undoubtedly support the vitality of the town centre. Whilst the principle of development is supported, this is subject to the following detailed consideration of site specific issues related to such matters as the design of the scheme and its impact upon surrounding residential amenity.

2. Design & Visual Appearance

The proposed scheme is substantial in terms of its scale (up to 4no. storeys in height), its massing and its footprint coverage of the site. It is therefore particularly important to consider the visual implications of the scheme, and to do so in the context of the presence of the Kettering Conservation Area (which abuts the rear eastern boundary of the application site). Following the withdrawal of a previous application KET/2015/0708 at the site (i.e. a past iteration of this scheme), the applicant has engaged positively in pre-application discussions with the Council in the interests of finding a suitable solution to developing out the site whilst being respectful of the character of the site's surroundings and attempting to ensure that an overdevelopment of the site does not occur. As a note, the scheme has been modified further following the refusal of KET/2016/0321 (i.e. through the substitution of 4no. ground floor units for an undercroft car parking facility).

The newly proposed Newland Street elevation represents the frontage of the site. Newland Street is located within the Primary Shopping Area of the town and is a well-used route with bus stops and the Newlands Shopping Centre in-situ. It is therefore of particular importance that an attractive and visually appropriate front-facing elevation is brought forward, i.e. that picks up on the positive design cues offered by surrounding built form in the vicinity of the site. In the interests of moderating the visual prominence of the works, dual-pitched roof forms of variant heights were agreed with the applicant as an alternative to front-facing gable features. Half-dormer windows would be used to the front-facing elevation of the southern element of the proposed built form. It is considered that, when viewed in the street-scene, the heights of the development – whilst being comparatively tall alongside neighbouring units – are appropriate in this instance. The applicant has provided a further section to demonstrate that the development would closely mirror the height of the immediately opposing Newlands Shopping Centre.

At ground floor level the precise design of the proposed retail frontages have also been negotiated so as to provide shop frontages with visual interest – i.e. ornate fascias, pillared surrounds and panelled stall risers are proposed. These features would be complimented by visually interesting elevations at upper floor level. It has been agreed with the applicant that traditionally design window openings and stone quoining, banding and window detailing be provided in the interests of picking up on the cues offered by a number of close-by buildings of heritage merit, i.e. buildings located at the southern end of Newland Street and on neighbouring High Street. A red brick would also be utilised, which would tie in appropriately with the site's surroundings. In the interests of visual amenity, a full suite of external facing material samples would be important to secure via condition should the application be approved.

Behind Newland Street it is proposed that the proposals revert to a flat-roofed design and to a contemporary feel with uncomplicated building lines and uniformly positioned window openings. It is also proposed that selected glazed stairwell elements are used to articulate the proposals. A mixture of brickwork and render is proposed to the elevations. Selected elements of 'ventilated metal screening' to serve the undercroft car parking have been added to the north and south facing elevations of the building at ground floor level (replacing previously proposed glazed openings). It is considered that the proposed form of screening, whilst not inherently visually attractive, is of minor scale in the context of the elevations as a whole and would have an acceptable visual impact (subject to full details being provided by way of the materials condition to be applied).

The height of the building would step down to 3no. and 2no. stories in building height to the rear of the site – this has been agreed with the applicant in the interests of respecting the scale of extant buildings to the rear (most notable the adjacent terrace of 2no. storey dwellings to the south) and also the planned future residential development to the east (due to come forward in 2no. / 2½ no. storey built form).

It is considered that the modern design approach that has been put forward is appropriate in this instance. The rear areas of the site and of neighbouring sites are characterised by service yard areas and simplistic modern building designs. The development would respect and essentially mirror the scale and massing exhibited by the neighbouring retail store (Wilkinsons) to the north and would also not look out of place alongside other notably-scaled commercial built form to the south of the site. The bin store is integrated within the main body of the main building in the interests of limiting its visual prominence. The proposals, when viewed from the east of the site, would suitably respect the character and appearance of the Kettering Conservation Area – particularly when considered against the present dilapidated and tired appearance of the site. The scheme is compliant with Policy 8 of the Joint Core Strategy.

3. Heritage & Conservation Area

The application site is not contained within the Kettering Conservation Area, but it does abut the boundary of this area to the rear of the site. None of the buildings on site are formally listed nor appear on the Council's local list. It is also important to note that the extant built form is in a dilapidated and fire-damaged state that offers nothing to enhance the character and appearance of the conservation area.

The Victorian Society has submitted an objection to the proposals on the grounds that the demolition of 11-12 Newland Street would harm the character and identity of the local area. They contend that the buildings have evident historic and architectural interest and are non-designated heritage assets; they therefore consider that a detailed historic building assessment is required.

Policy 12 of the NPPF states that, when determining applications, local

planning authorities should require applicants to describe the significance of any heritage assets affected, including any contribution made by their setting – the level of detail should be proportionate to the assets' importance. Furthermore, the NPPF states that the effect of an application upon the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The applicant, in response to the Victorian Society comments that were originally received in relation to KET/2016/0321, submitted a document entitled 'Heritage Information'. This provided a brief description of the history of the building including reference to its probable 19th century origins during a period of major industrial and retail growth within the town. The buildings were last used as a jewellers shop (No.11) and as a factory shop (No.12) before a fire broke out in November 2008. Access to the buildings has since been prohibited as the structures are unsafe – it is stated that the level of deterioration to the buildings determines that the only practical solution is to carefully demolish the existing fire damaged buildings and to rebuild on site. In this instance it is accepted that it would be onerous to insist upon a detailed historic building assessment. The buildings, particularly in light of their present dilapidated state, have a low level of significance in historic terms. As a further note, NCC Archaeology has confirmed that any potential archaeological interest on the site can be appropriately investigated and recorded via an archaeological programme of works – to be secured via planning condition.

4. Crime Prevention

Northamptonshire Police provided a number of comments in the interests of designing out the potential for crime and anti-social behaviour at the site. They requested clarification in respect to a number of points, including proposed access arrangements from the ground floor level car park. The applicant has responded positively to the various requests and recommendations that were made including an agreement to the various security specifications put forward for gated access points, doors, windows, alarm systems, etc. The applicant has confirmed that car park users would not have to exit the site to access the flats as the ventilated metal screening panels shall incorporate key-code operated pedestrian doors. It should be noted that the ventilated panel units would themselves assist in providing natural surveillance to the proposed car parking.

A planning condition should be attached to any approval to secure the final boundary treatment detail to the internal courtyard that abuts the footpath that runs the southern boundary of the site – this should reference the provision of 2m high metal railings as well as a scheme for perimeter lighting in line with comments raised by the Police and in the interests of designing out crime.

5. Bin Storage

In terms of the bin store, 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 is 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.

It is acknowledged that at the planning committee on 16th August 2016, there were queries about the management of a communal bin store. It is important to see that management as part of looking after the common areas as a whole.

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 looked after, of which monitoring by CCTV is only a part. The final details of the management of the common areas including the use of a CCTV system are dealt with via planning condition. The proposals are considered to contain and reference adequate crime prevention measures in accordance with Policy 8 (e iv) of the Joint Core Strategy.

6. Residential Amenity

The scheme has been designed in the interests of safeguarding the amenities of both existing residential occupiers in the area and of future occupiers of the scheme itself. This is in compliance with Policy 8 (e) of the Core Spatial Strategy.

As part of pre-application discussions it was agreed to reduce the scale and height of the development on the eastern side of the site – this was predominantly in the interests of safeguarding the amenities of adjoining residential occupiers to the south (No.25-27 St. Andrews Road) and future residential occupiers to the east. The proposals are scaled at two stories in height where sited in close proximity to the southern boundary of the site (3m from the closest dwelling – No.25 – at its nearest point). The proposed building would step up to 3no. stories in height, but this would occur to the west and more centrally within the site (i.e. set a further 2m away from the southern boundary of the site). It is considered that satisfactory arrangements have been put forward so as to avoid any overbearing or overshadowing relationship (particularly given the northern location of the works relevant to where the neighbouring properties are sited, so as not to interfere with the path of the sun).

The proposals shall be laid out to provide a central courtyard area, which would be sited so as to abut the southern boundary of the site. This area would provide valuable amenity space for the future occupants of the site. The area would be overlooked from east-facing, west-facing and south-facing window openings located across all floor levels of the building. The

positions of these openings have been carefully selected to ensure that the amenities of neighbouring residents at No.25-27 St. Andrews Street are appropriately safeguarded. Upper floor windows to serve habitable rooms would not directly oppose these St. Andrews Street properties (or their rear garden areas) and would be setback sufficiently from the southern site boundary so as not to provide unduly sensitive overlooking opportunities. Furthermore, the glazed stairwell element that is proposed in this area of the site would be setback behind newly proposed built form and does not raise amenity concerns in this context.

The internal flat layouts that have been put forward appear to offer acceptable living conditions for future occupants. The flats have been designed to comply with the minimum National Space Standards, in accordance with emerging Policy 30 of the JCS. All flats have individually partitioned bedroom, bathroom, kitchen and lounge areas. The layout has also been configured in the interests of providing adequate outlook and natural light for all flats. It is acknowledged that the proposed openings within the northern elevation of the building would provide very limited outlook (given the presence of the southern flank wall of Wilkinsons) and limited natural light given the proximity of this flank wall and the orientation of the site. However, all proposed flats with a north-facing aspect would also be afforded either south-facing or east-facing window openings in the interests of providing satisfactory living conditions.

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 provision of large 2m high window openings to the south-facing side elevation of the property. This, it is considered, would ensure the provision of suitable standards of outlook and natural light to the affected flats.

The Council's Environmental Health team has been consulted upon the scheme and has issued no objection subject to the imposition of appropriately worded planning conditions to secure a Demolition and Construction Method Statement (including controls for the hours of demolition and construction work), an Air Quality Assessment and a remediation scheme. It is considered that it would be prudent to apply such conditions. It has also been confirmed that an informative should be applied to ensure that regard is given to appropriate acoustic insulation between the proposed flats (in accordance with Building Regulations).

7. Highways & Parking

Policy 6 of the CAAP references residential car parking and states that low or zero parking residential developments may be acceptable on sites in close proximity to services, amenities and public transport where it can be demonstrated that sustainable travel alternatives are accessible and are integrated into travel plans. Policy 6 goes on to say that proposals of over 15no. dwellings will include at least one parking space for a car club / car

share vehicle and a minimum of one secure cycle storage space per unit.

The scheme has been reformulated on the basis of providing 11no. on-site car parking spaces through the creation of an undercroft car park accessed via St. Andrews Street. These spaces, the applicant has confirmed, would be made available for future occupants on a 'first come, first served' basis. It had previously been proposed (KET/2016/0321) that merely 3no. on-site car pool spaces be provided to the rear of the site. That approach had been taken following pre-application discussions with the Local Highway Authority (LHA). The application site is sustainably located in the heart of Kettering town centre and the site immediately opposes a bus terminus on Newland Street (which is served by a variety of different services). These site-specific circumstances have been recognised in the stance taken by the LHA in supporting a low level of car parking provision. The LHA have submitted no objection to the revised car parking layout. I.e. the spaces are considered to be appropriately laid out whilst the access to the undercroft provides appropriate levels of visibility.

8. Cycle Parking

Previous concerns have been responded to. The scheme incorporates defined cycle storage rack areas within the undercroft area – this is indicated to have capacity for up to 25no. cycles. Final details of the rack systems have been provided and are considered to be acceptable.

9. Travel Plan

It is considered that the scheme, subject to a planning condition being applied to require the submission of a Travel Plan laying out full details of how sustainable transportation options shall be promoted, achieves compliance with Policy 6 of the CAAP and with Policy 8 (b) of the Joint Core Strategy, which requires schemes not to have an adverse impact on the highway network and not to prejudice highway safety.

10. Drainage

The application is accompanied by a Flood Risk Assessment (FRA) that confirms that the site falls within Flood Zone 1 (at lowest risk of flooding). The FRA refers to a combination of SUDS drainage infiltration techniques and drainage connected to the existing sewer system being utilised. In accordance with the requirements of the Lead Local Flood Authority (LLFA), who have confirmed no objection to the proposals, planning conditions should be applied to any consent to secure the final details of the surface water drainage system to be installed at the site (including a programme for its future maintenance). The scheme would therefore comply with the requirements of Policy 5 of the JCS.

11. Viability: S106 & Affordable Housing

The previous application for 28no. units (KET/2016/0321) was supported by Financial Viability Analysis (FVA) to indicate that the scheme was unable to sustain any S106 infrastructure contributions or onsite affordable housing. The submitted FVA was assessed internally by officers (including within the Housing department) and by an external viability expert from North

Northants Development Company (NNDC). It was concluded that the assumptions that were made in the FVA appeared reasonable (e.g. in terms of site acquisition costs, build costs, finance costs, abnormal development costs and open market housing values). It was accepted that the scheme offered the potential to accrue only marginal profit levels and that it would be onerous to insist upon S106 or on-site affordable housing units in such circumstances. In fact, against the industry standard of a 20% profit level, the financial analysis indicated that the 28no. unit scheme would make a loss.

With respect to this newly revised application for a lower number of units (24no.) revised FVA has been submitted. This has been re-consulted upon with the external viability expert from NNDC. The viability expert has acknowledged that both schemes' FVA has been undertaken in accordance with the relevant HCA Toolkit, which allows cost assumptions to be used in deeming reasonable considerations for viability purposes. They have also met with the applicant in the interests of going through and interrogating the cost and value assumptions that have been made. It was deemed to be of particular importance in this instance to fully understand the figures that have been put forward; this is because of the context set by the previous 28no. unit scheme, which had previously been demonstrated by the applicant to be marginal in viability terms.

The value and cost inputs have therefore been assessed individually for their robustness. In terms of the value inputs, these cover the anticipated sales values of both the proposed flats and retail units. In terms of the cost inputs, these cover residential and retail development and construction costs (including those related to the provision of an undercroft car park), site purchase costs, finance costs and other site costs (including professional fees, demolition costs and a 5% development contingency). The inputs are considered to be robust, as confirmed by NNDC.

The viability testing has directly compared this scheme against the previous 28no. unit scheme that was proposed, i.e. the same cost and value headings have been used in the considerations that have been undertaken to ensure consistency between the calculations for the residual value of both schemes. It has been concluded that this new scheme would provide an extremely narrow profit margin of around 6-7% (before factoring in any kind of agreed industry standard profit margin or any S106 contributions). This – as would be expected – constitutes an even narrower profit margin than the 28no. unit scheme, which is calculated at approximately 10% when using comparable cost and value assumptions as the new scheme.

The evidence therefore is that the scheme is marginal in viability terms and that the present scheme for 24no. units is not able to support the provision of affordable housing units on-site or any other S106 planning obligations. Furthermore, the submitted viability work has been assessed both internally and externally and is adjudged to draw reasonable conclusions. Nevertheless, a scheme has been proposed which if approved could

respond to the long term lack of investment in this site, whilst providing development that the applicant has been prepared to consider in recognition of earlier objections.

Conclusion

It is considered that the applicant has provided adequate assurances 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 2, 8, 12, 29 and 20 of the North Northamptonshire Joint Core Strategy, Policies 1, 2, 3, 6, 12 and 15 of the Kettering Town Centre Area Action Plan (2011) 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: