

BOROUGH OF KETTERING

Committee	Full Planning Committee - 12/12/2017	Item No: 5.3
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2017/0783
Wards Affected	St. Peters	
Location	Kettering Conference Centre, Kettering Leisure Village, Thurston Drive, Kettering	
Proposal	Full Application: Hotel and associated facilities	
Applicant	Phoenix Leisure Management Limited	

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. Tree removal and any other works which could affect trees should be conducted outside the bird breeding season (March to September); or otherwise any affected trees should be checked by a qualified ecologist prior to works commencing to ensure breeding birds will not be impacted.

REASON: In the interests of biodiversity protection in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

3. The development hereby permitted shall not be carried out other than in accordance with the approved plans and documents detailed below.

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

4. The development hereby permitted shall not be carried out other than in accordance with the approved Flood Risk Assessment (FRA) reference 'w10276-170927' by Waterco Consultants, dated 27 September 2017 and the following mitigation measures detailed within the FRA:

- Finished floor levels of the new development will be set no lower than 150mm above surrounding ground levels

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
REASON: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

5. The development hereby permitted shall not be carried out other than in accordance with the recommendations and mitigation measures laid out in section 6 of the approved Ecological Survey by 'Philip Irving' dated September 2017.

REASON: In the interests of biodiversity protection in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

6. The development hereby permitted shall not be carried out other than in accordance with the approved Framework Travel Plan which is located at section 7 of the approved Transport Assessment by 'the transport consultancy' dated 29 September 2017 and referenced J210158.

REASON: In the interest of sustainable travel opportunities in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. No development shall commence on site until details of the types and colours of all external facing, window, door, external stairway, canopy, roofing and all hardstanding surfacing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The submission shall explore the possibility of the provision of a 'green wall' to the proposals North-east blank elevation section closest to Thurston Drive. 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.

8. No development shall commence until a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained including tree protection measures and a scheme for the provision of new opportunities for bird and bat roosts has been submitted to and approved by the Local Planning Authority. The schemes shall be submitted in accordance with the approved ecological survey, lighting assessment and arboricultural impact assessment detailed in the approved documents schedule below. The approved schemes 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 newly approved 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: In the interests of visual amenity and biodiversity in accordance with Policy 4 and 8 of the North Northamptonshire Joint Core Strategy.

9. No development shall commence until a detailed lighting scheme (including the extent of the lighting spill) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted in accordance with the approved ecological survey and lighting assessment detailed in the approved document schedule below. The proposal shall be carried out in accordance with the approved details.

REASON: In the interests of the amenity of occupants of nearby properties and biodiversity in accordance with Policy 4 and 8 of the North Northamptonshire Joint Core Strategy.

10. No development shall commence until a scheme regarding the site's security and crime prevention measures has been submitted to an approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to occupation.

REASON: In the interest of site security in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. Prior to the commencement of the development hereby permitted, a full succinct, technical, non-repetitive CTMP (Construction Traffic Management Plan) shall be submitted to and be approved in writing by the local planning authority. The Plan is to include the following elements:

- Detailed work programme / timetable.
- Site HGV delivery / removal hours to be limited to between 10:00 - 16:00
- Detailed routeing for demolition, excavation, construction and abnormal loads.
- Supply of pre-journey information on routeing and site restrictions to contractors, deliveries and visitors.
- Detailed plan showing the location of on-site stores and facilities including the site compound, contractor & visitor parking and turning as well as un/loading point, turning and queuing for HGVs.
- Breakdown of number, type, size and weight of vehicles over demolition & construction period.
- Details of debris management including location of wheel wash, programme to control debris spill/ tracking onto the highway to also include sheeting/sealing of vehicles and dust management.
- Details of public impact and protection to include road, footway, cycleway and PRow. Details of TROs and road / footway / cycleway / PRow closures and re-routeings as well as signage, barriers and remediation.
- Public liaison position, name, contact details and details of public consultation/liaison.
- Route details as required covering culverts, waterways, passing places, tracking of bends/junctions and visibility splays.
- Pre and post works inspection of the highway between points A and B as requested to identify remediation works to be carried out by the developer. Inspections are to be carried out in the presence of a member of the Highway Authorities Inspection team. To also include the removal of TROs, temporary signage, barriers and diversions.
- Details of temporary construction accesses and their remediation post project.
- Provision for emergency vehicles.
- Working hours
- Details of precautionary mechanisms to be put in place to prevent the discharge of silt and/or other pollutants into Slade Brook or the nearby lake.

The development shall be carried out in accordance with the approved details.

REASON: In the interest of highway safety and convenience, residential amenity, biodiversity and protection of the water environment in accordance with Policy 4, 5 and 8 of the North Northamptonshire Joint Core Strategy.

12. No development shall take place until a surface water drainage scheme for the site, based on Flood Risk Assessment and Drainage Strategy Report Reference number W10276 – 170927 Second Issue dated 27th September 2017 prepared by WaterCo Ltd. Consultants has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1in100 year plus climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details of the scheme shall include:

a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins.

b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydro brakes and any other flow control devices.

c) A full range of rainfall data for each return period provided by Micro drainage modelling or similar simulating storms through the drainage system, with results of critical storms, demonstrating that there is no surcharging of the system for the 1 in 1 year storm, no flooding of the site for 1 in 30 year storm and that any above ground flooding for 1 in 100 year storm is limited to areas designated and safe to flood, away from sensitive infrastructure or buildings. These storms should also include an allowance for climate change.

REASON: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

13. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Flood risk assessment and Drainage Strategy Report Reference number W10276 –170927 Second Issue dated 27th September 2017 prepared by WaterCo Ltd. Consultants. These shall include:

a) Any departure from the agreed design is keeping with the approved principles

b) Any As-Built Drawings and accompanying photos

c) Results of any Performance Testing undertaken as a part of the application process (if required / necessary)

d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

REASON: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site in accordance with Policy 5 North Northamptonshire Joint Core Strategy.

14. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding in accordance with Policy 5 North Northamptonshire Joint Core Strategy.

15. Prior to occupation a car park management plan shall be submitted to and approved in writing by the local planning authority. The plan shall make provision for a scenario where the existing car park exceeds capacity. The development shall proceed in accordance with the approved details.

REASON: In the interests of highway safety and in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

16. Prior to commencement of the development a full detailed scheme, in general accordance with the submitted proposed footway scheme shown on indicative drawing 210158-04 located within the blue line on the approved location plan to the wider sites western edge near that access, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and shall be completed and made available for use prior to occupation.

REASON: In the interests of site connectivity and in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

17. Prior to commencement of the development full engineering, construction and drainage plans for the off-site works to the Lake Avenue / Northampton Road roundabout junction, as shown on planning drawing 210158-03, along with an RSA 1/2 shall be submitted and approved in writing by the Local Planning Authority. The works are to be completed prior to occupation and in accordance with the approved details.

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

18. Prior to commencement of the development full engineering, construction and drainage plans for the off-site works as identified on plan 40876/026G and 210158-01B along with an RSA 1/2 shall be submitted and approved in writing by the Local Planning Authority. The works are to be completed prior to occupation and in accordance with the approved details.

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

19. Prior to occupation of the development the bus stop, including shelter, post, flag and boarding kerbs and the cycle stores are to be completed in accordance with the layout shown on plan 40876/026G and drawings 40876/027A and 40876/028. The infrastructure is to be maintained within the private budget, in perpetuity.

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

20. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

21. The building hereby approved shall be used as a Hotel (under use class C1) and for no other purposes whatsoever.

REASON: For the avoidance of doubt and in the interests of neighbours amenities and highway safety in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2017/0783

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

3.0 Information

Relevant Planning History

KET/2017/0236 – Five storey Hotel and associated facilities– REFUSED – 17/07/2017 for the following summarised reasons:

1. Harmful impact to the character and appearance of the proposal by reason of its dominant and incongruous nature
2. Harmful Impact caused to nearby dwellings by reason of overlooking and overbearing
3. Lack of evidence provided with respect to the impact of the proposal to the viability of the Town Centre
4. Failure to provide sufficient mitigation for the proposals highway impacts

Wider site including the existing leisure centre/theatre and car park:

KET/2000/0812 – Creation of new entrance to access new Health and Fitness facility to be created out of existing swimming pool complex – APPROVED – 31/01/01

KET/2003/0585 – Ground floor extension, new entrance with screen and canopy over and alteration to first floor window – APPROVED – 15/08/03

KET/2006/0664 – Part of Kettering Arena change to a theatre, erection of extension and remodelling of front and rear elevations – APPROVED – 12/06/08

KET/2006/0670 – Erection of Hotel [100 bedrooms] and associated car park – APPROVED – 12/06/08

KET/2010/0366 – Mezzanine floor and change of use of part of conference centre to provide 56 dormitory style bed spaces – APPROVED – 04/08/10

KET/2011/0360 - Renewal of Extant Permission – KET/2006/0670 – Erection of hotel [100 bedrooms] and associated parking – APPROVED – 11/03/13 – **Permission not implemented and lapsed**

KET/2011/0739 – Construction of 2 beach volleyball courts and floodlighting, fencing and decked area – APPROVED – 02/02/2012

KET/2013/0402 – Single storey extensions to south elevation and installation of mezzanine floor to existing building with associated elevation changes – APPROVED – 06/09/2013

KET/2016/0089 – Change of use of first floor dormitory accommodation to flexible offices – APPROVED – 06/04/2016

Site Visit

Officer's site inspection was carried out on 17/10/2017 and 22/11/17

Site Description

The site comprises 0.39ha of kempt grass to the north of an existing Leisure Arena, Theatre and Conference building which from here on forward is referred to as the "Arena". Other uses within the building include a fitness centre with swimming pool and an indoor children's play facility.

To the east is Slade Brook which flows into a lake to the south-east. Beyond the Brook is housing which forms part of the wider estate, with the Arena and surrounding recreational uses serving the area known collectively as Kettering Leisure Village, which has been built out over the last twenty years.

Pre-application Advice

The proposal was originally subject to pre-application advice for a seven storey hotel in the same location. The Case Officer advised that the application would likely be **refused** on the basis of the harm it would cause to the character and appearance of the area and toward residential amenity. As a result the developer was advised to reduce the height of the building to three storeys (or four with convincing evidence). Amongst other things the developer was also requested to consider the impact the proposal would have on the vitality and viability of the Town Centre and site connectivity.

The recently refused application (KET/2017/0236) was not submitted with full regard to this pre-application advice and thereby failed. Following that refusal the Council have been involved in a number of rounds of pre-application discussions with the applicant. This application has been submitted as a result of these discussions.

Proposed Development

The application seeks full planning permission for a 192 room hotel arranged in an L-shape over four storeys with the fourth storey formed by a flat-side and flat-roofed mansard type element set-back from the side wall of the third floor. The hotel will share facilities with existing Arena building where the reception and dining facilities will be located together with car parking facilities and highway access arrangements.

For comparison purposes the 4-star Kettering Park has 119 rooms, the 2-star Travelodge at the nearby A14 services 40 rooms and the 3-star Kettering Holiday Inn Express off Rockingham Road 120 rooms. The most comparable hotel is the Holiday Inn which is a four storey building with much of the ground floor consisting of meeting rooms and a lounge/bar area. Given that this proposal has much of its facilities within the adjacent Arena building, the bulk and scale of the building is similar to the Holiday Inn Express Hotel.

The intention of the operator is to target residential conferences and also the leisure, corporate and wedding market although it is envisaged that it's predominate use would be for short residential stays aimed at the budget (3-star) market. The submission estimates that approximately 35 full time jobs (or equivalent) will be created by the proposal.

The key differences between this proposal and the refusal (KET/2017/0236) are as follows:

- A reduction in the height of the building from five storeys to three and a half storeys with an increased footprint
- Repositioning the building five metres further west toward the car park
- Amended bus stop and cycle storage locations and arrangements
- Increased architectural interest to break up the expanse of the long elevations with different heights, projections and materials introduced
- Triangular bay windows proposed to some windows in the eastern elevation angled to face southwards
- Amended refuse collection points
- Additional planting propose between the hotel and Slade Brook

The application also proposes a series of highway related mitigation measures on and off-site. These include the following and are illustrated in the suite of plans that accompany this agenda item:

- Provision of a shared cycle/pedestrian footway to link the the Arena with Thurston Drive running to the front of the proposed hotel
- A series of textured dropped kerbs crossing Thurston Drive and the car park entrance opposite to link up with footpaths to the north and the athletics track
- The provision of a bus stop including a shelter directly outside the hotel together with its maintenance and cycle shelters
- A widening of the entrance to the north bound entrance to the Lake Avenue/ Northampton Road roundabout (close to the Trading Post Restaurant) to 6m for a distance of 15m together with associated changes to the footpaths. This would allow two vehicles to sit side-by-side at the approach to enable vehicles to enter the roundabout and turn left to the A14 (or go straight-on) and right at the same time.
- Provision of a pedestrian route to the wider sites western edge to link up with the Olympic Way highway footpath which terminates at the sites western car park access or otherwise the provision of an alternative route through the sites landscaped boundary. An indicative plan showing this has been provided. This would in turn mean a safer and better connected route for persons passing though the site to access a well-used footpath (former rail cutting) which gives access to Hall Meadow School, amongst other destinations. The link would also give better and safer accessibility to the play area which has recently seen construction of a hard-paved surface pathway to its southern corner the opposite side of the road from where this connection route is proposed. Visitors to the play area frequently use the Arena car park, which also includes adult exercise equipment. Such a link would also benefit those users.

4.0 Consultation and Customer Impact

KBC – Environmental Protection: No objection subject to the lighting and noise measures being implemented in accordance with the submitted reports and their recommended measures

NCC - Local Highway Authority (LHA): *No objection* stated subject to the proposal, including its associated off-site highway works, being conditioned to be carried out in accordance with the submitted plans and documents and the imposition of a condition requiring approval of a Construction Traffic Management Plan prior to commencement.

NCC – Ecological Adviser: *No objection* subject to the proposal being carried out in accordance with the lighting assessment and the recommendations laid out in the submitted ecological report, including the opportunities available for bird and bat roosts and ecological enhancement generally. The proposal should also ensure that measures are in place to prevent discharge of materials to Slade Brook.

NCC – Lead Local Flood Authority (LLFA): *No objection* subject to the proposal being implemented in accordance with an approved surface water drainage scheme which is based on the submitted Flood Risk Assessment and the approval of a Verification Report prior to occupation

Environment Agency (EA): *No objection* stated subject to the proposal being conditioned to be carried out in accordance with the submitted Flood Risk Assessment and its recommended mitigation measures including finished floor levels being set no lower than 150mm above surrounding ground levels.

Anglian Water: *No objection* subject to the imposition of condition requiring a drainage and foul strategy to be agreed and say that the proposal is close to a pumping station that may cause nuisance and that the local water recycling centre has capacity

Northamptonshire Police – Crime Prevention Design Advisor (CPDA): *No objection* subject the imposition of a condition requiring approval of the sites security and crime prevention measures

Neighbours: Thirty-four third party letters of objection received predominately from nearby residents; their reasons are summarised:

- Harmful impact on highway safety (including toward pedestrians, particularly school children) as a result of additional traffic being generated and parking issues with parking overflowing into the surrounding estate particular when there are functions on at the Arena especially as there is only one vehicular access in and out of the estate
- Increased maintenance and expenditure required on local roads – particular the speed bumps
- Not enough parking on site
- Harmful impact on residential amenity as a result of overshadowing, overlooking, loss of outlook, noise disturbance, annoyance caused as a result of increased traffic movements, air pollution, vermin and light shine from glazing
- The number of events held at the Arena will increase leading to more frequent residential disturbances
- Loss of area as a place for play
- Harmful impact on trees

- Adverse impact on the areas visual amenity because of the proposals design, height, position and poor landscaping
- Fails to respect the residential character of the surrounding area and would dominate the area
- Overdevelopment
- Negative impact on the generally quiet environment of the area
- Harm to wildlife – in particular amphibians, fish, swans, herons and geese
- The closed hotels in Kettering Town and the failure to build the previously consented hotel on the site shows that there is no need for the proposal and therefore will result in the proposed hotel being unused
- Loss of an area of greenspace
- Economically more sensible to bring the vacant hotels within the town back into use which visitors to the Arena can then use
- Better sites for the proposal along the A14
- Property devaluation
- Dumping of construction material in the lake
- The developers should instead finance improvements to the existing Arena
- No restaurant proposed so would not adequately accommodate the proposed users

In addition, a letter of objection was received on behalf of *Daniel Thwaites PLC*, who operates the Kettering Park Hotel and Spa, amongst other places. Their reasons for objection are on the basis of the proposal failing to demonstrate a need, the impact on Town Centre hotels and harm caused to residential amenity and to the character and appearance of the area.

Applicants/Agents response: In response to the above third party matters the applicant has provided the following summarised response:

Principle of development and impact on vitality and viability of Kettering Town Centre

Indicates that the representations do not raise any new evidence that has not already been dealt with in the submission – highlighting that the proposal would cater for a market not currently offered in the Town and that a sequential test was carried out.

Overlooking/ Loss of Privacy

This submission has been made mindful of the previous refusal on this reason and has resulted in a reduction in the height of the Hotel and its reposition together with the provision of additional landscaping. These measures and accordance with the submitted lighting strategy and noise assessments mean that the proposal would not have any harmful impacts to neighbours.

Insufficient car parking and increase in traffic

The application was supported by a Transport Assessment – the results of which demonstrate that the car park operates with spare capacity and therefore the proposed hotel use can be accommodated. The Travel Plan submitted with the application confirms that the site is sustainable with off and on site mitigation measures proposed to off-set any impacts. The applicant would also be open to the

imposition of a pre-occupation condition requiring the approval of a Car Parking Management Plan.

Loss of green space/ trees and impact on wildlife

State that the site is not a protected green or open space with the wildlife and tree impacts considered in an accompanying Ecological and Arboricultural Survey which were accepted by NCC's Ecologist.

5.0 Planning Policy

National Planning Policy Framework (NPPF):

- 1 – Building a strong, competitive economy
- 2 – Ensuring the vitality of town centres
- 3 - Supporting a prosperous rural economy
- 4 – Promoting sustainable transport
- 5 - Supporting high quality communications infrastructure
- 7 – Requiring good design
- 8 – Promoting healthy communities
- 10 – Meeting the challenge of climate change, flooding and coastal change
- 11 – Conserving and enhancing the natural environment

Development Plan Policies

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

North Northamptonshire Joint Core Strategy (JCS) Policies:

- 1 – Presumption in favour of Sustainable Development
- 4 – Biodiversity and Geodiversity
- 5 – Water Environment, Resources and Flood Risk Management
- 6 – Development on Brownfield Land and Land affected by contamination
- 7 – Community Services and Facilities
- 8 – Place Shaping
- 9 – Sustainable Buildings
- 10 – Provision of Infrastructure
- 11 – The Network of Urban and Rural Areas
- 12 – Town Centres and Town Centre Uses
- 15 – Well-connected Towns, Villages and Neighbourhoods
- 22 – Delivering Economic Prosperity
- 23 – Distribution of New Jobs

Saved Policies in the Local Plan for Kettering Borough

- 103 – Leisure: Hotel Accommodation
- K4 – Kettering: Slade Valley

6.0 Financial/Resource Implications

The on and off-site highway mitigation works detailed above in section 3 will be secured by condition in the event that the application is approved and will amount to approximately £52,000 worth of works

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. The principle of the development
2. Impact on the town centre and town centre uses
3. Impact on the character and appearance of the area
4. Impact on residential amenities
5. Impact on highway safety and convenience
6. Impact on biodiversity
7. Sustainable buildings
8. Impact on flooding and drainage
9. Impact of possible ground contamination
10. Community Infrastructure
11. Benefits
12. Planning Balance

1. The principle of the development

Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan consists of the Saved Policies of the Local Plan (1995) and the North Northamptonshire Joint Core Strategy (2016), with the National Planning Policy Framework (NPPF) a significant material consideration in planning applications. Other material considerations include the Planning Practice Guidance, Supplementary Planning Documents and Guidance, and supporting reports and strategies.

Local Plan (LP) Policy 103 permits Hotel Accommodation within Town boundaries and Policy 11 of the JCS seeks to focus development, in particular high order leisure development such as this, in Growth Towns. Thereby as the proposal is within Kettering Town's defined boundary the broad principle of the proposal at this location is in accordance with the high level strategic aims of Development Plan Policy. The NPPF does not contradict this strategic approach.

Whilst the need for the Hotel thereby is not questioned in light of its accordance with strategic policy requirements the application was accompanied by a 'Hotel Market Study' document compiled by CBRE who are a world-wide commercial real estate services and investment firm. The document analysed current and historic market trends and present supply within the market concluding that there is *a strong market opportunity for the development* and thereby a need. These findings do not tally with the day-to-day observations experienced by the Kettering Park Hotel and Spa as discussed in their representation, with times where their hotel is not fully occupied. This objection relies largely on anecdotal evidence to make its case and is not considered to be sufficiently robust to sustain an opinion contrary to the findings of

the 'Hotel Market Study' undertaken by a reputable and experienced consultant. As such and as competition in the market place is not a planning consideration and given that the proposal is accepted in principle the identified need for the Hotel is not disputed.

In addition whilst the site may function from time to time as an informal open space, given that it is in private ownership the site could be closed-off to access at any time in much the same way that operators control access to the athletics track nearby. The area does not comprise designated open or green space or any other specific land-use designation in the development plan. As such and given the proximity of a larger formalised recreation area the loss of the sites informal function as a place for recreation is not considered to preclude its development.

This does not mean, however that development should be at any cost. In particular policy 103 of the LP requires a successful hotel development to respect neighbours amenities, highway safety and make appropriate provision for landscaping. The proposal should also be considered in the context of the other relevant policies of the Development Plan which collectively are derived from the NPPF's three dimensions for sustainable development including economic, social and environmental.

2. Impact on the town centre and town centre uses

As the proposal relates to a town centre use; consistent with Chapter 2 of the NPPF the application should be considered against Policy 12 of the JCS which considers the impact of development to the vitality and viability of town centres. Notably this was a matter that counted against the refused application (KET/2017/0236) as it failed to adequately demonstrate that the proposal would not have an adverse impact on the vitality and viability of Kettering Town Centre and particularly its Hotels with only a very rudimentary study undertaken in support of the application.

This is an issue that has been raised by third party objectors and in particular it is recognised that there are two established Hotels (Naseby and The Royal) in the Town Centre that are currently not operating. Their continued closure has a negative impact on the vitality and viability of the Town and in particular has adverse implications to the evening economy and the Towns regeneration agenda with significant investment seen around Market Place close to the hotels. Thereby any development that fails to maintain a vibrant mix of uses or otherwise compromises the future of the Town's hotels would be considered to be in conflict with this Policy.

In the first instance, the broad brush approach adopted in CBRE's 'Hotel Market Study' demonstrates that there is an overall need for Hotel rooms in the area and that the proposal would have a different offer than those offered by the Town Centre Hotels – if open. It is evident therefore that the lack of demand for Hotels is not stunting the viability of the Town Centre hotels and thereby it follows that a new hotel nearby would not further affect the viability of the Town Centre Hotel offers by taking away potential users as this is an existing situation.

In addition the application was accompanied by a sequential test exercise which is a piece of work required by the NPPF and Policy 12 of the JCS when Town Centre uses are planned outside of a Town Centre. The methodology for this sequential test focussed on the Naseby and Royal Hotel and a site in Horse Market which has

extant Planning Permission for a Hotel under reference KET/2014/0546. In all cases these Hotels and the Hotel site are too small to accommodate the number of rooms proposed and importantly would not be in a location to be able to share facilities with the Arena. The circumstances surrounding these three sites have also moved on since the recent refusal with the Horse Market ('Hog's Head') site currently being considered for 51 apartments under reference KET/2017/0381, the Naseby being explored for other options and the Royal showing some signs of investment that may see it re-open.

In such circumstances where a viable Town Centre site is not available, as evidenced by the sequential test, paragraph 23 and 24 of the NPPF then looks for such development to be located *in other accessible locations that are well connected to the town centre*. The site is located a pleasant and well signposted 15 minute walk from the Town Centre and 10 minute walk from the train station which is equidistant from the Town Centre. Thereby coupled with the pedestrian improvements works proposed as part of the development the site is considered to be a suitably accessible edge of centre proposal that could reasonably be used for persons visiting the Town Centre or as part of a multi-trip to the Town which may in turn also have a beneficial impact to Town Centre viability.

As such, through the submission of demonstrable information, changes to the circumstances of the existing Town Centre hotel sites, together with the proposed offer being complementary to the Arena with shared facilities and its location close to the Town Centre this submission has overcome reason for refusal three that was attached to the recently refused application that was concerned with Town Centre viability. The proposal therefore is considered to be acceptable in this regard.

3. Impact on the character and appearance of the area

Policy 8 (d) of the JCS, consistent with Chapter 7 of the NPPF seeks to create development that responds to local context without stifling design.

Whilst the site may be part of a wider developed site it has a green character and thereby is considered in much the same way as garden land, which is excluded from the brown-field definition. This distinction means that there is no immediate encouragement to develop the site as sought by Policy 6 of the JCS and the Core Principles (point 8) of the NPPF.

The proposal therefore would result in fundamental urbanisation of the site and thereby would have 'absolute' harm to its open green character and appearance together with some harm to its immediate surroundings.

The site contributes to the verdant and spacious character of the area and in particular softens the bulk and expanse of the Arena building. In addition the site functions as a buffer, together with Slade Brook between the low dense residential housing to the east and the Arena and comprises part of a green corridor along Slade Brook which continues to the north of Thurston Drive and has amenity value to users of the footway that travels around the northern edge of the lake.

The nearby houses predominately consist of two storey detached dwellings constructed of red and buff brick under brown concrete roof tiles with open frontages and gaps between dwellings giving the area a pleasant and spacious sub-urban quality. The Arena building is a large functional extended building with its mass broken up by the use of different materials and varying roof heights with the highest part of the building located toward the centre of the building. The Arena building is prominent in the area which exerts influence but because of its set-back from the highway and landscaping sits relatively comfortably in its surroundings as a focal point for the areas leisure activities.

The refused application comprised a visually imposing four storey building with a slightly subordinate fifth storey with a utilitarian design and little provision for landscaping and thereby was considered to be an unacceptable visual prospect in the area.

To overcome these issues, whilst the overall footprint of the building has been increased its height is comparable with the ridge heights of the nearby dwellings and crucially the bulk of the building would sit below the eaves level of the adjacent Arena. In addition its fourth storey element is set significantly within the roof of the third storey. This together with the variances proposed to the heights, projections and materials of the elevations breaks up the mass and bulky impression of the building and creates architectural interest.

In addition, whilst there is limited opportunity to introduce significant areas of planting along the frontage of the building there is more landscaping possibilities between the building and Slade Brook. This helps to assimilate the proposal with the nearby houses better and the opportunity to provide a robust buffer which would reduce and soften the extensive form of the Hotel particularly when experienced from the footpath the opposite side of Slade Brook. As such, whilst it would be difficult to mitigate fully the visual prominence of the building within the area, the proposal is considered to have been successfully integrated into the surrounding area and thereby is an acceptable prospect that respects the character and appearance of the locality. As such the proposal is considered to have overcome the relevant reason for refusal on the previous application that concerned itself with the areas character and appearance. In coming to this conclusion the influence exerted in the area by the existing Arena building within an established leisure site is a consideration. The precise appearance of the external materials shall be required by condition together with the possible provision of a green wall to the elevation closest to Thurston Drive to be explored.

Whilst there is 'absolute' harm caused by developing the site together with some limited harm to its immediate surroundings; such harm must be taken into account in the planning balance, which is made toward the end of this report. Given, however that the proposal has been able to successfully mesh with the surrounding built form and environment overall the proposal is considered to be acceptable in this regard in accordance with Policy 8 (d) of the JCS.

4. Impact on residential amenities

Policy 8 (e) of the JCS and Saved Policy 103 of the LP seeks development to respect its neighbours *by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.* This Development Plan approach is consistent with the Core Principles of the NPPF (point 4) which aims to ensure *a good standard of amenity for all existing and future occupants of land and buildings.*

Given that the use is presented as a part complementary offer to the Arena and proposed by that landowner there is no reason to believe that the proposal would harm the continuation of the Arena business and would likely only be to its benefit. The sizes of the rooms are consistent with industry standards with some of the rooms accessible to the disabled with measures in place via condition to ensure that the sites crime prevention measures meet standards. As such the hotel would provide sufficient provision for occupier's amenity.

The greatest direct impact to neighbours from the proposal would be to 2 Thurston Drive and 18 Settlers Fields to the east although there could be impacts to other dwellings in their locality to a lesser extent. The impact of the refused application on these neighbours privacy and outlook would need to be overcome in this amended proposal. In order to achieve this, the hotel has been reduced in height, moved 5m further away from the closest dwellings, the amount of screen planting increased and several windows in the facing elevation of the hotel have been angled to face southwards. The various impacts to the affected neighbours will be discussed in turn below:

Overlooking and Overbearing

To reduce the impact of the proposal to neighbours in this regard the number of high level windows (above second floor height) facing in the general direction of the houses has been significantly reduced. This amounts to 35 windows with 11 of those positioned in such a way that they would have no possibility of overlooking toward 2 Thurston Drive or 18 Settlers Fields.

Notably due to the set-back of the fourth storey there would be no overlooking from these most elevated windows. The closest window in the proposed hotel facing obliquely to the side windowless elevation of the affected dwellings is over 43m away. Such a separation distance together with the provision of screen planting and an oblique relationship means that the proposal is not considered to result in any harmful overlooking impacts. The perception of being overlooked has also been dramatically reduced by lowering the height of the building, setting-back the fourth floor and the innovative method of angling some of the windows away from residential receptors.

This reduction in the mass and perceived extent of the building, together with the additional planting proposed significantly reduces the buildings presence particularly when experienced from the rear gardens of the affected dwellings and thereby is not considered to have an overbearing impact to nearby dwellings.

Essentially, therefore this application has successfully overcome the reason for refusal on the previous application that found the development to be harmful to neighbour's residential amenity as a result of loss of privacy and outlook.

Overshadowing

In terms of overshadowing; the refused proposal was accompanied by a 'sun study' which given the orientation of the proposed building to the affected dwellings, showed that the dwellings in Thurston Drive and Settlers Fields would not have experienced significant overshadowing impacts, aside from some limited shadowing late in the day in the summer months. This impact was considered to be acceptable in the previous application. As such and given that this proposal would further reduce any overshadowing impacts to a level at or close to zero the application is considered to be acceptable in this regard.

Light pollution

The application was accompanied by a 'Lighting Assessment' which included an assessment of the impacts on human receptors. The assessment concluded that subject to planting, the proposed lighting design criteria and orientation that the proposed development would have a negligible light impact to surrounding receptors.

The Council's Environmental Protection Officer (EPO) agrees with the findings of this report and as such the proposal would not result in an adverse impact to neighbours as a result of light pollution. Adherence to the lighting strategy discussed in this Lighting Assessment shall be secured by condition.

Noise pollution

The application was also accompanied by a 'Background Noise Assessment' and a 'Noise Assessment'. Together these assessments concluded that the proposal would not harm the amenities of future users of the hotel or neighbours. The Council's EPO agrees with the findings of the reports and as such the proposal would not result in an adverse impact to neighbours as a result of noise pollution.

On this point; It is inevitable that the proposal would result in some degree of nuisance as a result of the increased number of comings and goings and the likely increase in social events at the Arena that would be experienced at nearby dwellings. Such impacts, however, should be seen in the context of the existing use of the site with no reason to believe that such disturbances would cause such a nuisance so as to be considered detrimental.

Impacts of vermin

Whilst the proposal has potential to give rise to vermin; as the development does not include a restaurant and with no reason to believe that the hotel would not be subject to good house-keeping practices and refuse regimes there is no reason to think that this issue would be a cause for concern. No issues have been raised by the EPO in this respect.

Conclusion

As such the proposal is considered to have overcome the relevant refusal reason attached to the previous application through its various measures and amendments

and thereby is considered to respect residential amenity and therefore is acceptable in this regard.

5. Impact on highway safety and convenience

Policy 8 (b) of the JCS consistent with Chapter 4 of the NPPF, seeks development to ensure *a satisfactory means of access and provision for parking, servicing and manoeuvring* and should not *prejudice highway safety*.

Since the recent refusal, which included a highway related reason; the preparation of this application followed pre-application discussions between the applicant and the Local Highway Authority (LHA). As a result of these discussions and further additional work done during the course of the application; the proposal is in full accordance with the requirements of the LHA.

To satisfy the LHA the application was accompanied by a 'Transport Assessment', which included a 'Framework Travel Plan', later Addendums to that Assessment and a series of on and off-site mitigation works which are detailed in Section 3 of this report above. As part of the Transport Assessment a traffic survey of the area was carried out together with a survey illustrating occupancy rates of the 600 space car park at the Arena. In addition a modelling assessment of the nearby junctions was carried out with a future scenario of assumed operation of the hotel until 2031. The findings of these surveys when taken together found that subject to the carrying out of the various mitigation works in and around the site the proposal can be accommodated without detriment to the safety or operation of the local highway network.

It is also worth adding that the highway works proposed, particularly those to the roundabout adjacent to the Trading Post, whilst it would be delivered as a 'nil' detriment scheme to off-set the impact of this development it would benefit all users on this approach to the roundabout. In particular during the morning rush vehicles approaching the roundabout are often seen backing up to the Bignal Court junction and sometimes further back to Backley Close. Whilst the proposed roundabout changes could not be expected to solve this minor local highway matter; the provision of a 15m stretch of highway on the approach to the roundabout which enables vehicles to enter the roundabout and turn left or right at the same time would help all highway users.

In addition the pedestrian links proposed in and around the site not only enables better connectivity to the hotel, they also benefit all users to the site including those visiting the Gym, Theatre or Kids Kingdom and also notably those who pass through the site using it as a desire line and those passing opposite the site entrance. The provision of the properly designated bus stop including the shelter and its maintenance, again whilst it may benefit visitors to the hotel and its worker also inevitably benefits all users of the Bus service in the locality. The bus route currently passes through the site and will continue to do so.

The sustainable location of the site means that it is well placed to benefit from the Towns excellent public transport links with the railway station a relatively pleasant 10 minute walk away with the provision of the cycle stores and connection routes providing non-motorised opportunities for travel.

The third party complaints cite heavily the impact of the proposal to the local highway network and thereby have road safety concerns. Whilst the applicant has demonstrated that the proposal is acceptable in this respect there is strength of feeling on this issue raised by third party objectors within the area.

The information submitted with the application shows that the site for the vast majority of the time operates within its parking capacity including during the majority of the larger functions that are held there. There are however occasions throughout the year where some of that parking such as those associated with an annual model railway exhibition that does spill into the surrounding area. During such events there appears to have been a parking management strategy in operation which included utilising the nearby Hall Meadow primary school as a place for parking and in the main cars were parked safely and legally. In any event this parking situation is an existing situation with no reason to believe, as supported by the Transport Assessment, that the proposal would make a significant impact that would result in these times of over-spill being increased or exacerbated in any way. These conclusions have been supported by the Case Officers own experiences of the site and how its parking and access arrangements operate experienced at various times of the day and week over the years.

Nevertheless there is the opportunity here to introduce a formal plan for the sites car parking arrangements, particularly when capacity is exceeded. As such and with the support of the applicant a pre-occupation condition is proposed requiring the approval of a parking management plan.

As such the proposal is considered to provide sufficient mitigation measures to ensure that it off-sets its highway implications and provides a well-connected and sustainably located development that respects highway safety requirements as well as providing some betterment to the areas existing highway arrangements. The proposal therefore is considered to be acceptable in this regard.

6. Impact on biodiversity

Paragraph 99 of Circular 06/05 states that: *it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.* Likewise section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: *every public authority must in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity.*

The application was accompanied by an 'Ecological Survey' which concluded that the site has no biodiversity significance and consists of species poor amenity grassland although does highlight its proximity to Slade Brook as a Local Wildlife Site (LWS). Due to the ecological sensitivity of Slade Brook, whilst the proposal is not considered to harm wildlife, certain protecting measures should be employed during development of the site. As such and together with the mitigation measures laid out in the submitted 'Lighting Assessment' with regard a lighting scheme the proposal is considered to safeguard biodiversity.

In recognising third party objection on this issue; it is acknowledged that the site at certain times of the year often sees foraging Geese and that Slade Brook acts as a green corridor and habitat for avian species such as Kingfisher and Bat. It is also known that the lake has a resident Swan family and is often frequented by Little Egrets, Grebe's and Cormorants as well as Ducks and other birds species. With measures, including protection of the water source as an environment, in place and given that the site itself is not important habitat the proposal would not result in an adverse impact to these or any other species, protected or otherwise.

In addition by conditioning the enhancement recommendations laid out in the Ecological Survey including through the provision of a planting scheme of indigenous trees and shrubs together with bat/bird boxes the proposal is considered to provide a net gain in biodiversity consistent with Natural England advice and Chapter 11 of the NPPF. A safeguarding condition relating to the provision of an approved construction management plan to include details of measures to prevent debris being spilled into the watercourse shall be imposed.

In terms of the impact of the proposal on flora; the application was supported by an 'Arboricultural Impact Assessment' which supported the findings of the Ecological Survey with no noteworthy specimens found although it did highlight the amenity value of certain trees in the vicinity. The Assessment concluded that the impact of the proposal on arboricultural resource is low with no significant impact to the important trees identified.

As such and with no evidence produced by third parties that would justify coming to a different view and with no objection from the County Ecologist the proposal is considered to be acceptable in this respect.

7. Sustainable buildings

Policy 9 of the JCS seeks development to *incorporate measures to ensure high standards of resource and energy efficiency and reduction in carbon emissions and to maximise the use of passive solar design.*

To demonstrate compliance with this policy the proposal was supported by an 'Energy Strategy' together with a 'Compliance with Building Regulations Part L' document. The Strategy concluded that the proposal makes provision for possible photovoltaic arrays and includes low energy heating and lighting systems which together with a high performance building fabric means that the buildings emissions rate has been reduced below what would be provided if energy reduction was not considered. These are considered to be appropriate measures and evidences to show accordance with Policy 9 of the JCS and therefore the proposal is considered to be acceptable in this regard.

8. Impact on flooding and drainage

Policy 5 of the JCS consistent with Chapter 10 of the NPPF encourages development to *contribute towards reducing the risk of flooding.*

On this matter the application was accompanied by a 'Flood Risk and Drainage Strategy'. The Strategy concluded that subject to various measures including a lower limit on finished floor levels, the provision of permeable surfacing, surface

water discharging methods including attenuation storage together with linkages to existing foul systems the proposal would make appropriate provision for drainage and not result in a flood risk on site or elsewhere.

Thereby and with no objection from the EA, the Local Flood Authority or Anglian Water the proposal is considered to be acceptable in the respect subject to the imposition of recommended safeguarding conditions.

9. Impact of possible ground contamination

Policy 6 of the JCS, consistent with Chapter 11 of the NPPF says that *planning permission will be granted for development on land affected by contamination where it can be established by the proposed developer that the site can be safely and viably developed with no significant impact on either future users or on ground and surface waters.*

To show accordance with this policy the application was accompanied by a 'Ground Investigation' report. This report demonstrates that the site is safe in this regard. As such and with no objection from the EPO on this issue the proposal is considered to have been satisfactorily addressed on this matter.

10. Community Infrastructure

The proposal is expected to make a contribution toward highway infrastructure in the interests of highway safety to off-set the impacts of the proposal on the local the highway network, to improve pedestrian and cycle connectivity to the site and the provision of a bus stop including its maintenance. Policy 10 of the JCS, consistent with Chapter 4 of the NPPF, in this case, seeks development to be *supported by the timely delivery of infrastructure, services and facilities necessary to meet the needs arising from the development* and advocates the use of conditions where appropriate to deliver such infrastructure.

In this case it is considered that the works required to be delivered (which could amount to £52,000) can be delivered in a timely manner through the use of conditions. This approach to provision of the infrastructure is accepted by the applicant and the Local Highway Authority and is considered to meet the conditions reasonableness test laid out in paragraph 204 of the NPPF.

11. Benefits

The scheme notably would offer significant economic benefits; including the provision of 35 (FTE) jobs, indirect jobs and increased local spend by users and be subject to business rates and would also support the Arena business as a community facility.

In addition some economic benefits may also be attributed to Town Centre viability and vitality with the submission demonstrating no harm in this regard and the potential for users of the Hotel, which may otherwise stay elsewhere also visiting the Town Centre due to its reasonable proximity. Furthermore the highway mitigation and site connectivity works proposed and public transport related infrastructure would also benefit all users and therefore would amount to some socio-economic benefit.

Some limited environmental benefits through the provision of bird and bat boxes and planting can also be afforded.

12. Planning Balance

The benefits that would accrue from the development are set out above and whilst not overriding, together should be afforded significant weight in this balance.

The proposal would have some identified visual harm, most notably to the character and appearance of the green and open nature of the site and the way it is experienced in its immediate setting. This harm, however is little more than 'absolute' harm through the development of the site itself. Given that the site is not subject to open or green space designation its occasional recreational use is not of sufficient significance to be afforded anything other than limited weight especially given the proximity of other more useable recreational spaces in the vicinity.

Critically, the prospect of the proposal is in accordance with Policy 1 and 11 of the JCS and Policy 103 Local Plan which strongly favours sustainably located development and thereby is broadly Plan led especially given the sites current leisure use. In addition the proposal is consistent with the key role of the NPPF in favour of the presumption of sustainable forms of development which aims to ensure that the right land is developed in the right places and at the right times to support growth for which a need has been identified.

In addition; unlike the previous application on this site; the proposal is acceptable in all other respects, most notably in terms of its highway and residential amenity impacts and its successful integration into the areas streetscape. Whilst these are not benefits they are a lack of harm that may otherwise count against the proposal.

As such the harm identified is considered to be limited and would not outweigh the significant benefits attributed to the proposal and particularly those that are derived from the provision of the proposals socio-economic benefits which would hold the tilt in the balance where such minimal harm is applied. The proposal therefore is considered to meet the three dimensions of sustainable development (economic, social and environmental) required in the NPPF when assessed as a whole.

Conclusion

In light of the above the proposal is considered to be in full accordance with Development Plan Policies. Thereby under such circumstances and consistent with the decision making principles of the NPPF (paragraph 14) the proposed development should be approved without delay.

As such and in the absence of material considerations or persuasive arguments that would justify coming to a different conclusion the application is recommended to the Planning Committee for approval subject to the imposition of the conditions detailed.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Sean Bennett, Senior Development Officer on 01536 534316