

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 11/04/2018</b>	<b>Item No: 5.3</b>
<b>Report Originator</b>	<b>Gavin Ferries Senior Development Officer</b>	<b>Application No: KET/2018/0027</b>
<b>Wards Affected</b>	<b>William Knibb</b>	
<b>Location</b>	<b>Naseby Hotel, Sheep Street, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Partial demolition and redevelopment of the site to provide 29 no. residential units and A3 restaurant with parking, landscaping, and associated works</b>	
<b>Applicant</b>	<b>Mr Oliver, Paul Simon Homes</b>	

### 1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### 2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED, subject to a S.106 OBLIGATION being entered into, and to the following conditions:-

1. 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 external seating area hereby permitted shall not be open to the public before 08:00 hours or remain open after 22:00 hours on Mondays to Thursdays nor before 08:00 hours or after 23:00 hours on Fridays or Saturdays, nor before 10:00 hours or after 22:00 hours on Sundays or any recognised public holidays.

REASON: To protect the amenities of the occupiers of nearby properties in the interests of amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. No development shall commence on site until details together with samples of the types and colours of all external facing and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: Details of materials are necessary prior to the commencement of development in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. No demolition works shall commence on the site until a scheme including a timeframe for the construction of the new buildings has been submitted and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved scheme unless alternative details are agreed in writing by the Local Planning Authority.

REASON: To protect the character and appearance of the Conservation Area in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy.

5. Prior to the first residential occupation of the flats hereby approved, the parking area hereby approved shall be laid out in accordance with the approved plans and shall be permanently retained and kept available for the parking of vehicles.

REASON: To ensure on-site parking provision is retained for the dwellings and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. This permission relates to the following amended plans;

Proposed North Elevation drawing number PP\_31 Rev B received 21/03/18

Proposed Basement Plan drawing number PP\_23 Rev B received 21/03/18

Proposed Ground Floor Plan drawing number PP\_22 (1) Rev B received 21/03/18

Proposed Ground Floor Plan drawing number PP\_22 (2) Rev B received 21/03/18

Proposed First Floor Plan drawing number PP\_24 Rev B received 21/03/18

Proposed Second Floor Plan drawing number PP\_25 Rev B received 21/03/18

Proposed Third Floor Plan drawing number PP\_26 Rev B received 21/03/18

REASON: In order to define the permission as amended.

7. 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.

8. Prior to the first occupation of the development hereby approved, refuse storage and collection facilities shall be made available for use. The refuse storage area shall be in a separate room or area not connected to any habitable area. These facilities shall be retained at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.

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

9. Prior to the commencement of the use(s) hereby approved a scheme for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and retained at all times thereafter...

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

10. Prior to the commencement of the use(s) hereby approved a scheme to control refuse and litter from patrons utilising the external area shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and retained at all times thereafter.

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

11. Prior to the commencement of development a scheme for the provision of the surface and waste water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme.

REASON: Details for the provision of surface and waste water drainage are necessary prior to commencement of development to prevent pollution of the water environment in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

12. Prior to the first use of the restaurant hereby permitted details of the ventilation system for the extraction and disposal of cooking odours shall be submitted to and approved in writing by the Local Planning Authority. The restaurant use hereby permitted shall not commence until the approved details have been fully implemented.

REASON: Ventilation details are necessary prior to the commencement of development in the interests of the amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

13. Prior to the commencement of the use hereby permitted a scheme for the acoustic treatment of the odour control system to prevent the emissions of noise affecting noise sensitive premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details and maintained in accordance with the approved details at all times thereafter. Upon completion of all works to implement the approved scheme, testing shall be carried out and a report submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby permitted to verify the scheme's effectiveness.

REASON: In the interest of safeguarding residential amenity with regard to odour and noise in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. Prior to the commencement of development a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented before first occupation of the residential units and therefore maintained in the approved state at all times. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.

REASON: Details are required prior to the commencement of development in the interest of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

15. Prior to the commencement of development full details of all windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall 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 Conservation Area in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy.

16. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no exterior elevation of any the building(s) which has a frontage onto either George Street or Sheep Street shall be painted (other than the repainting of timbers including doors and windows) unless approved in advance in writing by the Local Planning Authority.

REASON: To protect the character and appearance of the Conservation Area in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy.

17. No pipework, cables, antennas, satellite dishes, lighting or opening (including vents) shall be attached, affixed, made or otherwise adjoined to the building(s) frontages on either Sheep Street or George Street without the prior written approval of the Local Planning Authority.

REASON: in the interests of visual appearance and protecting the character and appearance of the Conservation Area in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2018/0027**

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

### **3.0 Information**

#### **Relevant Planning History**

There is no relevant planning history.

#### **Site Visit**

Officer's site inspection was carried out on 14 March 2018.

#### **Site Description**

The Naseby Hotel (formerly the George Hotel) is located on the corner of George Street and Sheep Street. The site consists of a variety of ages of buildings of various sizes along with the courtyard area to the rear of the site.

The site is located within the Kettering Conservation Area and overlooks the Market Place.

#### **Proposed Development**

The application seeks consent for the redevelopment of the site including conversion, partial demolition and the erection of new buildings. The proposed redevelopment is for a restaurant at ground floor with 29 flats of different sizes.

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

Conservation Area

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

#### **Highway Authority:**

Comments received regarding the external seating area, objection regarding works to and seating on George Street. Consider that the proposed external seating on Sheep Street is likely to be acceptable subject to licence agreement.

*(Officer's Comment: the proposed works to and seating on George Street have been removed from the application as a result of the Highways Authority's concerns).*

Have raised concerns regarding the visibility of the vehicular access particularly in respect of the limited pedestrian visibility when leaving the site.

*(Officer's Comment: this is the existing vehicular access for the hotel and there are no proposed changes to the buildings immediately adjacent to the access).*

#### **Northamptonshire County Ecologist:**

Preliminary roost assessment required due to age, construction, state of repair and apparent presence of roost features. This is required prior to determination of the application.

*(Officer's Comment: the survey works are currently being undertaken and this may lead to additional conditions and/or work. It is requested that this is delegated to Officers in conjunction with the County Ecologist).*

**Lead Local Flood Authority:**

Initially objected on the absence of a flood risk assessment (*Officer's comment: this is not a requirement under the NPPF and was queried and clarified as being their local requirement not a national requirement adopted by Kettering Borough Council*). Confirmed as particularly being in relation to surface water drainage.

**Anglian Water:**

Request surface water drainage condition

**Northamptonshire County Archaeology:**

No objection subject to archaeological watching brief condition

**Northamptonshire County Council:**

Request contributions towards primary and secondary education and libraries along with a fire hydrant condition.

**Northamptonshire Police Crime Design Advisor:**

Recommendations relating to safety and security features including doors, gates, delivery area for residential units and route of escape.

**Environmental Protection:**

The noise report demonstrates that the site would in principle be suitable for residential development, however it will require some noise mitigation and recommend conditions related to noise and proposed restaurant use.

**Neighbours**

5 letters were received raising various concerns regarding parking, overlooking of Oaktree Court, issues arising during the construction/demolition, boundary wall and noise/odour impacts.

A comment was received from the Church advising of the frequency of the bells and advising that future residents should be made aware of this.

Neighbour concerns were also raised regarding the proposed works in George Street (*Officer's Comment: this element has been removed from the application*).

*Additional notification of the amended plans showing the removal of the proposed works to George Street, new door onto George Street and provision of the security features are currently ongoing and any comments provided within the Committee update.*

**5.0 Planning Policy****National Planning Policy Framework:**

2. Ensuring the vitality of town centres
6. Delivering a wide choice of high quality homes
7. Requiring good design
12. Conserving and enhancing the historic environment

## **North Northamptonshire Joint Core Strategy**

Policy 1 Presumption in favour of Sustainable Development

Policy 2 Historic Environment

Policy 8 North Northamptonshire Place Shaping Principles

Policy 12 Town Centres and Town Centre Uses

Policy 28 Housing Requirements

Policy 29 Distribution of new homes

Policy 30 Housing Mix and Tenure

## **Kettering Town Centre AAP**

### **6.0 Financial/Resource Implications**

Section 106

### **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of development
2. Heritage Asset
3. Design
4. Residential Amenity (new residential)
5. Residential Amenity (existing residential inc Oaktree Court)
6. Proposed external seating area
7. Highways and Access
8. Affordable Housing
9. Ecology
10. Crime/Anti-social Behaviour
11. Other comments

#### **1. Principle of development**

The proposal seeks to provide a ground floor restaurant with residential accommodation above within the Kettering Town Centre area. Restaurants fall within main town centre uses within the National Planning Policy Framework and residential uses within the town centre is supported by principles of the National Planning Policy Framework and the North Northamptonshire Joint Core Strategy as being sustainable locations for residential development. The site falls within the Kettering Town Centre AAP restaurant quarter where restaurants are actively supported.

The current use of the site as a hotel is also a main town centre use as defined within the NPPF. The building had ceased being operated as a hotel by early 2016 and despite marketing which is evidenced within supporting documentation in the application, there was not commercial interest in running the property as a hotel.

The proposal site is located within the Kettering Conservation Area and therefore consideration of the impact on the historic environment is a significant consideration.

## 2. Heritage Asset

The submitted Naseby Hotel, Kettering Heritage Statement considers the significance of various elements of the building and the development of the building. The analysis within the report is generally detailed and the findings and conclusions within the report regarding those elements with higher significance are agreed with.

The Sheep Street frontage is considered to be significant to the character of the area and the historic development of the building. The existing uPVC windows on the first floor detract from the character and appearance but the main structure is proposed to be retained and the replacement of the windows is considered to be acceptable.

The corner building has been mostly rebuilt during the latter part of the twentieth century. It appears that there are historic elements remaining within the roof structure including the chimneys but the walls have been replaced and the windows for first and second floor are inappropriate in the context of the building. The corner building lacks a relationship with the Market Place which detracts from the character of the area.

The George Street house façade is significant in terms of its age, character and design and it makes a significant contribution to the conservation area. Unfortunately the frontage has been painted over and there are pipes on the front. It is noted that the building has historically lost its front door, however the door's position is still readable. The application seeks to remove the paintwork and pipework from the frontage and these will result in significant enhancements to the appearance of the building.

The courtyard area is a characteristically important area within the layout of the site and contributes to the significance of the building and its retention is important. Although it is noted that the tarmac covering a large proportion of the courtyard is not of historic importance.

There is a 1920s assembly hall to the rear of the building and internally it has some attractive features but has limited presence (due to absence of street frontage) and external form. It is of low significance.

The 1950s extension to the rear of the property is generally considered to detract from the historic appearance and character of the building. The projecting glazed stairwell is generally of interest but is inappropriate in the context of the building and conservation area.

## 3. Design

It is considered that the design of the building is fundamental to the acceptability of the scheme. The proposal incorporates many of the existing features of the buildings including the retention of both the George Street and Sheep Street historic buildings.

As identified within the Heritage Assessment the two main frontages for the site are George Street and Sheep Street. It is noted within the proposal that the existing corner building which faces towards the market place is proposed to be demolished and rebuilt.



The replacement corner building is proposed to be a 3 storey building and generally follows the characteristic proportions of Georgian Architecture. The proposed design follows the character of the adjoining buildings and its scale complements its surroundings.

The proposed replacement corner building fronts onto Sheep Street and is proposed to be red brick with stone detailing. The ground floor is proposed to be a restaurant incorporating some larger windows on both front and side elevation.

The side (gable) elevation incorporates the wording "The George" with the building stepping down as it progresses down George Street. There is a clear step between the various building elements on George Street which demonstrates the historic relationship between the various elements.

The latter addition on George Street (corner with Oaktree Court) is not part of the historic house and is proposed to be replaced. The proposal originally included a hipped roof but this was not considered to be appropriate in design terms in relation to the Georgian building. The new section is also lower than the historic Georgian property which is an improvement in historic continuity terms as well as visually.

The proposed replacement building to the rear of the site is of lesser visibility and is considered in this context and the existing building. It is considered that there will be some limited visibility from the Church steps but this is limited due to the land levels sloping away. The proposed design of the structure is generally modern in form as reflects the flats.

#### 4. Residential amenity (new residential)

The national space standards apply to new residential units and the floorplans submitted show the unit's floor space demonstrate that this is being complied with. The site is located within the town centre and therefore there are not specific requirements for external private amenity space to be provided with the residential units. However, the majority of the new units are provided with small balcony/terrace areas and there is a communal courtyard garden proposed which will service all of the residential units.

A noise assessment has been submitted to accompany the planning application and this includes levels of noise recorded within the site. The report considers that the proposed residential units would have an acceptable level of noise including from the proposed new restaurant. It is noted that the report references windows in terms of the acoustic performance requirements. Windows represent an important aspect of the historic buildings and the appearance of the structure and therefore conditions related to these are required.

The Church has advised that the Church Bells are rung every 15mins during the day and hourly at night with additional ringing during ceremonies and training. It is considered that the impact of the church bells would not be harmful given the degree of separation and the existing bedrooms in the hotel being in a similar location. However, the applicant has been advised of the Church bell's chimes in particular of the hourly chimes at night.

It is noted that the proposed extraction from the new restaurant has potential to cause noise impacts primarily on the new units. However, a condition relating to the technical details of this aspect is considered to be acceptable given the location of the extract and the nature of the use as a restaurant.

The application includes an external seating facility located on the Sheep Street would need to be subject to restricted hours in order to have an acceptable impact on the residential amenity in particular of the new residents. It is considered that 10pm Sunday to Thursday and 11pm Fridays and Saturdays are appropriate.

#### 5. Residential amenity (existing inc Oaktree Court)

The proposed use of the site as a mix of residential with a restaurant at ground floor is considered to have a similar amenity impact in terms of use as the current hotel. The main differences are the provision of the external amenity space and the proposed external changes/new buildings.

There have been objections from Oaktree Court regarding overlooking from the proposal. There is approximately 15m between the proposed new building at the rear of the Naseby site and the edge of the Oaktree Court building. The buildings are separated by the Oaktree Court parking court which is visible from George Street rather than being a private area. The degree of separation between the new flat building and Oaktree Court is considered to be an acceptable degree of separation for a town centre development.

There is a brick wall along the shared boundary along with planting which will provide some additional screening from the proposed lower level units.

There is a second Oaktree Court building located to the rear of their site (closer to Northampton Road) is closer to the site boundary with the Naseby Hotel, however the positioning of the buildings means that there is limited impact on the second building.

#### 6. Proposed external seating facility

The application originally proposed works to the carriageway in George Street to allow for the proposed external seating area to go around the corner building, however this element was withdrawn and the seating area is now only proposed on Sheep Street.

The provision of external seating and facilities accords with the approach to the Market Place and increasing street level activity. There is a recommendation on hours' restrictions on the external usage particularly in respect of evening operations due to the potential impact on the new residential occupiers.

The pavement is of reasonable width to allow for the use of part of the pavement for an external seating in association with the restaurant use. The planning application only covers the land use and as the area forms part of the adopted highway (pavement) a separate licence from the Highways Authority (as landowner) is also required and this includes movable elements such as tables and chairs, which are not subject to planning control.

The external seating facility located on the Sheep Street needs to be subject to restricted hours in order to have an acceptable impact on the residential amenity in particular of the new residents. It is considered that 10pm Sunday to Thursday and 11pm Fridays and Saturdays are appropriate.

#### 7. Highways and access

The application retains the existing vehicular access from George Street which previously serviced the hotel and its restaurant. The only proposed change to the access is the provision of inward opening gates (requested by the Police Crime Prevention Design advisor). It is considered that given the limited quantum of parking within the courtyard (which is recommended to be allocated) that the degree of intensity of the access is limited when compared to the current authorised use.

It is considered that given the nature of the proposed residential units and the site's sustainable location within the town centre along with the close proximity of the site to the Bowling Green car park it would not be reasonable to require on-site parking in this location.

There have been concerns raised regarding future resident's parking in either the Church's or Oaktree Court carpark. These are both within private ownership and if cars are being parked within them without the land owner's consent this would be a private matter which cannot be conditioned/controlled as part of the planning application.

There are also concerns regarding parking on street or within the restricted usage bays, however these are subject to controls outside of planning.

The Highways Authority objected to the proposed works on George Street and this aspect has been removed as a result of their objection. They have also advised that the existing access does not have sufficient visibility, however, this is the existing access which services the hotel and is not considered to be likely to result in intensification compared to the existing scenario that would justify refusal or requiring changes to the access.

#### 8. Affordable housing

The application includes 4 intermediate affordable housing units two of which are M4(3) compliant (suitable for wheelchair adaptation) and the other two are M4(2) compliant. The application proposes that the affordable housing forms part of the development and this is considered to be desirable in terms of the generating mixed of tenure within the town centre.

The units are to be intermediate housing with discounted market sale values being required in perpetuity by legal agreement. Consideration was given to affordable rent, however due to the nature and constraints of the development; it was not possible to get interest from a registered social landlord.

It is noted that 4 units is less than the 30% requested for new developments, however as the proposal includes redevelopment, the site benefits from empty building credit which reduces the requirement.

#### 9. Ecology (bats)

Due to the various building's age, the structure is a potential bat roost and following a site visit with the County Ecologist, a bat survey is required prior to determination of the application.

The survey is currently being undertaken and appropriate conditions will be imposed (such as identified mitigation or work practices) and/or additional work (if recommended by the ecologist) as appropriate. It is requested that is delegated to officers in consultation with the County Ecologist.

#### 10. Crime/Anti-social behaviour

The Police Crime Design advisor has made comments on the application, in particular due to the fact that this area of Kettering has historically and periodically still does suffer from issues of crime and anti-social behaviour.

The main points raised were the need for a gate on the access points from Sheep Street and Northampton Road (which are now being provided), the need for a controlled "lobby" for deliveries to the flats (now proposed) and an additional means of escape from the residential area (now proposed with door onto George Street). The main points have been resolved by the submission of amended plans.

There were also various recommendations on technical matters which related to the nature of doors and windows and visual access controls (video intercom to gain access) for which the applicant has submitted details covering these points and therefore are considered appropriate for approval.

#### 11. Other comments

The County Council has made requests in relation to primary and secondary education and library contributions. The County Council do not have an identified scheme in relation to the secondary school or the library and it is not possible to require generic contributions.

In respect of the primary school contribution, the requested contribution is towards Millbrook Junior School, however that is not considered to be reasonable related to the development given the distance from the site and other primary schools within the area. It is also considered that in light of the development being a mixed flat and restaurant development within the town centre with limited onsite parking provision proposed and the nature of the expected occupiers, that the requested primary education contribution is not demonstrated as meeting the tests for planning obligations.

The County Council has also commented on the provision of fire hydrants, however, this aspect is considered to fall outside of the remit of the planning control. The application has been subject to initial review in relation to fire protection by the Council's Building Control department which resulted in some changes relating to fire escape details.

There is a request from the County Archaeologist for archaeology conditions which are considered to meet the conditions tests and are recommended.

The Lead Local Flood Authority requested a flood risk assessment however the development does not meet the criteria within the NPPF for requiring a flood risk assessment and therefore is not a requirement. This was raised with the Lead Local Flood Authority, who advised that they required a drainage strategy. Anglian Water have requested a condition relating to the provision of a drainage strategy, which is considered a reasonable approach in light of the existing development within the site and would also provide the drainage strategy details for the Lead Local Flood Authority,

The residential bin storage is proposed to be provided within the courtyard area within a bin store. The bin store is located away from the entrance points and would not interfere with parking within the site, however the collection arrangements have not been confirmed. As such the location of the bin store may need to be changed for practical purposes and a condition related to the bins is recommended.

### **Conclusion**

On balance it is considered that the proposal results in a well-designed development that enhances the Kettering Conservation Area and ensures that the heritage assets of the buildings are brought back into life and therefore preserved. It is considered that the proposal is a sustainable form of development and that whilst there are some impacts that they are reasonable for redevelopment within the town centre.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Gavin Ferries, Senior Development Officer on 01536 534316

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

Ref:

Date: