

BOROUGH OF KETTERING

Committee	Full Planning Committee - 08/05/2018	Item No: 5.1
Report Originator	Richard Marlow Senior Development Officer	Application No: KET/2017/0381
Wards Affected	William Knibb	
Location	Queen Street, Horsemarket (land off), Kettering	
Proposal	Outline Application: 41 no. retirement apartments, including communal facilities, access and parking, and ground floor retail and/or restaurant unit	
Applicant	Mr K Jones	

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 either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

3. Approval of the details of the appearance, landscaping and layout (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. It shall be demonstrated how the use of proposed external high quality materials enhance the appearance of the area including the Conservation Area.

REASON: In order to secure a satisfactory development.

4. Plans and particulars of the reserved matters referred to in condition 3 above, relating to the appearance and layout of any buildings to be erected, and the

landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: In order to secure a satisfactory development

5. Notwithstanding the elevational treatments shown on the submitted plans titled "Proposed North and South Elevations Proj.no H020-3 drawing no EBP-1 Revision K" and "Proposed East and West Elevations Proj.no H020-3 drawing no. EBP-2 Revision H" or the interior details of the buildings shown on the plan titled "Proposed Block Plan Proposed Road Improvement Proj No.H020-3 Drawing no EBP-6" or "Proposed Block Plan Existing Kerb Line Proj. No H020-3 drawing. No. EBP-5 Revision C" the reserved matters application(s) shall not exceed the exterior dimensions shown on these plans in respect of height, width, length or footprint of the development envelope as shown on these plans.

REASON: In order to define the scale of the development as approved.

6. 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.

7. Construction works audible at the site boundary will not exceed the following times: Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

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

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

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

9. 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.

10. Prior to the commencement of an A3 use full details of the cooking equipment and odour control system to be installed shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be installed and maintained in accordance with the approved details at all times thereafter.

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

11. Prior to the commencement of any A3 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.

12. The ground floor A1 or A3 premises shall not be open to the public before 08:00 hours or remain open after 22:00 hours on Mondays to Saturdays, nor before 10:00 hours or after 20:00 hours on Sundays or any recognised public holidays unless alternative hours are agreed in writing in advance by the Local Planning Authority.

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.

13. No development shall take place on site until engineering, construction and drainage details for the means of access have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the buildings are occupied.

REASON: Details are required prior to commencement of development to ensure a satisfactory means of access to the highway in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

14. The development hereby permitted shall be limited to no more than 41 retirement apartments.

REASON: To secure a satisfactory form of development in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

15. No development shall take place until a plan prepared to a scale of not less than 1:500 showing details of intended final ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: To preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

16. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the area and adjoining residential properties in particular in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2017/0381

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

3.0 Information

Relevant Planning History

KET/2014/0546 - Extension to KET/2011/0152 of 21 no. hotel rooms and a re-configured car park, with access onto Queen Street. Approved 28/1/16.

KET/2014/0383 - Change of use of site to a car park with car valet service, new vehicular access to Queen Street and erection of portacabin. APPROVED 04/08/2014.

KET/2014/0234 - Change of use of site to a car park with car valet service, new vehicular access to Queen Street and erection of portacabin. WITHDRAWN

KET/2011/0196 - Redevelopment of car sales and services area car park and access road to form phase 2 of retail (A1/A3) and hotel development. APPROVED 16/08/2011.

KET/2011/0152 s.73 Application Variation of conditions 2 (materials), 4 (noise mitigation), 5 (contamination assessment), 10 (approved drawings), 11 (servicing facilities) and 12 (highway details) of planning permission KET/2007/0449 (permission allows a hotel, ground floor retail unit and basement health club) in order to accommodate planned highway improvements and changes to fenestration APPROVED 03/06/2011.

KET/2010/0344 – Landscaping scheme – APPROVED 15/07/2010

KET/2009/0661 – Demolition of buildings – APPROVED 25/02/2010

KET/2008/0924 – Demolish and clear existing buildings – APPROVED 29/01/2009

KET/2007/0449 – 45 bed hotel with ground floor A1 or A3 unit and basement health club – APPROVED 11/06/2008

Site Description

Officer's site inspections were carried out on 4/7/2014, 5/12/17 and 16/4/18. The application site stands within Kettering Town Centre, at the junction of Queen Street and Horsemarket and is located within the Silver Street Quarter established by policy 22 of the Kettering Town Centre Area Action Plan (AAP).

The site comprises of a 32 space Council owned car park and boarded area of land to the west of the site fronting the Horsemarket with consent for a hotel and is surrounded by a mix of commercial and residential uses. Queen Street bounds the site to the north which is currently a one way street leading towards Horsemarket. Planned highway improvements in Queen Street set out in the AAP would accommodate two way traffic and these would encroach into the site. To the south of the site is Hogs Lane, a narrow one way service road that serves the rear of residential properties fronting Green Lane. A car sales site stands beyond Hogs Lane to the south, whilst to the north there is a vehicle body repair specialist and a 4 storey flatted development. To the east is of the site is a restaurant whilst beyond the car sales to the south is the Dalkeith Works factory a three storey grade II listed building.

Proposed Development

The proposal is for outline planning permission for residential development comprising of 41 no. retirement apartments with ground floor retail/ restaurant unit.

The original scheme comprised 51 no. retirement apartments and an additional storey of development. The scheme has been revised through the application process through seeking to address the consultation responses received.

Scale, the height, width and length of each building proposed and access, to and within the site, are considered through this application with appearance, layout and landscaping reserved matters for later consideration.

Any Constraints Affecting The Site

Planned Highway Improvements to Queen Street.

West 10m of site in Conservation Area.

To the south of the site is a Dalkeith Works, a Grade II Listed Building.

4.0 Consultation and Customer Impact

Highway Authority

Presently the design does not fully meet LHA standards 19/4/18.

- The LPA should satisfy itself regarding parking and servicing numbers.
- The service access does not allow for vehicles to turn at the end, we request that a condition to ensure that no reversing manoeuvres are carried out without a banksman.
- Disabled car parking should be 3.6 x 6.2m.
- Car parking bays should be 2.5 x 5m, widened to 3.3m wall

boundary to Queen Street.

- No details regarding motorcycle / scooter parking have been supplied.
- No details regarding the internal layout of the cycle parking has been supplied. It should be laid out in accordance with the diagram below.
- The pedestrian crossing of the new junction must be laid out in accordance with Northamptonshire Highways standards.
- The proposed bollards in the highway footway of Queen Street are unacceptable. They reduce the footway width below 2m and would not be adoptable.
- The issue of the building overhang on the current application section of the site has been raised previously and is seen as an increased risk to highway safety.
- Due to the extension of the building line to the new section, there may be a conflict between the signage locations required for the widening scheme and the overhanging new building.
- The site will be required to reinstate the footway and kerb from the existing dropped accesses.
- The site will be required to apply for Traffic Regulation Orders to implement a No Loading zone along the site boundary on Queen Street and a prohibition of vehicular access on Hogs Lane at the location of the bollards.
- The new access will need to be put forwards as adoptable highway.
- We will require a management and maintenance agreement as closure of the highway would be required in order to carry out any works on the Queen Street and Hogs Lane frontages.

Environmental Health

No objection subject to conditions regarding air quality and protection from noise.

NCC Growth Management

Have set out contributions for libraries and a condition for fire hydrants.

Lead Local Flood Authority (NCC)

Insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development. The LLFA would be looking for betterment in terms of surface water runoff.

Anglian Water

No objection and have recommended a condition to secure a surface water management strategy prior to the commencement of any drainage works.

Historic England

Original scheme

The increase height would diminish the character and appearance of the Conservation Area and detract from the setting of the grade I listed St Peter and St Pauls Church. You should consider whether the resultant harm is fully justified or outweighed by public benefit in accordance with paragraphs 132 and 134 of the NPPF.

Revised scheme

While we are still unable to assess the proposals on the character and appearance of the conservation area and the setting of St Peter and St Pauls church we acknowledge that the reduced scale would reduce any resultant harm to their significance. If you are satisfied that you have sufficient information you should consider whether the resultant harm is fully justified or outweighed by public benefit in accordance with paragraphs 132 and 134 of the NPPF.

Northamptonshire Police Crime Advisor

Serious concerns regarding the development and if under-croft parking was proposed without access controls we would object to the application. A range of measures are suggested and comments are made in the interest of security and quality of life for future occupants.

Neighbours

8 third party objections raising the follow matters:

- The design and layout as presented with open under croft parking appears to be designing in crime.
- The 6 storey building will not fit into the conservation area and will appear dominating and out of place.
- The site as a whole will be over developed
- residents in Green Lane will have their bedrooms overlooked by the building
- The refuse area presents a fire risk
- There will be increase noise and light for the residents of Green Lane.
- Object to the blocking up of Hogs Lane.
- Extra traffic to and from the site
- Hogs lane is unsuitable for full refuse collection and delivery vehicles.
- The roof garden and windows facing Hoggs lane will be an infringement of privacy.
- Enormous development overbearing to other properties
- A six floor building will cause a total lack of natural light to Green Lane and the adjacent car sales forecourt.

5.0 Planning Policy

National Planning Policy Framework

Paragraph 7 – Sustainable Development

Paragraph 17 – Core Planning Principles

Policy 1 – Building a strong, competitive economy

Policy 2 – Ensuring the vitality of town centres

Policy 4 - Promoting sustainable transport

Policy 7 - Requiring good design

Policy 8 – Promoting healthy communities

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS)

Policy 1: Presumption in favour of Sustainable Development

Policy 2. Historic Environment

Policy 3. Landscape character

Policy 4. Biodiversity and Geodiversity

Policy 5. Water environment and flood risk management

Policy 7. Community assets

Policy 8: North Northamptonshire Place Shaping Principles

Policy 9: Sustainable Buildings

Policy 10: Provision of Infrastructure

Policy 11: The Network of Urban and Rural Areas

Policy 15: Well-Connected Towns, Villages and Neighbourhoods

Policy 22: Delivering Economic Prosperity

Policy 28: Housing Requirements

Policy 29: The Distribution of New Homes

Policy 30: Housing Mix and Tenure

Local Plan for Kettering Borough

Policy 64 – Shopping: Development Within Existing Shopping Areas
Accommodation

Kettering Town Centre Area Action Plan

Policy 1 – Regeneration Priorities

Policy 2 – Urban Quarters, Urban Codes and Development Principles

Policy 5 – Culture, Tourism and Leisure

Policy 7 – Road Network and Junctions

Policy 22 – The Silver Street Quarter

Supplementary Planning Documents

Urban Codes SPD

6.0 Financial/Resource Implications

A S106 obligation is required to support the application which restricts the occupancy of the units solely as retirement apartment's and contributions to libraries.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Character and Scale
3. Planning Balance of public benefit against harm
4. Amenity
5. Highways, Access and Parking
6. Other Reserved Matters
7. Flood risk and Drainage

1. Principle of Development

The proposal comprises residential development of up to 41 retirement apartments, with a ground floor retail or restaurant unit, on a site which falls within the town boundary of Kettering as defined by saved policy 35 of the Local Plan for Kettering. Policies 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS) also focus new housing development within the growth town of Kettering.

The National Planning Policy Framework (NPPF) sets out the Government's planning policies and through paragraph 14 details the presumption in favour of sustainable development which should be seen as a golden thread running through plan making and decision making. Policy 1 of the JCS sets out that when considering development proposals Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 2 of the NPPF requires Local Planning Authorities to promote town centre competitiveness, vibrancy, vitality and viability, through, amongst other ways, ensuring a viable mix of appropriate uses.

The application site comprises the entirety of site SSQ5, as set out in the Kettering Town Centre Area Action Plan, allocated for commercial use and having potential for hotel use together with road and junction improvements as set out in policy 22. Objective 3 of the AAP seeks to deliver a new residential community and utilise residential uses to support and complement the quarters. A vertical mix of uses with active uses at ground floor and residential above, as proposed here, is supported throughout the AAP.

In conclusion, the scheme falls within the town boundary of Kettering and its development is consistent with policies 11 and 29 JCS and saved policy 35 of the Local Plan for Kettering Borough. The proposed scheme would therefore contribute to the comprehensive redevelopment of a key

site within the town centre and subject to the detailed matters considered below the principle of residential led development on the site accords with the requirements of the development plan subject to satisfying the criteria below.

2. Character and Scale

The application seeks consent for two buildings as detailed on the submitted plans. The main building fronting Horsemarket would comprise of a 5 storey building with a roof height of 15.9m, a depth of 52m and width of 18.5m including a 1.5m overhang of the pavement should the Queen Street widening works be implemented. To the rear the smaller 3 storey building has a height of 8.4m to the roof and is 34m in depth with a 1.2m overhang of pavement should the Queen Street widening works be implemented.

The footprint of the main building is consistent with the extant hotel and extension approvals which remain live and could be implemented. The key physical change is the increase in height from the consented hotel at 14m fronting Horsemarket and this scheme at 15.9m, through the inclusion of an additional 5th storey to the building, but a reduction in the individual heights of each storey. Each residential floor shows a height of 3 Metres.

The Kettering Town Centre Area Action Plan (AAP) sets out the planning policies for this area and guiding principles specific to the character of each quarter are set out in the supporting Urban Codes supplementary planning document (SPD) which is a key element in achieving the urban quarters concept and in delivering design-led regeneration. The Urban Codes as set out in policy 2 of the AAP outline specific buildings uses, heights, massing, density and materials as well as identifying key spaces, streets and necessary public realm improvements for each area.

The Silver Street Quarter urban code envisages buildings of 3-4 storeys in height on either side of Queen Street facing Horsemarket with the potential for new landmark buildings whilst respecting their surroundings and setting.

The original scheme as submitted was 20.5m in height with 6 storeys of development and due its height subject to consultation with Historic England. They had concerns about the scheme and summarised that the increased height would diminish the character and appearance of the Conservation Area and detract from the setting of the grade I listed St Peter and St Pauls Church. These concerns were not allayed by the visual study, heritage assessment, topographical plans and photomontages submitted to address the concerns raised.

The revised scheme as now presented has reduced the height of the building to closer accord with the existing consents on the site. Whilst not statutory consultees on schemes below 20m Historic England have commented on the revisions and have opined that the reduced scale

would reduce any resultant harm to the significance of designated heritage assets. They consider that the LPA should conclude whether the resultant harm is fully justified or outweighed by public benefit in accordance with paragraphs 132 and 134 of the NPPF.

The NPPF heritage section states;

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably grade I and II listed buildings... should be wholly exceptional.*

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Given the existing consents on the site it is considered that the proposed new building fronting Horsemarket would result in less than substantial harm to designated heritage assets, notably the conservation area which dissects the Horsemarket frontage of the site, St Peters and St Pauls church (grade I) and the Dalkeith Works (grade II) on Green Lane.

NPPF paragraph 128 requires local planning authorities to request details on the significance of any heritage assets affected by a proposal, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

The west end of the proposal lies 10m inside the east limit of the Conservation Area and falls with the Town Centre sub-area identified in the Conservation Area Appraisal (CAA), which is described as the historic core and southern half of the old town centre. The CAA identifies that the town centre area is dominated by the Church of St Peter and St Paul (Grade I) which lies 200m southwest of the application site and fairly centrally within the Town Centre sub-area. The CAA does note, however, that the views of the church are restricted in the narrow shopping streets, but good views of the spire are available from the open area of Horse Market.

The CAA notes sites on the east side of the Horse Market, including the derelict blocks by Queen Street and the car sale plot, will provide a unique opportunity for development which could contribute positively to the town centre and restore the sense of enclosure to the Horsemarket – now

partly compromised by the gap site at the south east corner.'

Development of the site could help to reinstate the urban grain of the eastern part of Horsemarket but this must be judged against the scale and mass of the proposal acknowledging that the building does exceed the scale of those key buildings that surround the Horsemarket. In summary it is considered that there would be a low to medium level of harm to the setting of the Conservation Area.

The spire of the St Peters and St Pauls church (grade 1) stands at 54.86m and is located some 200m south west of the site. The spire can be seen on the skyline from the relatively open spaces within the Horsemarket. There are views of the spire available from the west end of Queen Street, and one or two snatched views from the west end of Carrington Street. It is considered that these views from Queen Street and Carrington Street will be obscured by the proposed development and indeed the consented schemes on the site.

The dominant height of the church spire would in theory allow a clear, uninhibited view back to the application site and the proposed development c.200m to the northeast. However, these views would only be possible from a position at the top of the church tower. Therefore, based on the submitted evidence there would be a low to medium degree of harm.

The immediate setting of the Dalkeith Works building is the narrow street of Green Lane. The views from the Dalkeith Works to the application site are not continuous from ground level and intervening buildings and the forecourt of the business opposite prevent clear views to and from the application site. There are however, snatched and partial views where gaps in the local buildings allow, and the Dalkeith Works building can be seen from Carrington Street c.105m to the northwest. The scheme proposed would not materially alter the character of the setting of the Dalkeith Works building, as it will retain the mixed residential and retail / commercial character of the setting and accordingly the development would have a medium to low magnitude of harm upon its setting.

Public benefits would be generated through the proposal with the redevelopment of a key town centre site, identified in the AAP as an allocated site and which is highlighted within the CAA as presenting an opportunity site. The social dimension of sustainable development through the provision of 49 residential units for retirees close to the town centre and all its facilities, accords with the objectives of the AAP and national policies regarding sustainable patterns of development. Despite extant consented schemes on application site, delivery has not been forthcoming, highlighting the difficulty in achieving a viable and deliverable scheme on what is a constraint site.

3. Planning Balance of public benefit against harm

The scale of the main building fronting Horsemarket would present a

highly visible addition to the area which is set partially within the Conservation Area. Assessment of the proposal impacts on designated heritage assets, as detailed above, conclude that public benefits from the scheme would result and there would be a less than substantial harm in accordance with para 134 of the NPPF.

The height proposed is noted but this must be judged against extant permissions on the same site which would themselves produce visual impact to its surrounding historical context and the pleasant open spacious character and appearance of the area, notably the Horsemarket. To the rear the smaller building is of limited height and consistent with the scale of built form found in that part of Queen Street and therefore appropriate within its context. It is not considered that the over-hang proposed would prejudice the development in terms of design quality and this in part would allow the implementation of the proposed two way traffic on Queen Street envisaged by policy 7 of the AAP.

It is considered that good quality materials and architectural detailing, which are conditioned, are key to this development, with these aspects for full consideration as part of any subsequent reserved matters applications in respect of appearance, layout and landscaping. The proposal is considered acceptable for the reasons detailed above.

4. Amenity

The footprint of the larger building fronting Horsemarket is consistent with the extant hotel and extension consents through KET/2011/0152 and KET/2014/0546. This building would be sited directly north of the neighbouring car sales/ servicing business accessed off Green Lane and south of the vehicle body repair specialists on the opposing side of Queen Street. It would be located to the north west of the nearest residential property at no 27 Green Lane, and therefore due to the path of the sun will result in no overshadowing or loss of light to nearest residential units or the car sales business to the south.

The plans submitted with the application are indicative as scale and access are the only matters for consideration at this stage. The indicative elevations follow the principles previously established on the site with the eastern element including a set back without windows and this would ensure that there is no direct overlooking or privacy issues for the nearest neighbour at no. 27 Green Lane. The elevations further demonstrate how through limiting windows on the south elevation and obscuring certain windows a future detailed scheme for the site could protect neighboring amenity for those residential properties on Green Lane nearest to the site. The additional height proposed beyond that consented would not materially alter the amenity impacts of the proposal on its nearest neighbours and would be subject to detailed consideration at the reserved matters stage.

To the east of the site a smaller 3 storey building is proposed sitting to the north of nos. 27 – 35 Green Lane and opposite the 3 and 4 storey flatted

development, Lewis House, on the north site of Queen Street. The relationship between this building and Lewis House is consistent with that found when opposing properties front the highway and given the height of the building at 8.4m any potential overshadowing of ground floor properties will be minimal and insufficient to warrant refusal. To the rear of this block are the rear elevations of nos. 27 – 35 Green Lane a number of which present habitable windows towards the application site. A separation distance of 13m is proposed which is akin to the historic relationship and separation distance between the adjacent former public house to the east, now an Indian restaurant and properties to the south on Green Lane. The distance would be inappropriate for opposing habitable windows but again the indicative plans present one method of designing this element so no habitable windows face south towards Green Lane. Subject to consideration at reserved matters and the application of conditions restricting alterations to the openings within the scheme, which would be applied at reserved matters stage, a design could achieve acceptable levels of amenity for both neighbouring residents and future occupiers.

The submitted indicative floor plans show the use of the ground floor as surface level car parking with amendments to the layout to provide service road and access to the rear of the two buildings and an amended point of exit for vehicles using Hogs Lane. The indicative servicing area to the south of the main building has previously been consented as part of the hotel and extension approvals and could if necessary be secured through the S106 on this scheme as it lies outside of the application site.

Northamptonshire Police and third parties have raised concerns about the undercroft parking which without access controls could encourage antisocial behaviour and low level crime. The detail of the scheme is not a matter for consideration through this application which seeks to establish the principles of the scale of the development and how that could be accessed. The comments of the police have been provided to the applicant and could be used to shape the future detailed proposals for the site should outline consent be granted.

A refuse storage and collection condition could be applied at reserved matters to ensure that appropriate provision is made and neighbouring amenity is not compromised. Environmental Health has raised no objection to the scheme subject to conditions regarding air quality and noise impacts.

No significant adverse impact would result from the development in terms of amenity and the scheme therefore accords with policy 8 of the North Northamptonshire Joint Core Strategy.

5. Highways, Access and Parking

Policy 8 (b) of the JCS states that new development should make safe and pleasant street by, amongst other ways, ensuring a satisfactory means of access and provision for parking, servicing and manoeuvring in

accordance with adopted standards whilst also resisting developments that would prejudice highway safety.

The site extends across the public car park adjoining Queen Street which would be reconfigured along with alterations to Hogs Lane so as to provide two way access from Queen Street, enabling service vehicles access to the service bay proposed to the rear (south) of the main building fronting Horsemarket. Direct access from Hogs Lane onto Horsemarket would be removed as part of the development and a section of public highway would therefore need to be stopped up.

The Local Highway Authority (LHA) has not raised any objection to the proposed closure up of Hogs Lane. A Traffic Regulation Order would also be necessary under the Highway Act for making part of Hogs Lane two-way. These are important matters for the applicant to consider but are legal requirements controlled by legislation outside of the planning system, it is not therefore appropriate to control these matters through any planning permission granted.

Concerns have been raised regarding access to the rear of properties fronting Green Lane as this is currently gained via Hogs Lane. The proposed alterations to allow access from Queen Street and the introduction of a two-way road in the vicinity of the car park will in fact improve accessibility for users of the public highway. The remaining stretch of Hogs Lane (beyond the car park) would remain unaltered. Both Hogs Lane and the new access from Queen Street would also be accessible to refuse collection crews serving the rear of properties which front Green Lane.

The development would result in the existing public car park being reduced in size so as to accommodate the realignment of Hogs Lane. It is envisaged that the number of spaces would be reduced from 32 to 20 including 2 disabled bays, although the dimensions and location of parking would be considered in detail during the reserved matters application relating to layout. Scooter parking provision has been shown indicatively within the individual apartments and an area of cycle parking/storage identified both on these elements would be considered at the detailed reserved matters stage.

The LHA consider that the LPA should satisfy itself regarding parking numbers. The site is located within Kettering town centre, in an accessible urban location whereby alternative modes of transport to the car would be on offer and the Highways Authority have no objection to the proposal. The revised parking provision is considered acceptable in this town centre location where there are a number of other public car parks in close proximity to the site. Importantly it will also not prejudice the planned highway improvements to provide two way traffic movement on Queen Street as envisaged by policy 7 of the AAP.

With the proposed conditions and S106 requirements, the application

accords with JCS policy 8(b).

6. Other Reserved Matters

The full details relating to the remaining reserved matters of appearance, landscaping and layout fall to be determined as part of later submission(s).

Policy 7 of the NPPF and Policy 8 of the JCS both require that developments be of a high standard of design and architecture and respect and enhance the character of their surroundings.

The application is in outline form, with all matters except access and scale reserved, however an indicative layout and floorplan has been provided which demonstrates how the 41 apartments and ground floor retail/restaurant unit could be delivered on the site. A small number of the indicative units are smaller than the national space standards but there is sufficient room within the proposed building envelopes to accord with the national standards.

Concerns have been expressed about the character and appearance of the development proposed, with character, which is related to the scale of the development, considered earlier in the report. Whilst the concerns expressed are noted, appearance and layout are reserved for future consideration and would be subject to appropriate consideration during later applications. It is considered that subject to conditions and consideration of reserved matters, a high quality development of up to 41 retirement apartments can be achieved on site that would accord with the place shaping principles established through policy 8 of the North Northamptonshire Joint Core Spatial Strategy

Policy 11 of the National Planning Policy Framework requires that the planning system should protect and enhance valued landscapes, geological conservation interests and soils. Policy 8 (d) of the JCS states development should create a distinctive local character by responding to the local topography and the overall form, character and landscape setting of the settlement.

Landscaping is not determined at this stage and therefore full landscaping details can be secured at reserved matters stage. This will include consideration of any screening by fences, walls or other means; planting of trees, hedges, shrubs or grass; and the laying out or provision of other amenity features.

7. Flood Risk and Drainage

When determining planning applications policy 10 of the NPPF requires LPAs to ensure flood risk is not increased elsewhere (para 103). Policy 5 of the JCS, amongst other things, also seeks development to reduce flood

risk and contribute toward flood risk management.

The site is less than 1 hectare in area and is located within flood zone 1 and therefore is of low probability of fluvial flooding. The NPPF Technical Guidance states that in zone 1, developments should seek to reduce the overall level of flood risk through the layout and form of development and the appropriate application of sustainable drainage systems.

The Lead Local Flood Authority have advised that there is insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development and they would be looking for betterment in terms of surface water runoff through any drainage strategy. Anglian Water have requested a condition relating to the provision of a drainage strategy, which is considered a reasonable approach given the outline nature of the scheme and this would also provide the drainage strategy details requested for the Lead Local Flood Authority.

Conclusion

The proposed development accords with both national and local planning policy. It is considered that the proposal results in a sustainable form of development and whilst there are some impacts they are reasonable for redevelopment within the town centre and a key site identified within the AAP. As such, planning permission should be granted subject to the conditions recommended above and a S106 obligation.

Background Papers

Title of Document:

Date:

Contact Officer:

Richard Marlow, Senior Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date: