

BOROUGH OF KETTERING

Committee	Full Planning Committee - 04/06/2019	Item No: 5.3
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2018/0902
Wards Affected	William Knibb	
Location	17 Lower Street, Kettering	
Proposal	Full Application: Conversion of first and second floors, creation of third floor to provide 33 no. dwellings with associated works including lift shaft to side elevation	
Applicant	Cellica 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 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 development hereby permitted shall not be carried out other than in accordance with the approved plans and information 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.

3. The development hereby permitted shall not be carried out other than in accordance with the provisions and strategies of the approved Flood Risk Assessment dated November 2018; referenced 1879 Rev: Final 1 compiled by Cellica Limited which shall remain in place in perpetuity.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

4. Prior to the commencement of development hereby permitted, a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure shall be submitted to and approved in writing by the local planning authority. The fire hydrants, sprinkler system and associated infrastructure

shall be installed and fully functional prior to first occupation and shall thereafter be provided in accordance with the approved scheme and timetable.

REASON: To ensure adequate water infrastructure provision is made on site for local fire and rescue service to tackle any property fire in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

NOTE: The developer will be expected to meet the full costs of supplying and installing the fire hydrant, sprinkler system and associated infrastructure.

5. The proposal shall be carried out in accordance with external materials and finish details (including the finishes of the existing building) that shall first be approved in writing by the local planning authority prior to those works being undertaken and shall remain in that form thereafter.

REASON: In the interest of visual amenity and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Prior to first occupation a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions of a scheme to mitigate noise impacts emanating from the adjacent Post Office use. The development shall not be occupied until the approved scheme has been fully implemented and shall remain in that form in perpetuity.

REASON: In the interests of the amenities of future occupiers and to ensure continuation of the adjacent Post Office business in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. The third floor windows in the west facing elevation above the outside private amenity space shown on the approved drawings shall be fitted with a privacy screen beneath the window in accordance with details that shall first be approved in writing by the local planning authority (including provision of a cross-section plan) and shall be in place prior to occupation of the flats they serve and shall remain in that form thereafter.

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

8. Prior to first occupation of the development a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details which shall remain in place in perpetuity.

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

9. The development hereby permitted shall not be occupied until precise design details and access arrangements for the bin store together with its fire resistance specifications have been submitted to and approved in writing by the local planning authority and shall be available for use prior to first occupation and shall remain available for use thereafter.

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

10. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority. 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 safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. The development hereby permitted shall be used for C3 (dwellinghouses) purposes only and its associated infrastructure and for no other use whatsoever. REASON: To enable the Local Planning Authority to retain control over the intensity of the use in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. The existing timber windows in the building shall be retained in perpetuity (re-painting in a white and maintenance permitted) unless otherwise agreed by planning permission.

REASON: In the interests of visual amenity and in accordance with Policy 2 and 8 of the North Northamptonshire Joint Core Strategy.

13. The parts of the windows shown as being inserted or fitted with opaque glaze or film, the opaque screens between outside amenity space and the planting boxes (privacy barriers) shown on the approved drawings shall be in place prior to occupation of the flats they serve and shall remain in place thereafter.

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

14. Prior to occupation a biodiversity enhancement scheme which takes advantage of the buildings height shall be submitted to and approved in writing by the local planning authority and shall be implemented prior to occupation and remain in that form thereafter.

REASON: In the interest of biodiversity enhancement and in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

15. The third floor lower panes of the windows in the side north facing elevation above the outside private amenity space shown on the approved drawings shall be fitted with opaque glass and shall remain in that form thereafter.

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

16. 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.

17. Prior to first occupation the CCTV system, external lighting, the fob entry system, the cycle storage area together with the internal security measures and partitions between the Post Office use and the residential areas shall be in place and available for use and shall remain in that form thereafter.

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

18. All dwellings shall be constructed to achieve a maximum water use of no more than 105 litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition);

REASON: In the interests of water efficiency in a designated area of water stress in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy.

19. All flats shall be constructed to meet M4(2) Accessible and Adaptable Dwellings and at least four of the flats shall meet M4(3) (Wheel-chair accessibility) of schedule 1 part M of the Building Regulations 2010 (as amended).

REASON: In the interests of ensuring that the development caters for both the current and future needs of the population and in the interests of sustainable development in accordance with Policy 30 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0902

This application is reported for Committee decision because the application requires an agreement under a Section 106

3.0 Information

Relevant Planning History

None

Site Visit

Officer's site inspection was carried out on 18/12/2018

Site Description

The site is located within Kettering Town Centre on the corner of Lower Street and Trafalgar Road comprising a 1930's brick building over lower ground, ground, first and second floor with a more modern three storey extension to the rear constructed in the 1970's.

The property is occupied on the lower and ground floor by a Royal Mail post office and associated regional sorting office with the externally located parking and loading bay. These parts of the building would remain unaltered by the proposals.

The upper floors have last been used as a telephone exchange although have been vacant for many years understood to be over 20 years.

Proposed Development

The application seeks full planning permission for conversion of the building's first, and second floor and creation of a third floor to provide 33 flats (18 one bed and 15 two bed) with associated works including provision of an infill extension toward the rear and construction of a lift shaft and stairwell building.

Pre-application

Pre-application advice was given for a similar scheme consisting of 36 flats. The Officer was generally supportive of the proposal although due to the lack of information could not give an opinion that could later be relied upon. In particular the proposal was considered to be broadly acceptable in principle subject to the provision of information to dispose of the employment use. In addition the applicant was provided with design advice and comments relating to residential amenity impacts and highway implications that should be addressed in the submission.

Whilst the proposal was submitted broadly in-line with the advice given further amended and additional plans and information have been required and provided during the application process to overcome various matters. Such information covered highway and planning out crime issues that have arisen through the application's consultation exercise. In addition and in

particular further noise information has been provided in order to address an earlier objection provided on behalf of Royal Mail.

Any Constraints Affecting the Site

- The site is located within the Town's Shopping Quarter, Primary Shopping Area and its front forms part of the Primary Shopping Frontage
- Located with the setting of a Grade II* Listed Buildings at Carey House
- Located with the setting of the Town Centre Conservation Area

4.0 Consultation and Customer Impact

KBC – Economic Development: Say that they support the proposal in-line with the Ministry of Housing, Communities and Local Government 'Future High Street Fund' Policy paper (29 October 2018) which places Town centres at the heart of our communities.

KBC – Environmental Protection: No objection subject to the provision of a control of working hours and unexpected contamination condition and subject to the inclusion of an informative relating to the provision of acoustic separation between domestic units.

KBC – Strategic Housing: Provide the following summarised comments:

- In light of the Vacant Building Credit the provision of the required two affordable houses on site is not practical
- Instead either there should be payment *in lieu* or alternative tenure
- Preference is for the latter option which would be in the form of two flats within the scheme being available at 70% of open market value – which is an approach that has been used before

NCC - Local Highway Authority (LHA): Say that they cannot support the application requiring further information to fully assess the proposals. The following summarised observations are provided:

Sustainable transport

- Recognise that no vehicular parking will be provided
- Located close to the town centre with good access to public transport
- Includes cycle storage. But it is on the first floor.
- The cycle store would require the lifting of cycles into a vertical position
- The lift is too small to allow it to be used by cycle users
- Cycle parking and access for residents is unacceptable
- No mention of the Post Offices cycle arrangements

Transport statement

- The policies described are relevant
- The site is well located and accessible

- Parking beat survey is not consistent with LHA specifications
- Welcomes the proposed content of travel packs
- Find the development trip generation and impact information provided acceptable
- CrashMap provided is unacceptable
- Travel Plan is not approved – more detail required

A parking beat survey should be provided

NCC – Lead Local Flood Authority: Say that the *impacts of surface water drainage have been adequately addressed.*

NCC – Development Management: Provide the following summarised comments:

- It is not currently possible to determine current 'Early Years' capacity – an update will be provided. In the event that an Early Years education provision is required £55,860 shall be requested.
- £24,210 shall be required for Primary Education provision
- Currently no Secondary Education contributions required
- Provisions of hydrants and a sprinkler system shall be required by condition
- £4,602 shall be required toward libraries
- The proposal shall make provision for broadband
- Contact should be made at a point when the Section 106 is being progressed

Northamptonshire Police – Crime Prevention Design Advisor: Say that the applicant have addressed many earlier concerns; with the below still remaining:

- External fire escape steps should be secured with mesh/railing and locked (with an emergency release) or consist of a solid stairway with door to prevent loitering, anti-social behaviour and crime
- The bin storage area under an emergency exit is unacceptable from a fire risk perspective and should be designed out
- Fire safety notes on the submitted plans need clarification
- All windows and doors shall be installed with regard to building regulations and British Standards

Anglian Water: Summarised comments

- The proposal should have appropriate regard to Anglian Water assets
- Necessary steps shall be taken to ensure sufficient wastewater treatment capacity should permission be granted
- Sewerage system has capacity
- Surface water/ flood risk assessment acceptable
- A condition requiring the surface water strategy proposed to be implemented prior to construction of hard-standing areas is recommended

Neighbours: One third party letter received on behalf of the Post Office and followed an earlier objection; this letter is as follows and is copied in its entirety for completeness and for clarity on the Post Office's position:

*"Previously, on behalf of our client Royal Mail Group [RMG]...objected to the application **KET/2018/0902** on the basis of concerns relating to the potential conflict of uses, specifically amenity concerns presented by introducing residential use directly overlooking the established operation of the RMG delivery yard, which is used 24 hours per day.*

As a result an updated Noise Assessment was requested by your authority, which provided measurements of the background sound levels over a 7-day period to include Tuesday and Friday as these days had not previously been measured or tested. The updated noise assessment states that on the basis of the average recorded sound levels the predicted ambient noise levels in internal areas satisfies BS 8233:2014. However the average calculations do not take in to account the three periods where "abnormally high noise levels" were recorded.

The three abnormal periods are noted between Wednesday 27th March between 09.00h and 11.15h, a fifteen minute period on Thursday 28th March 16.00h and Friday 29th March at 04:00h; periods where the delivery office is in operation. The noise assessment states that "it is unknown what has created the anomalous levels noted". Cushman & Wakefield consider these results serve to highlight the potential noise generation from existing uses, as it is entirely possible that the "anomalous levels" are actually operational noise.

These results serve to highlight the potential conflict for noise generation which could impact a potential residential use, and in turn could result in complaints with regards to RMG activity.

If your authority is minded to approve this application we propose a condition requiring appropriate mitigation (e.g. triple glazing / sealed windows) in the newly proposed residential dwellings. The condition would be appropriate and necessary to the benefit of both the ongoing RMG operation and potential residential use. The NPPF (Paragraph 170:e) states "where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. In accordance with this, in order to ensure that the newly proposed is not adversely affected by noise and that the existing and proposed uses do not conflict we recommend any approval be appropriately conditioned. Whilst, as previously, Royal Mail acknowledge[s] the need for new homes across Kettering, the proximity of those proposed residential dwellings overlooking an established noise generating use will likely have a negative impact on residential amenity and may lead to noise complaints without appropriate conditions as suggested."

As such the Post Office does **not** sustain an objection subject to the imposition of a condition requiring the provision of noise mitigation measures to windows.

5.0 Planning Policy

National Planning Policy Framework (NPPF):

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS):

1. Presumption in favour of sustainable development
2. Historic environment
4. Biodiversity
5. Water environment, resources and flood risk management
6. Development on brownfield land and land affected by contamination
11. The network of urban and rural areas
12. Town centres and town centre uses
22. Delivering economic prosperity
28. Housing requirements
29. Distribution of new homes
30. Housing mix and tenure

Saved Policies in the Local Plan (LP) for Kettering Borough:

35. Housing: Within Towns

Kettering Town Centre Area Action Plan (KTCAAP)

1. Regeneration policies
2. Urban quarters, urban codes and development principles
3. Primary shopping area (primary and secondary frontages) and the evening economy
6. Residential
7. Road junctions and networks
10. Pedestrian and cycle network
11. Public realm and public art
12. Heritage conservation and archaeology
13. Open space, green infrastructure and biodiversity
15. The shopping quarter
16. Site SHQ1 – Wadcroft/ Newlands Phase 1

25. Implementation and phasing

Supplementary Planning Guidance:

Sustainable design

Open space

Other documents

Kettering Town Centre Delivery Action Plan

Kettering Conservation Area Review (March 2007)

6.0 Financial/Resource Implications

As the proposal relates to the provision of a 'major' development as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 the application would be expected to provide community infrastructure contributions that off-sets its impacts. Such contributions will usually be secured in a Section 106 Agreement and will likely include contributions toward; libraries and education as required by Northamptonshire County Council.

In addition the proposal will also be expected to provide contributions toward Town Centre provisions out-lined in the Kettering Town Centre Delivery Action Plan, affordable housing (which is likely to require 2 flats at 70% market value in perpetuity) together with provision of a 28 megaride stagecoach ticket and a cycle voucher.

These requirements may not be exhaustive and will be subject to negotiation in the event that the Planning Committee are resolved to approve the application. Final wording of the Section 106 is recommended to be delegated to the Head of Service.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. The principle of the development
 2. Disposal of the employment use
 3. Impact on character and appearance
 4. Impact on residential amenity
 5. Impact on the Post Office business
 6. Impact on highway safety
 7. Planning out crime and fire safety
 8. Sustainable building implications
 9. Impacts of possible contamination
 10. Impact on the water environment
 11. Impact on biodiversity
 12. Affordable housing and housing type and mix
 13. Community infrastructure
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1. The principle of the development

As the site is located within Town boundaries as defined by saved policy 35 of the Local Plan the proposal is consistent with JCS policies 11 and 29, which seeks sustainable patterns of growth and protection of rural areas.

Due to the sites location within the Town Centre it is also necessary to test the 'in principle' acceptability of the proposal against Town Centre polices of the Development Plan. Policy 12 of the JCS seeks to support town centre vitality and viability and, amongst other ways this is achieved in its part (a) by '*securing and maintaining a vibrant mix of retail, employment...and supporting the provision of additional residential uses on appropriate sites including the re-use of vacant space above shops*'. Whilst the Post Office is not strictly classed as a shop the intent is there for the support of residential above ground floor. As such and as the space is vacant the proposal is broadly consistent with Policy 12 of the JCS, whilst accepting that it will result in the loss of an employment use. This matter will be discussed below.

This approach is consistent with Chapter 7 (para.85) of the NPPF which encourages a mix of uses, acknowledging the role that residential development can play, in Town Centres provided that the needs of town centre uses are not compromised.

Policy 6 of the JCS, consistent with Chapter 11 (para. 118) of the NPPF also encourages *the reuse of suitable previously developed land and buildings within urban areas* particularly where the development of under-utilised land and buildings is involved. The parts of the building the proposal relates, for whatever reason, is understood to have been vacant for over 20 years, which is a very significant period of time for it not to be utilised.

The Kettering Town Centre Area Action Plan (KTCAAP) is also relevant and has a Plan period of 2011-2021. It is probable that many of its policies will be saved beyond that time as it was adopted at a time of recession (uncertainty in the market place) and thereby at a time when it was difficult to implement many of its core aspirations. Many of its policies are relevant and whilst it does specify particular areas where residential development is encouraged it does also support in its Regeneration Priorities (policy 1) the provision of residential throughout the Plan Area. The site is located within the Town's Primary Shopping Area which, consistent with the JCS, in its Policy 2, permits residential above ground floor. The proposal would result in no change to the ground floor use and its active street frontage. The proposal thereby is consistent with the development plan in this regard.

The KTCAAP also puts the site within the Town's Shopping Quarter and specifically within site SHQ1 which is covered by Policy 15 and 16 of the Plan and is described as a high priority site for retail development and is accompanied by an illustrative masterplan and illustrations. The Plan does however seek to part retain the Post Office building but it does show the site as being ear-marked for comprehensive re-development. Therefore the proposal is not entirely consistent with these Policies and would likely prejudice part of its implementation. Policy 25 of the KTCAAP however with

regard implementation and phasing and its associated Phasing Programme states that it was envisaged that the vision for SHQ1 would have been delivered by 2016-17. As we are currently beyond that date and approaching the end of the Plan period and that there is currently little indication to suggest that the vision is little more than aspirational at this stage this matter is not determinative to the proposal.

As such in its broadest terms the proposal is considered to be acceptable in principle.

2. Disposal of the employment use

Policy 12 of the JCS, amongst other things, seeks to maintain employment uses in town centres to retain a vibrant mix of uses and JCS Policy 22 (c) seeks to safeguard existing employment sites for employment use unless it can be demonstrated that there is no reasonable prospect of the site being used for that purpose.

As the proposal would involve the change of use of an employment use the application should demonstrate that disposal of that use is justified. As the current use of parts of the building subject to this application is *sui generis* (in a use by itself) as a telephone exchange there is no fall-back position that would permit its change of use to residential without planning permission under the General Permitted Development Order.

This matter is discussed within the applications supporting 'Planning Statement' which refers to a submitted opinion letter compiled by a local reputable commercial agent which also included reference to provided marketing literature associated with the host building and other marketing documents relating to Offices currently available elsewhere in the Town for use.

This information confirms that the property has been appropriately marketed as an employment use (and also more recently as an 'investment and residential development opportunity') at various points on and off since 2011. This marketing exercise was unsuccessful for a number of reasons stated by the commercial agent including the amount of investment required to bring the property up to a safe and modern standard of Office accommodation together with its poor internal layout and shared access arrangements with the Post Office below. In addition the Agent's letter opines that the Town has seen the construction of many modern Offices over the years which are seen as a better prospect by business users with the continued employment use of the property not a viable option. Today the Town has a significant level of vacancy including in the Town Centre relating to commercial uses (including Offices) which are searching for occupiers. It is thereby concluded in the Planning Statement that '*there is a surplus of office floor space in Kettering and essentially there is no demand for the upper floors of the application space for commercial purposes.*'

There are no reasons to disagree with these conclusions particularly as no concerns have been raised by the Council's Economic Development

Department which ‘*supports*’ the proposal. In addition the business premise has been vacant for over 20 years, which itself is a significant factor in this regard.

As such on the basis of the information provided and the known circumstances and nature of the existing property the application has provided a suitably persuasive case, demonstrating that the property has no reasonable prospect of being used as an employment use going forward. As such and in-line with Policy 12 and 22 of the JCS disposal of the sites employment use is considered to be justified and therefore the proposal is acceptable in this regard.

3. Impact on character and appearance

Policy 8 (d) of the JCS consistent with Chapter 12 of the NPPF seeks development to respond to a site’s wider context and local character.

As the site is located within the setting of a Conservation Area (including views from it) the proposal falls to be considered under Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

In addition as the site is located within the notional setting (including views from them) of a Grade II Listed Building at 59 Lower Street and the Grade II* Listed Carey House 1 to the north the proposal falls to be considered under Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities (when considering whether to grant planning permission for development which affects a listed building or its setting) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Furthermore, given the age of the building, its prominence and its architectural detailing and scaling’s adhering strongly to an interpretation of Georgian architecture together with its recognition in the KTCAAP the building is considered to give rise to its consideration as a non-designated heritage asset. Thereby the building has protection afforded under paragraph 197 of the NPPF.

Policy 2 of the JCS and Policy 12 of the KTCAAP, consistent with Chapter 16 of the NPPF seeks development to protect, preserve and where appropriate enhance a heritage asset and/or its setting.

The application was accompanied by a brief, but acceptably proportionate Heritage assessment within the applications Planning Statement which acknowledged and discussed the proposal in the context of the affected heritage assets.

The Heritage assessment discusses the limited inter-visibility between the application site and the two Listed Buildings which are 75m from the proposal at the closest point with the Conservation Area being over 60m a way to the south. This degree of separation together with the intervening buildings would limit views where the proposal can be experienced in the context of the heritage assets.

In addition the front and side facades of the original 1930's building are not being changed. The third floor mansard addition will be set 2m back from the front and 1m from the roof edge of the original parts of the building. The mansard roof design has been designed to appear as a relatively lightweight addition that would respect the original building whilst also being a roof feature that is common to Georgian roof-scape. Whilst the mansard will be finished in a modern Zinc-effect powder coated aluminium material cladding system, this material has a similar appearance to lead which is consistent with the Georgian design approach being adopted.

The Heritage statement concluded that overall, the scheme would preserve the setting of the Conservation Area and other heritage assets within the vicinity on the basis of the foregoing. Photomontages have also been provided in support of the proposal and showed that the developments built form, whilst it would add somewhat to the overall bulk of the building has been handled sympathetically and is not excessively scaled.

As such the proposal is considered to have successfully integrated within the streetscape and with the original 1930's building and therefore would preserve the way the site is experienced within the setting of nearby heritage assets. Conditions shall be attached requiring retention of the timber sash windows in the original building unless otherwise approved with any replacements to match. In addition and in the interests of visual amenity conditions shall be attached requiring full details of new external finishes and also the external finish to the modern sections of the building where a bronze colouring may be pursued in place of the existing white to better reflect the existing building and create a more distinctive contemporary appearance that marks the change in use.

The rear elements of the proposal, including the stairwell and lift-shaft structure, which protrudes above the third floor roof, are not readily visible within the primary streetscape and are seen in the context of the rear area from Wadcroft car park which is made up of a variety of functional buildings including the adjacent and more prominent BT building which includes elements up to 14 storey's high. As such the stairwell construction whilst prominent in the rear area together with the other external works would not look especially out of place or otherwise undermine the visual qualities of the area.

The proposals are considered to result in a relatively polite and comfortable addition to the host building and would be read as a quality form of development consistent with its change of use. The development would thereby preserve the character and appearance of the area, the building and

nearby heritage assets in accordance with development plan policy and national guidance on such matters.

4. Impact on residential amenity

Policy 8 (e) of the JCS consistent with paragraph 127 (f) of the NPPF seeks development to provide quality of life for existing and future users of land and buildings. This matter shall be addressed in two sub-sections; (1) impact on neighbouring occupiers; and; (2) impact on future occupiers any matters relating to the impact to and from the existing Post Office use shall be dealt with in Section 7.5.

Impact on neighbouring occupiers

The proposal would not cause undue impacts or otherwise cause nuisance to the operations of surrounding businesses (Post Office impacts discussed elsewhere).

The closest residential receptors in Trafalgar Road directly face the side north facing elevation of the site. The separation distance between opposing windows is between 12m and 15m and whilst this arrangement is an existing situation there is a change of use from office to residential which will change the nature of the impact and in addition two new windows are being formed. The windows in the existing building subject to the proposal are in an elevated position experienced at a two storey level by the Trafalgar Road dwellings. The lower and upper ground levels of the building are being retained for Post Office use.

The opposing nature of these first floor windows means that there will be some level of overlooking. Given the separation distances involved however together with the lower panes of the windows proposed to be obscured to take account of their elevated juxtaposition and the general acceptance in planning that front windows will receive some loss of privacy, this relationship is not considered to pose adverse impact to the privacy of neighbouring residential neighbours.

The proposed second floor also consists of a conversion although it is set back from the edge of the first floor by nearly 3m – which means that views of the facing Trafalgar Road dwellings are not possible from the second floor windows. The first floor flat roof would provide private amenity space for some of the second floor flats where views of the users will be prevented from looking down on the Trafalgar Road dwellings opposite through the provision of a 0.6m wide and 1.1m high planting box. Thus, the second floor arrangement would not exert overlooking impacts toward neighbour residential occupiers.

Moving on to the third floor impacts; the third floor would consist of new build and would be significantly elevated above the Trafalgar Road houses with their windows sitting approximately 8m lower than the heights of the proposed new windows. This elevated position means that any opposing natural 'eye-line' views will not be possible and would also mean that the separation distance between windows is increased by another 3m (approx.)

which would then equate to a separation between third floor windows in the proposal and windows opposite in the Trafalgar Road dwellings of 15-18m. In addition the lower sections of the windows will effectively be subjected to screening by the flat-roof below and its proposed 1.1m high planters. Hence, the third floor arrangement would not exert overlooking impacts toward neighbour residential occupiers.

Any overlooking would not be possible from the communal roof terrace as it would be set over 2m back from the edge of the mansard roof.

As the proposal makes good use of the existing built form of the building with the proposed new-build elements being set-back from the edge of the existing building the development would not pose a significantly negative impact to neighbours as a result of loss of outlook (overbearing) or loss of light. This view has also been re-enforced by a 'Views, Outlook and Daylight' study provided in the 'Design and Access Statement' which accompanied the application and took cross-sections of the proposal and its relationship to Trafalgar Road dwellings.

There is no reason to believe and with no matters of concerns provided by the Council's Environmental Protection Department, that the proposed change of use and the intensity of the use would cause disturbances to neighbours. A condition shall be attached controlling the hours of construction in the interest of neighbours amenity.

It is thereby considered that the proposal would not result in adverse harm to the amenities of surrounding occupiers. Safeguarding conditions shall be attached to ensure that the indicated obscured glazing and the second floor planters are provided prior to occupation of the unit they would serve.

Impact on future occupiers

The internal accommodation proposed is consistent with National Space Standards which is a requirement of Policy 30 (b) of the JCS consistent with paragraph 127 (f) of the NPPF.

The proposal also makes provision for private amenity space to serve six of the thirty-three units and also provides a communal roof-top amenity space. Whilst the proposal would not provide private space for the majority of the flats it is unlikely that the proposed units would attract families but instead would be aimed at professionals that would not necessarily require outside space. It is however feasible that small family units could occupy the flats, particularly the two bed flats. For them the communal space is available, however and in light of the lack of private space overall a contribution will be required to off-set the impacts of the proposal and the pressure that use of nearby public open space (at Meadow Road) by occupiers would have in the absence of such space within the scheme. As such the lack of private amenity space to serve all future occupiers is not determinative for this nature of development which consists primarily of small units. There is provision for cycle and bin storage within the scheme.

Any impacts arising from noise between units and their internal wall will be dealt with through building regulations at the time of build. Any noise impacts arising from the Post Office use will be discussed in the below section.

There are no opposing windows within the scheme that would result in overlooking and any loss of privacy between the second floor private amenity spaces will be prevented through the provision of a separating 1.8m high opaque glass privacy screen which shall be conditioned to be in place prior to occupation of those units. Any significant overlooking from the third floor flats in the northern elevation toward the amenity spaces of the second floor flats will be prevented due to the limited depth (2m) of the private amenity spaces, providing an oblique vertical angle between users of the third floor windows and the amenity space below. This shall be further safeguarded through the provision of a condition requiring the lower panes of the overlooking third floor windows to be installed with obscured glazing. This will also reduce the loss of privacy implications experienced in the third floor flats from the amenity spaces below.

The private amenity spaces serving the second floor flats (14 and 23) in the western elevation however are deeper (4m) and thereby the relationship between the third floor windows in that elevation are less oblique than in the northern elevation. This domestic arrangement would not be typical and whilst the obscuration of lower window panes would reduce the overlooking potential from the third floor flats (24, 32 and 33) toward the amenity space below (and vice-versa) to a degree this is not considered to satisfactorily address the issue. To overcome this issue it is proposed to attach a condition requiring approval of an angled privacy screen on the external face of the mansard serving the third floor flats below the windows and thus prevent loss of privacy. These screens are envisaged to be a louvered design and could be seen as an interesting architectural feature to the proposal and would not prevent natural light entering the third floor rooms.

The proposal, subject to the imposition of the safeguarding conditions discussed would provide a good standard of amenity for future occupiers.

5. Impact on the Post Office business

The matters for discussion in this regard primarily relate to the impacts that the retained Post Office use (including its yard) would have toward future occupiers in terms of noise and disturbance and general access arrangements. Any significant adverse impacts toward future residents could have an impact on the ability of the Post Office business to continue to operate from the site in the way it currently does and therefore potentially compromise its place in the Town Centre as an important facility within the Town together with its associated vitality.

In terms of access arrangements; the proposal will provide two main points of access one from Lower Street which is the main access to the Post Office for customers and one to the rear which is accessed through the Wadcroft Car Park and includes provision of a new stairwell and a lift.

The Lower Street access will be retained largely as existing, particularly during the Post Office's open hours. When the Post Office is closed to customers the existing external door shall have controlled access with access available to out-of-hours Post Office staff and residents, with entry permitted by way of an audio/visual Keycode control panel to the left of the existing front door. When the Post Office is closed the internal doors within the lobby serving the Post Office shall be closed to residential access through the provision of a newly installed security-rated screen. Access from the Lobby to the residential areas shall be restricted to residential access only.

The rear access arrangements shall keep available the existing arrangements for the Post Office including its collection area for customers and the sorting office. Access to the new stairwell and lift shall be for residents only and also make provision for an internal way through to the existing stairwell. Use of the existing stairwell shall be restricted below first floor level by a new fire rated ceiling to floor construction so that the residents can have use of the existing stairwell to first floor and above but not below and vice-versa for post office workers. The future residents shall have not access to existing Royal Mail storage areas.

These access arrangements have been planned to take regard of the Police's Crime Prevention Design Advisor's advice and also is not an arrangement that troubles the Post Office in their responses. As such the proposal has provided safe and appropriate arrangements to effectively split the buildings use preventing and keeping the uses separate from one another. This means that the Post Office business from an operations perspective would not be notably changed from the existing arrangements and thereby the proposal will not prejudice continuation of the Post Office use in this regard.

Turning to the issue of noise and general disturbance caused by the Post Office operations as an existing source. Currently the Post Office and in particular its rear Yard area has a relatively close relationship with existing dwellings opposite in Trafalgar Road and appear to co-exist without issue. The proposal however would result in a significant intensification of the areas residential use and in particular the Yard would be directly overlooked by the first floor flats (1, 12 and 13) would also share internal partitions and as such the risk to the Post Office derived from disturbance caused to residential amenity is greater than the existing situation.

The Post Office initially had serious concerns in this regard and in particular required time periods of their operation, which were originally omitted from the provided noise assessment, to be included in a subsequent assessment and objected on that basis. The applicant in response has sensibly provided a supplementary noise assessment with a view to overcoming Royal Mail's objection.

The Noise Assessments and with corroboration from Royal Mail essentially indicate that operational periods for deliveries and vehicle movements in and

out of the site occur during the small hours of the morning most days of the week. In order to record the noise associated with the movements and general site activity microphones were mounted on poles through open windows on the first floor of the building overlooking Lower Street and the Post Office's Yard. The latter supplementary survey which covered the parts of the operational period not covered in the initial noise assessment involved mounting the noise recording equipment on a lamppost directly opposite the yard for a week at the end of March 2019.

The 'Noise Assessment (Supplemental)' concluded that "*...there is no significant difference in levels noted between the original surveys and the latest 7-day survey and hence the validity of the Planning Noise Assessment report...remains unchanged*". The original Noise Assessment concluded that; "*Based on the findings of this assessment, noise should not be grounds for refusal of planning permission for the proposed development. However, the Council may wish to impose suitable conditions on the planning approval to ensure further relevant noise assessments are undertaken during detailed design.*"

The Supplementary survey did record a few instances of abnormally high levels of noise during 'quiet-hours' which is opined to relate to road works with regard to a 2 hour abnormal period and an emergency vehicle during a shorty abnormal period.

The Post Office recognise these anomalous periods and consider that they could relate to operational Royal Mail work but they also recognise the findings of the Noise Assessments and indicate that they have no objection to the proposal subject to the imposition of a condition requiring prior approval of noise mitigation measures. Such measure may include the provision of triple glazed sealed windows, particularly to the first floor windows overlooking the Yard. The applicant has expressed their agreement, in principle, to the provision of such a condition.

Consequently, and consistent with the Noise Assessments conclusion, the Royal Mail response and the Council's Environmental Protection Department which have no concerns in this regard, and with no reason to take a different view the proposal is considered to be acceptable in this regard subject to imposition of the condition indicated. Thereby the proposal will not pose an unacceptable and foreseeable risk to continuation of the Post Office business retained on site and will therefore also not have an adverse impact to future occupier's amenity as a result of noise or disturbance.

6. Impact on highway safety

Policy 8 (b) in the JCS consistent with Chapter 9 of the NPPF seeks to ensure a satisfactory means of access and provision for parking and resists development that would prejudice highway safety.

This matter is discussed in the applicants Planning Statement with reference to an accompanying 'Transport Assessment' which included an analysis of the surrounding transport system and provision of a parking beat survey

which covered the areas car parks. This section shall be separated into two parts; (1) sustainable transport, and; (2) car parking impacts and pick up upon the concerns of the Local Highway Authority which are described in Section 4.0 of this report above.

Sustainable transport

The NPPF in Chapter 9 seeks development to promote walking, cycling and public transport with significant development [major] focused on locations which are sustainable through limiting the need to travel and offering a genuine choice of transport modes. The NPPF goes on to say in paragraph 106 that density should be maximised in town centres that are well served by public transport and that maximum parking standards should only be applied when there is compelling justification to do so.

The site is located within the Town Centre and in particular is within close proximity to a large supermarket less than 260m walking distance away and close to all the other town centre facilities and services (including Doctors) and a multitude of employment opportunities. The site is located approximately 300m walking distance from a Town Centre Bus Stop hub and 900m walking/cycle distance from the Railway Station. The proposal thereby is sustainably located and well positioned to take advantage of the Town's excellent sustainable public transport services. The submission also indicates a willingness to provide residents with public transport information and the provision of six Stagecoach day rider ticket as part of the first occupiers welcome pack. Through the Section 106 process this is likely to be upgraded to a 28 days mega ticket.

The application makes provision for a large purposely designed bike store which provides storage for at least 48 bikes on stands. The store is large and gives sufficient space for unloading and loading of the bikes and manoeuvring in and out of the room which has double door access. Yes the store is located on the first floor, which is not ideal; however the 2.1-1.1m lift would accommodate a single rider and cycle. Thereby the use of cycling as a transport choice is a realistic transportation option for future occupiers. The application will also be asked to explore, through the Section 106 process and an updated Travel Plan provision of a Voucher associated with the purchase of a cycle on request by the first occupier of each flat.

There is no reason to believe that the cycle arrangements associated with Post Office workers are prejudiced as a result of the proposal particularly as the Yard areas are unaffected.

As such and contrary to the opinion of the LHA the proposal is considered to make appropriate provision for cycle arrangements. The site is also well located to take advantage of the Towns facilities and services including its public transport offer.

The unacceptability of the Travel Plan to the LHA revolves around relatively minor matters such as the contents of the travel pack, which is discussed

above, and the coordinators of the Plan. As such an updated Travel Plan shall be required by condition prior to first occupation.

Car parking impacts

The provided Transport Assessment (TA) provides information on the proposals trip generation. Notably this aspect of the Assessment has been accepted by the LHA. The findings of the trip generation assessment say that the proposal would create a maximum of 24 people movements during a peak (PM) hour and of which approximately half the trips would use a private car with the other half would predominately be pedestrian movements. The addition of these movements to the existing surrounding transport network is not considered to be significant and therefore would not prejudice existing highway arrangements and its safety.

The CrashMap data provided may not be consistent with the LHA preferred approach for showing such data but there is nothing to believe that this information presented in a different way would be a determinative factor given that limited traffic will be created and where no new highway accesses are being created.

The TA then goes on to discuss the level of car ownership that such a scheme (based on 2011 census data) is likely to be; which is around 36% of the total number of flats which would equate to 12 cars. In order to establish that the surrounding parking network is able to accommodate this number of vehicles the results of a parking beat survey has been provided as part of the TA. The Survey was carried out by a reputable traffic survey consultancy on Wednesday 12th September 2018 and Saturday 15th September 2018 at 15-minute intervals between 10:00 – 14:00 to establish the parking capacity available or in use within 200metres of the site. This time period was no doubt chosen given its Town Centre location, rather than in a residential area and as such is likely to be the time period where car parking facilities receive most pressure. The survey also centred on the availability of parking spaces in car parks rather than on-street parking.

It is recognised that this Survey would not comply with LHA requirements for parking beat surveys which tend to require surveys to include the provision of a late night/early hour's survey and to include unrestricted on-street parking. In this case however the provision of such a survey methodology would not be appropriate given the area's proliferation of car parks that are available 24 hours and 7 days a week and where they will mostly be utilised during working hours. The applicant's methodology thereby is considered to be the correct approach to demonstrate the areas ability to absorb the proposals car users.

Whilst the car parking Survey was wide reaching, given that the Town's Wadcroft car park is located only a matter of metres from the front and rear access of the proposal it is sensible to concentrate on the available of parking provision in that car park. The on-street parking beat survey revealed limited availability in the locality.

Wadcroft car park is Council owned, has 171 general spaces, 30 disabled spaces, 26 dedicated post office spaces and 20 loading/ unloading spaces. It is available 24/7 and is pay and display between 9am-6pm Monday to Saturdays and is free of charge Sundays and Bank Holidays. The loading spaces are located approximately 35m from the rear access of the flats with the disabled bays located only a little further beyond. Car parking tickets are available to cover a variety of time periods including daily usage through normal pay and display and three, six and twelve month periods. The cost of a twelve month car parking season ticket is approximately £1,000 with payments that can be spread monthly.

Wadcroft car park at 1am on the 18th July 2018 was surveyed to be 17% full which equates to the availability of 141 (general) car parking at a time when future occupiers will most likely be at home. On average Wadcroft car park during the surveyed times had 64 spaces available. This is based on the assumption that the figures relate only to general spaces (171) and thereby that the loading and un-loading spaces may also be available to supplement that overall number depending on the user. As such and allowing for a significant margin for error the expected 12 cars that would be generated by the proposal can comfortably be absorbed within the sites immediate car park. In fact even if each flat (33) was to have a car (which seems unlikely) there would still be over 33 spaces available within Wadcroft on any typical day and time.

It is therefore considered that the proposal would have a fortunate and close relationship to the adjacent Wadcroft car park including its proximate loading bays and disabled spaces. Whilst the car park is chargeable there is no reason to believe that occupiers would not be dissuaded from its use as the fees are not extortionately priced. As such the proposals pressures on the surrounding highway and car parking network are not significant and can be comfortably accommodated within existing infrastructure.

The proposal makes adequate bin storage arrangements close to the rear access where a refuse trucks is able to get close from the Wadcroft car park.

Therefore and in the absence of a Local Highway Authority objection or otherwise an indication by them that the proposal would compromise highway safety (including cumulative impacts) the proposal is considered to be safe in terms of its impact on the highway network and its users and also encourages a modal shift due to its sustainable location and sustainable transport opportunities. The lack of parking provision as part of the development in this particular case and in this particular location is considered to be acceptable consistent with development plan policies and the NPPF's discussed guidance on this matter. Hence, the proposal is considered to be acceptable in this regard.

7. Planning out crime and fire safety

Policy 8 (e) of the JCS consistent with paragraph 127 (f) of the NPPF seeks development to design out anti-social behaviour and create safe environments and provide appropriate fire safety measures.

The proposal has seen significant amendments in this regard to take into account early comments of the Northamptonshire Police's Crime Prevention Design Advisor and in particular has provided appropriate physical separations between the residential areas and the retained Post Office areas. The precise nature of these proposed arrangements are discussed in Section 7.5 above with no outstanding concerns from either the Police or Royal Mail.

The rear area of the proposal in the vicinity of the existing Post Office parcel collection office accessed via Wadcroft car park would provide rear access to the flats currently consists of a poorly lit and unwelcoming place to be, particularly during night hours. This area therefore and in light of its change in function needs to be improved through the application. In response the following measures have been proposed:

Access shall be restricted to the building for residents only
There shall be a significant increase in natural surveillance from the flats that overlook the area
Two CCTV surveillance cameras shall be added to be interlinked with the local systems if possible – monitored and maintained by building management
New wall-mounted, vandal-resistant lighting, designed to ensure uniform illumination to all external areas to prevent 'dark pools' for loitering are proposed
Enclosed external bin store

As such these measures would greatly improve how the rear area is experienced and would be seen as a safe environment that would also see significant levels of travel by residents and Post Office workers.

The Police retain concerns regarding the proposals fire safety measures. The first concern relates to the external emergency fire access staircase and would like to see it gated to prevent its misuse. This fire escape is located in the rear area and relates to an existing fire escape serving the upper ground level of the Post Office and thereby is an existing circumstance not part of this application. As such it is unreasonable in this case to expect the applicant to deal with this issue, although as discussed above the area will receive significantly more surveillance and be a safer environment than currently exists which would have the added benefit of discouraging misuse of the fire access.

The second significant concern of the Police relates to the position of the bin store in light of its position under the discussed fire escape staircase and ramifications of its misuse which are a potential for arson. Whilst the surveillance measures discussed would limit any potential for anti-social use of the bins together with their doored access further safeguarding measures shall be sought by condition. For instance the fire retardant level of the bin stores shall be provided, together with restricted access measures for the

stores (such as via a fob/ keycode) and also details to prevent persons being able to easily climb on its roof.

The existing Wadcroft access will allow close accessibility to the rear elevations of the building for emergency vehicle access and provision of an appropriately positioned fire hydrant(s) shall be required by condition together with the provision of a sprinkler system as required by Northamptonshire County Council's Development Management Department.

The proposal thereby, with imposition of the discussed safeguarding conditions is considered to create a safe environment that resists crime and the fear of crime and also makes suitable arrangements for dealing with fire prevention and in the event of fire.

8. Sustainable building implications

Policy 9 of the JCS says that all residential dwellings should incorporate measures to limit water use to no more than 105 litres per person per day and in its pre-text encourages low carbon energy development and a limited cost passive approach.

To deal with the water saving matters a condition shall be imposed.

In addition the proposal was accompanied by a 'Full Energy Report' to demonstrate the proposals energy efficiency levels. This said that the proposal would include a high performance thermal envelope and building services specification which will incorporate low U-values, detailing to minimise thermal bridging and air infiltration, and energy efficient heating and controls. The savings against the baseline emissions for the development equate to 0.45 tonnes/ CO₂ per annum which would be a 4% improvement.

The building's roof could include solar panels to generate reusable energy and provision of a central Combined Heat and Power (CHP) plant to provide hot water, heating and electricity shall be provided as part of the proposals sustainability measures indicated in the submitted Design and Access Statement.

This is considered to be a decent return given the vacancy of the existing premise and the nature of the proposal as a conversion rather than a purpose built residential development. The proposal is considered to be acceptable in this regard.

9. Impacts of possible contamination

Policy 6 of the JCS seeks proposals to deal with contamination. The usual ground contamination issues experienced in Northamptonshire due to naturally occurring arsenic will not be an issue due to the proposal being a conversion. There may however be some contamination in the shell of the existing building that may be present. To deal with this matter and consistent with the Council's Environmental Protection Department's response an unexpected contamination condition shall be attached.

10. Impact on the water environment

Policy 5 of the JCS looks for development to have regard to the water environment and make appropriate arrangements for flood risk management.

Whilst the proposal does not involve any increase to the site's hard-standing, due to the 'major' nature of the proposal the application was accompanied by a Flood Risk Assessment (FRA). It says that the site is located in Flood zone 1 (low risk) and concludes that the proposal will make effective use of existing drainage arrangements and would not result in flood risk on site or elsewhere. The Lead Local Flood Authority agrees with the findings of the FRA and thereby the proposal is considered to be acceptable in this regard. A condition shall be attached securing the provision of the development against the requirements of the FRA.

Anglian Water also accept the FRA subject to its provisions being conditioned and also say that the current waste water and sewerage arrangements are appropriate or otherwise shall be upgraded by them to account for the increased connections arising as a result of the development.

The proposal therefore is considered to have appropriate arrangements in place to deal with any impacts to the water environment and thus is acceptable on this matter.

11. 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.*

This matter has not been notably addressed in the submission. Following Officers site visit, however, which included an internal inspection of the building it was deemed to be largely secure with some evidence of pigeons. As such there is no reason to believe that the proposal would cause an adverse impact to biodiversity.

The submitted design and access statement states that the proposal would result in 'greening' of the local environment however it is unlikely that the proposal would have any notable biodiversity enhancements. But given the starting point the lack of such provisions is not considered to be determinative although a condition shall be added requiring some enhancements where it is envisaged that due to the height of the building raptor boxes could reasonably be provided as a biodiversity enhancement measure.

The proposal is considered to be acceptable in this regard.

12. Affordable housing and housing type and mix

Generally private sector housing of 15 or more dwellings would require 30% affordable housing provision as stated at JCS Policy 30 (d) and also Policy 6 of the KTCAAP.

In this case however the proposal relates to conversion of an existing building together with some new build and therefore paragraph 63 of the NPPF is relevant. Paragraph 63 says that *“to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.”* This allowance effectively *in lieu* of affordable housing provisions is known as Vacant Building Credit (VBC) and is discussed in the National Planning Practice Guidance. It is considered that the proposal and the circumstances of the building meet the parameters whereby VBC can be applied.

This matter is discussed in the Applicant’s Planning Statement submitted in support of the application (para. 5.16-5.24) where through utilising of the VBC the scheme would be required to provide two affordable housing units. Given the low level of affordable units required (below the threshold of four where Registered Social Landlords would typically take on affordable units) and in light of the flatted nature of the development it is unlikely that affordable dwellings could be provided within the development. Consistent with the Council’s Strategic Housing Department’s comments in the event that this application is resolved to be approved this matter will be explored through the Section 106 negotiations. This will likely either involve payment toward off-site affordable housing provision associated with nearby schemes or more likely would relate to two of the proposed flats being available in perpetuity at a reduced market rate (70%) to Council approved qualified persons. This approach has been used successfully in a nearby similar scheme recently which involved the provisions of flats at ‘The Naseby Hotel’ (ref: KET/2018/0027).

Moving on to housing type and mix; Policy 30 (a) of the JCS seeks development to provide a mix of house types and in particular seeks to resist the concentration of a particular house type and also emphasises the need to accommodate smaller households.

In this case whilst the proposal provides only small dwellings; within that limitation it does provide a varied mix; consisting of one (1) and two bedroom units (15), providing accommodation for a mix of (1)2, 3 and 4 occupants. Moreover in such an urban location and given the nature of the proposal it is unlikely to be suitable for larger sized dwellings typically associated with families. As such the mix is considered to be appropriate in this location and is consistent with Policy 30 (a) which advocates the provision of such smaller units.

Policy 30 (c) of the JCS seeks dwellings to meeting Category 2 of the National Accessibility (Building Regulations Part M4 (2)) as a minimum and negotiation for a proportion of Category 3 (wheel-chair accessible, Building Regulations Part M4 (3)) housing. In this regard the application proposes in its 'Design and Access Statement' 100% provision of Building Regulations Part M4 (2) compliant flats and Min. 10% (rounded up to 4 units) provision of wheelchair/part M4 (3) compliant units. These provisions are considered to be consistent with the Policy requirements in this regard and shall be conditioned.

The proposal thereby and having regard to its nature and location is considered to provide the appropriate mix and type of property subject to the proposal being carried out in accordance with the discussed conditions and also following the outcome of successful Section 106 discussions.

13. Community infrastructure

As the proposal relates to the provision of a 'major' development as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 the application would be expected to provide appropriate community infrastructure contributions that off-sets its impacts. Such contributions will usually be secured in a Section 106 Agreement.

Matters concerning the provision of Affordable housing units are discussed in the preceding section.

The Education and Library contribution requirements are detailed in the response provide by Northamptonshire County Council's Development Management Department under section 4 above.

The proposal, particularly in light of its limited provision for private amenity space and proximity to the Town Centre and especially its utilisation of the Wadcroft car park as a relied facility in support of the proposal that would have pressure on nearby municipal infrastructure. As such the development will be expected to make a community infrastructure contribution (figures to be negotiated) toward provisions highlighted within the recently published Kettering Town Centre Delivery Action Plan, which sits behind the KTCAAP as an informing document. The Plan discusses relevant projects such as 'Seats on Streets', 'Electric Car Charging Points', 'Parking Management', 'Meadow Road Urban Park' and 'Bakehouse Hill' public realm improvements. The delivery of some or all of these schemes would off-set the impacts relating to the proposal and are all deliverable within 200m of the site.

The Section 106 will also include provisions associated with sustainable travel including cycle vouchers and bus tickets being offered to future (first) occupiers.

These contributions are not necessarily exhaustive but are considered to meet the tests laid out at paragraph 56 of the NPPF and set out in

Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and therefore are appropriate.

Whilst the application has not been accompanied by a Heads of Terms the applicant is aware that such contributions will be required and that a Section 106 agreement should be entered in to prior to issuing of the Decision. Failure to do so could result in a refusal being issued on the basis of the proposal failing to off-set its impacts to Community Infrastructure.

Conclusion

In light of the foregoing the proposal is considered to comply with the Development Plan and is consistent with NPPF advice with any limited adverse impacts that may exist being outweighed by the schemes benefits such as those associated with the provision of a major housing scheme in a sustainable location.

The proposal therefore comprises the right development, in the right place and at the right time and constitutes sustainable development. Consistent with paragraph 11 of the NPPF presumption in favour of sustainable development should apply and in accordance with the Development Plan such proposals should be approved without delay. Hence, the application comes before the Planning Committee with a recommendation to approve subject to imposition of the conditions laid out and discussed above and subject to a satisfactory Section 106 Agreement being signed.

Background Papers

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date: