

BOROUGH OF KETTERING

Committee	Full Planning Committee - 24/09/2019	Item No: 5.1
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2018/0661
Wards Affected	William Knibb	
Location	25 Durban Road, Kettering	
Proposal	Approval of Reserved Matters: Appearance, layout and scale in respect of KET/2015/0244 (residential development- Conversion of former factory fronting Durban Road to 9 apartments and demolition of rear parts to factory and construction of 5 dwellings)	
Applicant	Mr T Hooper Corium Leather Retirement Benefits Scheme	

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall not be carried out other than in accordance with the approved plans 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

2. No works to plots 10-14 shall proceed above slab level until full details of all windows, doors (including their surrounds), chimney, eaves and verge detailing have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall remain in that state thereafter.

REASON: Details are required prior to commencement in the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Prior to first occupation of the development a scheme of landscaping (including hard-surfacing) which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. Any newly approved trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to occupation details of the ownership and maintenance strategy associated with the non-private areas of the buildings and land shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details 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.

5. Prior to first occupation the car parking area shall have in place a lighting scheme compliant to BS 5489-1:2013 and shall include cowls to prevent light spill onto windows and neighbouring property and shall be maintained thereafter.

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

6. Prior to first occupation the bin and cycle store and parking area 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.

7. The vehicular gate shall be provided and made available for use prior to first occupation and be hung to open inward within the site only. The ground floor side window serving plot 12 shall be hung to open inward within the house only and a positive means of drainage shall be provided at the highway threshold to prevent private surface water flowing on to the highway. These arrangements shall remain in place in perpetuity.

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

8. The upper floor windows in the side elevation of units 10, 12, 13 and 14 shall be inserted with obscure glaze 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.

9. The two first floor windows closest to the boundary with 33 Durban Road and the closest window in the first floor window closest to the boundary with 23 Durban Road in the rear north-facing elevation of the converted building shall be inserted with obscure glaze 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.

10. Dwellinghouses on plots 10-14 shall be constructed to meet M4(2) Accessible and Adaptable Dwellings of schedule 1 part M of the Building Regulations 2010 (as amended) unless otherwise approved in writing by the local planning authority.

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 2016.

11. 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 5 of the North Northamptonshire Joint Core Strategy 2016.

12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A-E of Part 1 of Schedule 2 of the Order shall be constructed on the application site.

REASON: To protect the amenity and privacy of the occupiers of adjoining property and visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0661

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

3.0 Information

Relevant Planning History

KET/2015/0244 – Outline Application - Conversion of former factory at front into nine apartments. Demolition of rear extensions to factory and construction of five dwellings (including access and layout) – APPROVED – 01/12/2015.

This is an extant permission with this Reserved Matters Application having been received within three years from the date of granting the Outline permission.

Site Visit

Officer's site inspection was carried out on 20/09/2018 and 23/08/2019

Site Description

The 0.16ha site consists of a former Victorian/Edwardian leather factory comprising a predominately two-storey continuous 30-metre-long red-brick building directly fronting Durban Road. The levels drop down to the west, resulting in a basement section to the far western extent of the building with large openings.

To the rear of the Durban Road frontage is a 'Saw-tooth' roofed substantial element with its northern most extent directly fronting Sydney Street. This rear element of the building forms the side boundary with 23 Durban Road and 20 Sydney Street to the west and effectively forms a 4-5m high wall on the boundary.

The building is mostly disused with a Brewery operating from part of the building and a recent flat-roof extension toward the rear with a parking area and access taken from Sydney Street.

The site is located approximately 700m to the east of Kettering Town Centre in a residential area which consists predominately of Victorian terraces in Durban Road with a small terrace of later houses adjacent to the west. Sydney Road house types are more varied in nature and design including 1940-50's rendered semi-detached houses and short terraces together with some more recent single build houses and bungalows to the northern side of Sydney Street.

Proposed Development

The application seeks reserved matter approval in association with the above Outline permission and seeks approval of Appearance, Layout and Scale. Landscaping remains a reserved matter. It is noted that whilst layout was

approved as part of the Outline consent that it has been submitted as part of this application.

The application relates to demolition of the 'saw-tooth' parts of the former factory building. The Durban Road fronting building and a single storey element that runs perpendicular from Durban Road along part of the eastern boundary with 33 Durban Road are to be retained and converted to nine residential units. The conversion consists of nine variously sized one-bed flats.

The proposal also involves the provision of five two-bed houses either side of the access fronting Sydney Street. Between the rear curtilages of the proposed Sydney Road houses and the conversion building the application intends a parking courtyard for the parking of 16 cars together with two electric charge points, bin & cycle store and landscaping.

Amendments have been secured during the application process. These amendments involve changes to the parking courtyard layout to have regard to 'planning out crime' principles and changes to the proposed houses to better reflect the design of existing dwellings in Sydney Street. The application is considered on the basis of these amendments.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

KBC – Environmental Protection Department: No objection subject to imposition of a condition requiring approval of a demolition and construction method statement and a contaminated land report

KBC – Waste and Recycling: Say that they would prefer individual wheelie bins rather than 1100L communal bins. But if 1100L are adopted, the crews cannot wheel these further than 25 yards to the collection vehicle. The collection vehicle will not drive over private land

NCC - Local Highway Authority (LHA): Object; with the following summarised observations:

- LHA standards do not allow more than 5 dwellings being served off a private drive and does not allow an access to serving both flats and houses
- The site does not provide visitor parking
- The cycles in the stores will be required to be lifted – discouraging use
- The access is already approved

The LHA then go on to say that in the event that the application is approved conditions are recommended including: details of refuse and cycle storage arrangements, prevention of private surface water onto the highway, increased provision of parking spaces and layout changes to comply with standards and approval of a construction traffic management plan.

NCC – Archaeology: Reminder provided with respect to the requirement for the applicant to discharge the ‘building recording’ survey condition (9) on the Outline.

Police – Crime Prevention Design Advisor: No objection subject to the imposition of a condition requiring provision of the vehicular gate and front boundary walls prior to first occupation.

Neighbours: Two letter of objection received from third parties at 23 and 30 Durban Road on the following summarised grounds:

- Lack of parking in the area with increased parking making it more difficult for existing residents to park close to their property
- Environmental issues and highway safety issues arising as a result refuse arrangement’s
- Loss of privacy
- Height of the building
- Query how many flats would be served by the doorway closest to the gate at 23 Durban Road (*OFFICER COMMENT: One 1-bed basement flat*)
- Parking area will cause nuisance and pollution
- Query as to how high the boundary wall with 23 Durban Road would be

5.0 Planning Policy

National Planning Policy Framework (NPPF):

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
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

- 6. Development on brown-field land and land affected by contamination
- 8. Place shaping
- 9. Sustainable buildings
- 11. The network of urban and rural areas
- 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

6.0 Financial/Resource Implications

The associated Outline permission secured £7000 towards the enhancement of Mill Road Park Open Space in a Section 106 Agreement.

7.0 Planning Considerations

The key issues for consideration in this application are: -

- 1. The principle of the development
- 2. Impact on character and appearance
- 3. Impact on residential amenity
- 4. Impact on highway safety
- 5. Impact on flooding and drainage
- 6. Impact of possible site contamination
- 7. Sustainable buildings implications
- 8. Impact on biodiversity

1. The principle of the development

The principle of the proposal, including loss of the site's commercial use, has been established with the grant of the Outline permission which this reserved matter's application relates to and is consistent with.

2. Impact on character and appearance

Policy 8 (d) of the JCS consistent with Chapter 12 of the NPPF seeks development to respond to an areas local character and wider context.

In addition, the provenance of the building and in particular the Durban Road frontage with its characterful elevation including large industrial openings give rise to the retained element of the former factory to be considered a non-designated heritage asset. Such assets are discussed in paragraph 196 of the NPPF which say that the effect on non-designated heritage assets should be taken into account when applications are determined. This approach is consistent with the Outline application, which in particular included a condition requiring a building recording survey to be undertaken.

The rear 'saw-tooth' parts of the building are to be demolished under the Outline permission and thereby the loss of that building shall not be revisited.

The Durban Road frontage has been handled sensitively with the openings respected and shown to be retained in their current form or otherwise repaired or replaced to match. Condition 16 on the Outline also safeguards the Durban Road elevation windows with a scheme for their retention, restoration and repair required for approval. The rear elevations and the retained single storey element would be subject to minor changes. The proposal thereby respects the character and industrial charm of the retained building in a way that secures its optimum viability use.

Moving on to the proposed new build dwellings fronting Sydney Street; their design is consistent with Victorian architecture with the provision of window header detailing, chimneys and Victorian sash windows. This style of house type is typical within the area and together with the stepped approach to the finished floor levels and their attachment results in a form of development that respects and sits comfortably within its surrounding context. A condition requiring approval of architectural details shall be added. Materials are required for approval by condition 15 on the Outline permission.

The internal courtyard layout is broadly consistent with the layout which had been approved as part of the Outline consent and allows for some decently sized areas of landscaping to soften the hardstanding nature of the parking area and add interest and greenery to the courtyard. As this application has reserved landscaping as a consideration it is considered sensible to impose a landscape condition to this permission rather than expect submission of a further application to deal with that reserved matter only. In addition, the western edge of the parking area will likely be formed by the side elevation of the existing factory which is to be demolished. This will also add visual interest to the parking area whilst also allowing evolution of the site to be read. The rear boundaries to the new dwellings shall also be brick wall, rather than close-board fencing, which is pleasing with details of boundary treatment to be agreed under condition 8 on the Outline permission.

The Police, following some amendments including the provision of a front wall (defensible space) along the site frontage with Sydney Street, repositioning the bin and cycle stores and provision of a vehicular gate (as an extra layer of security), are satisfied that the proposal has effectively been planned in accordance with planning out crime principles. A condition shall also be attached requiring provision of a lighting scheme within the parking courtyard.

Consequently, the proposal constitutes a polite and sensitive form of development that sits comfortably within the street scape and its surrounding context, and also preserves the significance of the non-designated heritage asset to be converted. As such and with no justification to come to a different decision that departs from conclusions reached in associated 2015 Outline decision, the proposal is considered to be acceptable in this regard.

3. Impact on residential amenity

The JCS in Policy 8 (e), consistent with paragraph 127(f) of the NPPF seeks development to protect the amenity of all future and surrounding users of land and buildings.

As indicated above, the layout proposed here is much the same as that approved in the Outline consent particularly with respect to the siting of the new dwellings. No adverse issues to neighbour's amenity were identified as part of considerations in the Outline with no notable changes to surrounding circumstances which approval of the Outline.

It is worth mentioning from the outset that the re-opening of a factory with unrestricted hours of use is likely to have conflict with surrounding residential neighbours and therefore overall the proposal would remove that land use conflict.

The objecting neighbour at 23 Durban Road has concerns with regard the height of the building and overlooking issues together with nuisance, disturbance and pollution issues associated with the proposal. In particular that neighbour had a concern with respect to the proximity of a door to their front gate and disturbance that may be caused as a result of its use. This doorway would serve the one-bed basement flat only and therefore would not see significant intensity of use. As such there is no reason to believe that use of a door serving a single one-bed flat would be any different than normal domestic arrangements, especially in a terrace street. The 23 Durban Road occupier also had concerns regarding the height of the building. The host building adjacent to the objector is not increasing in height and thereby would not result in any overshadowing or harmful loss of outlook issues that do not already inure. In fact, a reduction in the height of the boundary wall, which currently forms the side elevation of the rear part of the factory to be demolished, would improve their outlook and light.

23 Durban Road in addition, has concern with regard overlooking; the proposed boundary wall, with its height to be agreed as part of condition 8 on the Outline would overcome any overlooking potential from a proposed rear external staircase. The provision of an obscure glaze condition to an upper floor rear facing window closest to the boundary with 23 Durban Road is considered reasonable to safeguard the privacy of that neighbour's garden. Any other rear facing windows in the upper elevation are located sufficiently away from that boundary so as to not be afforded direct views of neighbouring property, particularly in light of the proposed retention of the boundary wall. The obscuration of the two upper floor rear facing windows closest to the boundary with 33 Durban Road shall also be required.

The neighbour at 23 Durban Road also had concerns regarding impacts associated with the use of the car park. In amended drawings two car parking spaces have been replaced by the cycle store and therefore the parking arrangements are consistent with those considered in the approved outline layout. The comings and goings associated with users of the car park together with any emissions, especially bearing in mind that a substantial part of the boundary wall would remain, would not give rise to detrimental

impacts. The Council's Environmental Protection Department have no issues in this regard.

The impacts associated with facing dwellings in Durban Road would experience a change in terms of being faced by residential windows as opposed to windows serving a vacant factory. The separation distance however between the directly opposing windows is 12m, which is a distance consistent with normal relationships in the street. No harm thereby in that respect.

The proposed house at plot 10 projects only 1.5m (approx.) beyond the rear wall of adjacent house at 20 Durban Road and the proposed house at plot 14 is 2m off the boundary with 44 Durban Road. These arrangements are considered to respect amenities experienced by those neighbours. The provision of a condition requiring upper windows in the side elevation of the proposed dwellings to be obscured would safeguard the privacy of those neighbours.

Any significant impacts associated with demolition and construction works shall be prevented through approval of a demolition and construction management plan required by condition 6 on the Outline consent.

Moving on to impacts associated with future occupiers of the development. The layout proposed is not considered to give rise to concern with respect to future occupier's amenity as a result of adverse impacts to light, outlook or privacy.

The proposed new dwellings are broadly consistent with National Space Standards (NSS) as required by Policy 30 of the JCS, with a slight under provision of approximately 3sqm per 67sqm house. The gardens are undersized for family homes at 5m in length, however they are useable and considered to be sufficient for a two-bedroom with provision of a condition revoking permitted development rights for extensions so that the garden space proposed can be retained.

With respect to future occupiers' amenities within the conversion; for the most part the flats (9) are consistent with NSS. Where there are under-sized units (3,4 and 6) the under-provision is minor in nature and relate to flats in the main part of the retained former factory which has large windows and ceiling heights higher than modern residential rooms between 2.5m and 3m and thereby would be light and airy in nature. The proposed basement flat would also have provision of three good-sized windows as well as having two access doors and is 5sqm over minimum NSS.

The conversion units would have available some usable areas of outside space for outside sitting or clothes drying particularly with respect to the larger 8 and 9 units. The proposal also makes provision for at least 1 car

parking space per dwelling, cycle storage close to the flats and also a conveniently located bin store.

For the above reasons therefore and subject to imposition of the mentioned safeguarding conditions the proposal would result in a good standard of amenity for existing and future occupiers.

4. Impact on highway safety

The JCS in Policy 8 (b) seeks to ensure a satisfactory means of access and provision for parking and resists development that would prejudice highway safety.

The access arrangements and housing mix have been approved as part of the Outline together with highway impacts associated with this quantum of residential development at this location having been found acceptable. The layout approved in the Outline had 17 car parking spaces and no provision of cycle storage. This represented layout has 16 car parking spaces plus secure storage for at least nine cycles (one per flat). The layout therefore proposed here is much the same as that considered in the Outline permission and thereby it follows that it is also acceptable.

The amount of parking is considered to be sufficient for a housing development in a sustainable located within walking distance of the Town Centre and its available facilities, services and employment opportunities particularly where nine one-bed flats are included in the proposal.

The bins associated with the houses would be stored within their rear garden with a 20m maximum 'drag' distance for kerbside collection. The proposed bin store is within 22m (25 yards) of the Highway which is consistent with KBC's waste and recycling distance requirements. The bin store would accommodate up to ten large 1100-litre bins or comfortably accommodate 27 of the 180-litre individual bins with room for recycling boxes. Thereby regardless as to whether the development proposes using the Council or private collection service the proposed bin arrangements are suitable.

The bin and cycle store shall be conditioned to be available for use prior to first occupation of the flats and the parking spaces available to their designated users upon occupation and retained in that state thereafter. Conditions shall also be added requiring the vehicular access gate to be hung to open inward within, positive means of drainage preventing site surface water run-off onto the highway with the provision of appropriate splays at the access of 2.4x43m required by condition 14 on the Outline approval. A condition shall also be attached requiring provision of a maintenance and ownership strategy in association with the proposal's public areas, particularly with respect to the parking courtyard.

The objections thereby of the Local Highway are not consistent with their advice given during the Outline stage where the mix of house types and level of parking provision together with access arrangements was considered to be appropriate. It is therefore unreasonable to retrospectively seek material

changes to the nature of an extant Outline approval through its associated reserved matters. In any event there is no reason to believe and nor has it been indicated by the LHA that the proposal would have an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe. This is the threshold whereby an application may be refused on highway grounds as laid out at paragraph 109 of the NPPF.

Consequently, the proposal subject to imposition of the conditions discussed, is considered to maintain highway safety and therefore is acceptable in this regard.

5. Impact on flooding and drainage

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

The proposal is located within flood zone 1 – low flood risk – with no reason to believe that the area is prone to localised flood risk. The Outline permission, under its condition 10, requires approval of a drainage strategy. As such subject to approval of this condition the proposal would improve the sites current permeability and therefore have a positive impact by reducing its surface water run-off.

There is no reason to believe that the current sewer infrastructure in the area would not have capacity.

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

6. Impact of possible site contamination

Policy 6 of the JCS seeks proposals to deal with contamination.

Due to the site's former factory use there is a possibility for contaminant to exist. Condition 5 on the Outline permission requires approval of a Phased Contamination site assessment. As such safeguards are in place to deal with site contamination issues that may existing.

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

In addition, condition 12 on the Outline requires provision of a scheme to explore possibility for renewable energy creation and condition 11 requires approval of a waste audit and management strategy.

Policy 30 (c) of the JCS seeks dwellings to meeting Category 2 of the National Accessibility (Building Regulations Part M4 (2)) as a minimum. Due to the nature of the converted units it is not considered reasonable to insist

on those units to adhere to National Accessibility Standards. The five new houses however shall be conditioned to be provided at those Standards. Therefore, the proposal is broadly consistent with JCS policy 30.

The proposal therefore, subject to imposition of the mentioned conditions above, together with its housing mix, is considered to provide good levels of building sustainability and future proofing. The application is hence acceptable in this regard.

8. 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 was dealt with through provisions associated with the Outline permission which included the requirement for a bird survey to be undertaken in the event that demolition or conversion works were to be carried out within the bird nesting season (Condition 13). The Outline permission also includes an advisory note with regard the duty to protect Bats.

As such, and with no reason to believe that the proposal site and its biodiversity has altered significantly since the Outline approval, the proposed development is considered to have suitable safeguards in place to protect biodiversity and therefore is acceptable in this respect.

Conclusion

In light of the foregoing the proposal is considered to comply with the Development Plan and is consistent with NPPF advice through the provision of a major mixed housing type scheme in a sustainable location that is consistent with the Outline approval in place.

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 for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

