

PLANNING COMMITTEE

Tuesday 19th January 2021 at 6.00pm
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Committee Administrator: Eden Palmer
Direct Line: (01536) 534272
Email: callumgalluzzo@kettering.gov.uk

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A G E N D A

1. Apologies
2. Declarations of Interest
 - (a) Personal
 - (b) Prejudicial
3. Minutes of the meetings held on 17th November 2020 to be approved as a correct record and signed by the Chair
4. Any items of business the Chair considers to be urgent
5. Planning Application Reports

BOROUGH OF KETTERING

PLANNING COMMITTEE

Meeting held: 17th November 2020

Present: Councillor Ash Davies (Chair)
Councillors Linda Adams, Scott Edwards, Clark Mitchell,
Jan O'Hara, Cliff Moreton, Mark Rowley, Lesley Thurland
and Greg Titcombe,

20.PC.65 **APOLOGIES**

Apologies for absence were received from Councillor Shirley Stanton
It was noted that Councillor Scott Edwards was acting as substitute for
Cllr Stanton.

20.PC.66 **MINUTES**

RESOLVED that the minutes of the meetings of the Planning
Committee held on 6th October 2020 be approved as a
correct record.

20.PC.67 **DECLARATIONS OF INTEREST**

None

20.PC.68 **ANY ITEMS OF BUSINESS THE CHAIR CONSIDERS TO BE
URGENT**

None.

20.PC.69 **PLANNING APPLICATION REPORTS**

The Committee considered the following applications for planning
permission, which were set out in the Head of Development Control's
Reports and supplemented verbally and in writing at the meeting. One
speakers submitted a written statement to the meeting and spoke on an
application in accordance with the Right to Speak Policy.

The reports included details of applications and, where applicable, results
of statutory consultations and representations which had been received
from interested bodies and individuals, and the Committee reached the
following decisions:-.

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.1 Full Application: First floor side extension over existing garage with Juliette balcony to rear at 7 Roadins Close, Kettering for Mr S Giles</p> <p>Application No: KET/2020/0166</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report which sought planning permission for the enlargement of the existing property through a first-floor extension above the existing garage. A ground and first floor extension was also proposed to extend the building line of the existing garage forwards (approximately 1.5 metres) to increase the size of the existing garage. The resulting development would have also provided an additional en-suite bedroom at first floor.</p> <p>The planning officer addressed the committee and provided an update on the proposed development which stated that reference to the rear Juliette balcony had been removed from the description of development to reflect amended plans which had been received and consulted on during the course of the application</p> <p>Members Initially questioned whether a hipped roof would be better positioned to lessen the impact on neighbouring properties before it was stated by officer that the proposed development was acceptable.</p> <p>Following debate it was proposed by Councillor Rowley and seconded by Councillor Michell that the application be approved in line with the officers recommendation</p> <p>It was agreed that the application be APPROVED subject to the following conditions:-</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture, those on the existing building.

4. 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 additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the north or south elevations of the development hereby approved.

(Members voted on the officers' recommendation to approve the application)

(Voting: For Unanimous)

The application was therefore
APPROVED

20.PC.69.2 KET/2020/0188

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.2 Full Application: Refurbishment of car park and recreation/play facilities and demolition of single storey building at Churchill Way Car Park, Churchill Way, Burton Latimer for Mr G Holloway, Kettering Borough Council</p> <p>Application No: KET/2020/0188</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report which sought planning permission the re-configuration of the existing site to provide an enlarged, 'level access' car park laid out in accordance with modern standards, to provide 72 'standard' parking spaces, 8 no. of disabled parking spaces, 10 no. cycle and 4 scooter/ motorcycle parking spaces. 7 no. of the parking spaces were to serve electric vehicles. CCTV surveillance was to be retained but relocated and possibly enhanced to provide security over the entire car park together with illumination. Existing play equipment was to be removed and replaced with new equipment to enhance play opportunities and experience within a re-configured play area. Other associated works were also proposed to enhance the overall function of the site and existing uses.</p> <p>It was heard that the proposed development was acceptable and that all concerns raised had been dealt with within the officers report.</p> <p>Following debate it was proposed by Councillor Edwards and seconded by Councillor O'Hara that the application be approved in line with the officers recommendation</p> <p>It was agreed that the application be APPROVED subject to the following conditions:-</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.
3. Notwithstanding the details already submitted, no development shall commence until a comprehensive lighting scheme prepared by a suitably qualified person has been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented in full and operational prior to first use of the development hereby approved and retained in that form thereafter.

4. The gradient of the access shall not exceed 1 in 15 within the first 10 metres of the edge of the adjoining highway (Churchill Way, Burton Latimer) and shall be retained in that form thereafter.
5. Prior to commencement of use, the proposed car park shall be finished with a top surface layer of black tarmac as specified within the 'Proposed Builders Work Plan' (Drawing no. BLC-LFA-ZZ-00-DR-A-1002 - Rev D2-P06) and retained in that form thereafter.
6. Notwithstanding the details already submitted, no demolition of buildings or use of the existing 'former stone masons yard' area as a public car park shall commence until a scheme for boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full details of boundary treatments to the north of the site. Where new boundary treatments are to be erected, these shall be constructed from a stone rubble or brick material, with samples submitted to and agreed in writing by the Local Planning Authority and constructed to a height no less than 2 metres above existing ground levels. The northern boundary shall also include retention of part of the existing rear gable wall of the building to be demolished, which shall be cleaned back to natural stone and all paint and coatings removed. The use of the 'former stone masons yard' area as public car park shall not commence until the approved scheme has been fully implemented in accordance with the approved details, which shall be retained in that form thereafter.
7. Notwithstanding the details already submitted, full details of additional un-covered, secure cycle storage for a minimum of 6 additional bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to use of the development hereby approved commencing. The approved additional details together with the secure covered cycle parking provision shown on drawing no. BLC-LFA-ZZ-00-DR-A-1000 Rev D2-P08 received by the Local Planning Authority on 20th August 2020 shall be implemented prior to use of the development hereby approved commencing, and retained in that form thereafter.
8. The Electric Vehicle Charging points shall be made operationally available for use within 36 months following substantial completion of the development hereby approved or the date when it is first operationally available for use, whichever is sooner, and retained in that form thereafter.
9. The specification of play equipment detailed in the 'Paddocks Equipped Play Area Development Proposal Statement' received by the Local Planning Authority on 24th July 2020 shall be fully implemented (or play equipment of an equivalent standard and specification) and made available for public use and retained in that form thereafter within 6 months of any of the existing play equipment within the site having been removed.
10. Demolition of the former stone masons building and walls shall be carried out in accordance with the Demolition Methodology Statement received by the Local Planning Authority on 24th July 2020.
11. Notwithstanding the requirements of condition 10, all stone rubble arising from demolition of the former stone masons building or walls within the site should be retained, graded and cleaned, and re-used within the construction of other boundary

walls within the site, unless it is demonstrated not to be physically possible or viable and is agreed in writing by the Local Planning Authority that this is the case.

12. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:
 - (i) fieldwork in accordance with the agreed written scheme of investigation;
 - (ii) post-fieldwork assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
 - (iii) completion of post-fieldwork analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

13. Prior to the commencement of the development (including demolition or site clearance) hereby permitted, a non-verbose or repetitive, CTMP (Construction Traffic Management Plan) shall be submitted to and be approved in writing by the local planning authority. The Plan is to include the following elements;
 - Detailed work programme / timetable.
 - Site HGV delivery / removal hours to be limited to between 10:00 – 16:00
 - Detailed plan showing the location of on-site stores and facilities including the site compound, contractor/visitor parking and turning as well as un/loading point, turning and queuing for HGVs.
 - Details of debris management including programme to control debris spill/ tracking onto the highway to also include sheeting/sealing of vehicles and dust management.
 - Public liaison position, name, contact details and details of public consultation/liaison.
 - Provision for emergency vehicles.

14. Prior to the commencement of any car park re-surfacing works or works carried out below ground level, full details of measures to protect existing trees to be retained which are located within the site from damage during site clearance, demolition and construction phases, in accordance with BS 5837:2012'Trees in relation to design, demolition and construction' shall be submitted to and approved in writing by the Local Planning Authority. All works associated with the development shall thereafter, only be carried out in accordance with the approved written tree protection measures.

15. The cast iron bow top fence enclosing the re-configured play area hereby approved shall be finished in a gloss black paint and retained in that form thereafter within 6 months of the car park or play area being first made available for use, whichever is first.

16. The development shall not be carried out other than in full accordance with the submitted drainage plan (Drawing no. 100359-01-0500-02A) received by the Local Planning Authority on 24th July 2020 and retained in that form thereafter.

17. No development associated with the construction of the new wall and railings which encloses the approved play area shall commence until details of the types and colours of all external materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority (excluding the use of reclaimed, graded and cleaned stone materials derived from demolition within the site). The development shall not be carried out other than in accordance with the approved details.

18. Prior to completion of the development hereby approved a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained shall be submitted to and approved by the Local Planning Authority. The submitted scheme shall also seek to ensure that natural surveillance across the site is maximised and opportunities for crime and disorder are minimised through choice of planting and their location. In addition, the submitted landscape scheme shall include native species of planting and planting identified as pollinators within the context of the Kettering Borough Council 'Local Pollinator Strategy'. The approved scheme shall be carried out in the first planting and seeding seasons following commencement of use of the public car park and play area hereby approved, 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.

Members voted on the officers' recommendation to approve the application)

(Voting: For Unanimous)

The application was therefore
APPROVED

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.3 Full Application: Two storey rear extension at 3 Rockingham Way, Burton Latimer for Miss R Begum</p> <p>Application No: KET/2020/0322</p> <p><u>Speaker:</u></p> <p>Stephen Hicks provided a written statement as an agent on behalf of the applicant which stated that the proposed development had been amended during the consultation stage in order to deal with concerns raised by neighbours in relation to the retention of privacy.</p>	<p>Members received a report which sought full planning permission for the erection of a two storey rear extension. It was noted that the proposal had been amended from the original scheme for a single storey rear extension with balcony above.</p> <p>The Planning Officer addressed the committee and provided an update which stated that It should be noted that the single storey element of the extension has been built under permitted development rights.</p> <p>Members initially raised concerns regarding the visual impact the proposed development could have ad on neighbouring properties also raising concerns with the overpowering/overlooking nature of the development.</p> <p>Following debate it was proposed by Councillor Rowley and seconded by Councillor Titcombe that the application be approved in line with the officers recommendation</p> <p>It was agreed that the application be APPROVED subject to the following conditions:-</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture, those on the existing building.
4. The windows at first floor level on the side and rear elevations shall be glazed with obscured glass and any portion of the windows that is within 1.7m of the floor of the room where the window is installed shall be non openable. The windows shall thereafter be maintained in that form.
5. 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 additional openings permitted

(Planning No. 8)

by Schedule 2, Part 1 Classes A or C shall be made in the first floor side and rear elevation or roof plane of the building.

Members voted on the officers' recommendation to approve the application)

(Voting: For: 4, Against 3, Abstain: 1)

The application was therefore
APPROVED

**(The Committee exercised its delegated powers to
act in the matters marked *)*

(The meeting started at 6.00 pm and ended at 8.32 pm)

Signed.....

Chair

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Tuesday, 19 January, 2021

No. 5 Planning Application Reports

5.1	KET/2020/0295	MCO	Mawsley Lodge, Mawsley Lane, Loddington Full Application: Formalisation of existing access track comprising the laying of a gravel filled eco-grid system edged with a flush level kerb stones Expiry date: 06-July-2020	1
5.2	KET/2020/0696	SBE	Kettering Library, Alfred East Gallery and Manor House Museum, Sheep Street, Kettering KBC Own Development: External alterations and extensions to include conversion of café to Museum entrance, new ramps, removal of trees and creation of new public areas Expiry date: 21-January-2021	10
5.3	KET/2020/0697	SBE	Kettering Library, Alfred East Gallery and Manor House Museum, Sheep Street, Kettering KBC:Listed Building/Conservation Area Consent Applications: External alterations and extensions to include conversion of existing café to Museum entrance, new ramps, creation of new public areas. Internal alterations to create exhibition space and offices, change toilet layout and replace staircase Expiry date: 21-January-2021	46
5.4	KET/2020/0742	NWH	26 Ise Vale Avenue (land adj), Desborough Full Application: 1 no. dwelling with detached garage Expiry date: 22-January-2021	70

Application Reference Numbers and Expiry Dates in bold type are within the permitted time frame

The Planning Officer's initials are in the third column. For further details please refer to the end of the individual reports.

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BOROUGH OF KETTERING

Committee	Full Planning Committee - 19/01/2021	Item No: 5.1
Report Originator	Mark Coleman Development Officer	Application No: KET/2020/0295
Wards Affected	Slade	
Location	Mawsley Lodge, Mawsley Lane, Loddington	
Proposal	Full Application: Formalisation of existing access track comprising the laying of a gravel filled eco-grid system edged with a flush level kerb stones	
Applicant	Mr I Rhodes	

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed 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 section of access track located between the edge of the highway and the gated entrance shall only be surfaced with a hard bound material and permanently retained in that form thereafter.

REASON: In order to prevent deleterious material being dragged onto the highway which may otherwise give rise to a risk to highway safety, in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. The access track shall be implemented in full accordance with the 'profile sketch of kerb and road' ref KET/2020/0295/3 received by the Local Planning Authority on 26th June 2020, and permanently retained in that form thereafter.

REASON: In the interests of securing the proposed drainage methodology to prevent additional risk of flooding and to ensure that the formalised access maintains a low profile, flush appearance and is surfaced with natural materials which will protect the character and

appearance of the area and wider setting of the landscape in accordance with Policies 3, 5 and 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2020/0295

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

3.0 Information

Relevant Planning History

KET/2014/0341 :Demolition of existing barns and stables. Two storey side extension (REFUSED 05/08/2014)

KET/2013/0202: KET/2010/0343 - 1 no. 30 metre high wind turbine (APPROVED,08/05/2013)

KET/2013/0355: Demolition of existing 2 x B2 units and replacement with 1 x B2 unit in new location on - site. New agricultural barn (APPROVED,05/09/2013)

KET/2013/0422: Construction of electricity sub station (APPROVED,22/08/2013)

KET/2013/0203: Extension to existing property within permitted development (SPLIT DECISION,15/04/2013)

KET/2012/0331: Agricultural barn (OBJECTION,14/06/2012)

KET/2012/0562: Extension to property within permitted development regulations (SPLIT,29/10/2012)

KET/2010/0343: 1 no. 30 metre high wind turbine (APPROVED,16/07/2010)

KET/2010/0552: Replacement B2 unit (REFUSED,17/11/2010)

KET/2010/0225: Erection of a 50kw wind turbine with 30 metre mast (this request is not open to public comment and is published for information purposes only) (ES NOT REQ,20/04/2010)

KET/2006/0661:Use of buildings and yard area for repair of motor vehicles (Approved 29.08.06)

Site Visit

Officer's site inspection was carried out on 5th June 2020.

Site Description

The site is located on the edge of Loddington Village within open countryside and directly accessed from Harrington Road via a formal gated entrance surfaced with tarmac which leads gently downhill to a track finished with road chippings. This track winds through the site in a southerly direction with a partially constructed steel framed barn building to the left (east) and juvenile plantation to the west. Beyond the track to the south is a dilapidated dwelling, commercial building (timber and corrugated steel) benefiting from a B2 use and a number of other buildings and caravan. The access track is surrounded by agricultural land which has been left to grass, which edges right up to the track. Within the site to the south west is a wind turbine. A CCTV mast is also present within close proximity of the access track and elsewhere.

Proposed Development

Planning permission is sought for formalisation of an existing access track serving Mawsley Lodge. This will comprise the laying a gravel filled eco-grid system on top of an existing stone chippings which will be screened with a compressed sand

blinding layer. The improved track will then be edged with a kerb stones which will be flush with the surrounding land and access track itself.

Any Constraints Affecting the Site

Open Countryside

4.0 Consultation and Customer Impact

Loddington Parish Council

Objection received on 8th June 2020 as the planning application fails to demonstrate a need for such industrial style concrete kerb stones which is not be in keeping with the rural and domestic setting of Mawsley Lodge.

Further comment received on 24th July 2020 retracting the Parish Council's original comment, based on details included in the additional / amended plans which demonstrate that the proposed kerb is now different to what was originally envisaged.

Kettering Borough Council Environmental Care (Drainage)

Comment received on 14th August 2020 confirming satisfaction with the use of an eco-grid system across the entire road.

Highway Authority

Comment received on 2nd June 2020. The LHA have no objections to this application as it is not likely to affect the public highway, parking or intensity of use.

Further comment received on 17th July 2020 maintaining no objection and acknowledgment that the access slopes away from the highway and the access between the gate and highway will be finished in a hard bound surface which will prevent deleterious being dragged on to the highway surface.

Neighbours

Objection from the occupiers of 39 Harrington Road, Loddington received on 3rd June 2020. Grounds of objection include: The applicant's intentions for the current site are unknown; the use of kerb stones are inappropriate for an agricultural access and more suited to an industrial use. There is an access onto Mawsley Lane which has been widened with a commercial width gate and there is concern that the formalised track could be extended at a later date to Mawsley Lane which would not be appropriate; concern of a second unauthorised traveller site being established on the outskirts of Loddington.

Officer response: Comments relating to potential use, unknown intentions, or possible use / operational development which fall outside of this application and are not supported by robust evidence are not material considerations which can be considered further. There is insufficient evidence to indicate that the Local Planning Authority should seek additional information with respect of the purpose of the proposed works, which on the face of it are simply to formalise an existing formal access track and the application must be determined based on its merits. Any unauthorised uses which commence as a result of the formalisation of the access

track may be investigated separately where it is likely that they need planning permission in their own right.

5.0 Planning Policy

National Planning Policy Framework

Section 2: Achieving Sustainable Development

Section 6 : Building a Strong, Competitive Economy

Section 12: Achieving Well-Designed Places

Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 3: Landscape Character

Policy 5: Water Environment, Resources and Flood Risk Management

Policy 8: North Northamptonshire Place Shaping

Policy 11: The Network of Urban and Rural Areas

Policy 25: Rural Economic Development and Diversification

Saved Policies in the Local Plan for Kettering Borough

Policy 7: Environment: Protection of the Open Countryside.

Emerging Policies (Local Development Framework)

LOC1: Settlement Boundaries

6.0 Financial/Resource Implications

None

7.0 Climate Change Implications

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more

sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site-Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaptation to, climate change.

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Impact on highway safety
3. Drainage and flood risk
4. Impact on the character and appearance of the area and landscape setting

1. Principle of development

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development as set out in Section 2, paragraph 10 (NPPF), based around three overarching objectives (economic, social and environmental). Section 12, paragraph 124 (NPPF) states that 'good design is a key aspect of sustainable development'. In addition, Policy 6 of the National Planning Policy Framework seeks for planning decisions to help create conditions in which businesses can amongst other things, invest, expand and adapt, particularly businesses in rural areas.

Policy 7 of the Local Plan for Kettering Borough restricts new development in the open countryside. As the proposal is for improvement to the existing track the principle for the type of development proposed is restricted by this policy unless support is provided elsewhere within the Development Plan.

Policy 11 of the North Northamptonshire Joint Core Strategy direct development to existing urban areas, and then villages, with development in rural open countryside areas only supported in exceptional circumstances.

With respect of this, Policy 25 of the North Northamptonshire Joint Core Strategy encourages sustainable opportunities to develop and diversify the rural economy that are appropriate scale for their location and respect the environmental quality and character of the rural area.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of sustainable development provided there is no adverse impact on character and appearance and the highway network amongst other things.

As discussed throughout this report, subject to planning conditions, the proposal does not have a significant adverse impact with respect of these material considerations and will facilitate use of the existing commercial use on the site. In addition, the proposal is of relatively low scale which will enhance safety within the site. As a result, the proposal is acceptable in principle.

2. Impact on highway safety and general safety

Section 9, paragraph 108(b) (NPPF) states that when considering applications for development, it should be ensured that '*safe and suitable access to the site can be achieved for all users*'.

Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

Comment received from Northamptonshire County Council Highways Authority raises no objection to the proposal and encourages the use of a hard-bound surface between the gate and highway in order to prevent deleterious material being dragged onto the highway and causing a highway safety risk. It is recommended that this be secured by planning condition. The proposed kerb edging will also prevent erosion of the pre-existing track which will enhance safety within the site by more clearly demarking the routes of the access track and preventing further deterioration. As a result, subject to the planning condition mentioned, the proposal will have an acceptable impact on highway safety and accords with the relevant parts of Section 9 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Drainage and flood risk

Section 14, paragraph 155 (NPPF) seeks for inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk (whether existing or future).

Policy 5 of the North Northamptonshire Joint Core Strategy seeks for development to contribute towards reducing the risk of flooding and to the protection and improvement of the quality of the water environment. Criterion (a) prioritises development away from high/medium flood risk areas applying a sequential approach; (b) incorporate flood protection measures which meet a minimum 1 in 100 annual probability standard with allowances for climate change...; (c) incorporate Sustainable Urban Drainage Systems wherever practicable; (d) contribute to flood risk management in North Northamptonshire. Further criteria specifies situations when development will or will not be permitted.

However, Section 14, Paragraph 164 (NPPF) states that applications for some minor development and changes of use should not be subject to the sequential or exceptions tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 50. Footnote 50 states in Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more [this application site exceeds 1 hectare]; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

In this instance, the site is located within flood zone 1 and therefore at the lowest risk of surface water flooding. In addition, no part of the site subject of operational development is currently identified to be at risk from ground water flooding.

The applicant has not submitted a site-specific flood risk assessment in support of the application, but has provided percolation test results with respect of the existing sub-base used to construct the existing access track, together with details of how this will be further enhanced.

The existing access track is covered with road chippings. The submitted information states that this will be edged with kerb stones and screened with a blinding layer of sand before placing an eco-grid system on top which will be filled with 8 – 15mm locally sourced stone. This will ensure that the access road will be nearly flush with proposed kerbstone edging, with surrounding land covered with grass which will also be flush with the kerb edging.

The percolation test results for the existing sub-base demonstrates that the natural and existing drainage is adequate and consultation comment received from Kettering Borough Council's Environmental Care (Drainage) team raises no objection and is satisfied with the proposed drainage method.

As a result, the level of information provided by the applicant is considered sufficient in order to properly assess the proposal from a flood risk perspective, given the limited extent and scale of works proposed. A planning condition is recommended to secure the proposed drainage in order to prevent flood risk together with the standard condition requiring the works to be carried out in accordance with the submitted details. Subject to this the proposal is considered acceptable with respect of drainage and flood risk, and whilst there is a technical conflict with Section 14 of the National Planning Policy Framework because a site-specific flood risk assessment has not been provided, the proposal accords with other the relevant parts of Policy 5 of the North Northamptonshire Joint Core Strategy.

4. Impact on the character and appearance of the area and landscape setting

Section 2 (Paragraph 10) of the NPPF places at the heart of planning a presumption in favour of sustainable development. Section 12, paragraphs 124 and 127 set out that good design is a key aspect of sustainable development.

Policy 3 of the North Northamptonshire Joint Core Strategy seeks for new development to be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area which it would effect.

Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

Consultation comment received from the occupier of 39 Harrington Road objects on the basis that the proposed kerb stones are inappropriate for an agricultural setting and more appropriate in an industrial area. This objection has been maintained as no amended comments were received following re-consultation on additional information submitted by the applicant. Loddington Parish Council also made an initial objection on similar grounds but withdrew this objection after reviewing additional information which was submitted at a later date.

Whilst traditional concrete kerb stones can have a harsh appearance compared with bare soil edging, in this instance additional information submitted by the applicant confirms that the kerb edging will sit flush with the surrounding land and track, which itself, will be made up with using an eco-grid system which will be backfilled with pea shingle. As a result, the kerbstone edging will have a softer, more muted appearance and not have the same utilitarian or municipal character as when it is used in other such contexts and will have an acceptable appearance which will not detract from the wider landscape character or setting.

Whilst the maintained objection received is a material consideration, it is given little weight within this recommendation in light of the above assessment. Subject a condition securing the kerb stones to be flush with the track and surrounding land as per the submitted 'profile sketch of kerb and road' received on 26th June 2020, the proposal will have an acceptable impact on the character and appearance of the area and surrounding landscape and accords with the relevant parts of sections 2 and 12 of the National Planning Policy Framework and Policies 3 and 8 of the North Northamptonshire Joint Core Strategy.

Conclusion

The site is located within open countryside where development is resisted by saved Policy 7 of the Local Plan for Kettering Borough, unless provision is made under other policies within the Development Plan. As the proposed development will be used in connection with an existing commercial use and residential use, some policy support is afforded by Policy 25 of the North Northamptonshire Joint Core Strategy which promotes sustainable rural economic development. In addition, the proposal is limited in scale, intended to formalise an existing access track. The proposal will have an acceptable impact on the character and appearance of the area and landscape setting and will enhance safety within the site and rely on existing and a designed drainage methodology which is shown to be satisfactory. Whilst the proposal is technically in conflict with paragraph 164 of Section 14 of the National Planning Policy Framework due to the absence of a submitted site-specific flood risk, this is not considered fatal to the determination of the application as percolation results and the designed drainage method proposed for the access track are considered sufficient. Furthermore, the proposal does not give rise to significant harm to highway safety. As a result, subject to conditions already discussed, and in accordance with the statutory duty of Section 38 (6) of the Planning and Compensation Act 2004 Act, the proposed development is acceptable and recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Mark Coleman, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

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BOROUGH OF KETTERING

Committee	Full Planning Committee - 19/01/2021	Item No: 5.2
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2020/0696
Wards Affected	William Knibb	
Location	Kettering Library, Alfred East Gallery and Manor House Museum, Sheep Street, Kettering	
Proposal	KBC Own Development: External alterations and extensions to include conversion of café to Museum entrance, new ramps, removal of trees and creation of new public areas	
Applicant	Ms R Mathieson, Kettering Borough Council	

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. 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 2 and 8 of the North Northamptonshire Joint Core Strategy.

3. The development hereby permitted shall not be carried out other than in accordance with the recommendations laid out in the approved Preliminary Ecological Appraisal and Bat Roost Potential Survey issued October 2020 referenced 20-1533.01 the associated Addendum issued November 2020 referenced 20-1533.03 and the Arboricultural Survey issued October 2020 referenced 20-1533.01 as compiled by Delta-Simons.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

4. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction. The Plan shall include details of retaining the availability of the walkway through the archway in the wall to the northern edge of the site for the duration of the build and details of how the Listed Buildings shall be protected.

REASON: The details are required prior to commencement of development because the CMP needs to be in place and in force throughout the construction period and in the interests of safeguarding highway safety and listed building significance in accordance with Policy 8 of the Northamptonshire Joint Core Strategy

5. No earthworks or groundworks shall take place until a plan showing details of existing and intended final ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: Finished Floor Levels are necessary precommencement to preserve the character of the area in accordance with Policy 2 and 8 of the North Northamptonshire Joint Core Strategy.

6. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) fieldwork in accordance with the agreed written scheme of investigation;
- (ii) post-fieldwork assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
- (iii) completion of post-fieldwork analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

REASON: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 199 and is required pre-commencement as it is fundamental to the protection of any archaeology that may exist.

NOTE: The above shall include a provision of a Level 3 (as defined by Historic England) building recording survey of the Manor House to allow for enhanced documentary research.

7. The following works:

- Any works to the roof structure of any building on-Site. This includes external works as well as any disturbance to the enclosed roof void and internal ceiling;
- Any creation of a structure within 4 m of the eaves or any potential bat access point as identified by a licenced bat ecologist;
- Removal of the vegetation on the elevations of the buildings; and
- Alterations/increase to external lighting.

shall not in any circumstances take place until the local planning authority has been provided with and approved in writing either:

- a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
 - b) Written confirmation from Natural England that the application site has been registered with the Bat Low Impact Class Licence scheme; or
 - c) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.
- REASON: In the interests of biodiversity and in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

8. Prior to installation of the following articles full design details of the CCTV system, external lighting and the cycle & bin storage areas shall be provided to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be in place and available for use prior to first use and shall remain in that form thereafter.

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

9. Prior to the removal of Virginia Creeper from the building facade full details of how it will be removed and dealt with shall be provided to and approved in writing by the local planning authority. The development shall take place in accordance with the approved details.

REASON: To ensure the invasive species is properly handled in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

10. The proposal shall be carried out in accordance with external materials and finish details (including the finishes to balustrades and railings etc.) 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 2 and 8 of the North Northamptonshire Joint Core Strategy.

11. All external brick walls shall not be laid, coursed or pointed other than in accordance with a sample panel which shall have been constructed on site and approved in writing by the Local Planning Authority prior to the commencement of construction of any such external walls. As approved, the sample panel shall be retained on site and kept available for re-inspection throughout the construction period.

REASON: In the interests of preserving the historic interest of the listed building in accordance with Policy 2 of the North Northamptonshire Core Spatial Strategy.

12. No works shall take place above slab until full details of all windows, doors (and their surrounds), timber finishes, verge detailing and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of protecting the character and appearance of the Conservation Area and Listed Buildings in accordance with Policy 2 and 8 of the North Northamptonshire Joint Core Strategy.

13. All works of repair, restoration and replacement are to exactly match the original features, unless otherwise approved in writing by the Local Planning Authority.

REASON: To protect the architectural and historic interest of the building in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy.

14. Prior to construction above slab level a scheme of landscaping (including details of the hard surfacing materials and the 'Green Wall') 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.

15. No Plant Machinery whatsoever shall be installed on the roof of the development hereby permitted other than within the yellowed 'Plant Zone' shown on the approved plan (SK)48A for the duration of the development.

REASON: In the interests of visual amenity and in accordance with Policy 2 and 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.

Officers Report for KET/2020/0696

This application is reported for Committee decision because it is a Kettering Borough Council own development and due to an objection being received

3.0 Information

Relevant Planning History

KET/2020/0697 - Listed Building Consent Application - External alterations and extensions to include conversion of existing café to Museum entrance, new ramps, creation of new public areas. Internal alterations to create exhibition space and offices, change toilet layout and replace staircase: Pending - associated pending proposal to be considered at the same time as this application.

Site Visit

Officer's site inspection was carried out on 09/11/20 and 07/01/2021.

Site Description

The application site comprises a cluster of Listed Buildings and surrounding land that form a key component to the Town Centre's cultural heritage. The buildings comprise the linked Grade II Listed Alfred East Art Gallery & Public Library and the Grade II* Listed Manor House Museum and the 'Blitz Tea Room' which is linked to the Museum by way of an open canopy (listing descriptions provided below). These buildings shall henceforth be referred to collectively throughout the report as the Gallery, Library and Museum ("GLaM").

The site also includes the Grade II Listed Kettering Cenotaph (War Memorial) toward its southern extent and the Grade II Listed Alfred East Monument within a courtyard toward its western edge. Other Listed Buildings in the locality include the Grade II Listed Dryland Fountain to the west to the road edge of the adjacent Sheep Street footpath and the Grade I Listed Church of St. Peter & St Paul, which is to the north of the Manor House museum beyond a wall and archway.

The site is within a mixed-use area and include the curtilage listed municipal Manor House Gardens to the immediate south of the Gallery. The Council Offices and associated car park to the east of the Gallery. The vacant Naseby (former George) Hotel and a row of shops (Piccadilly Buildings) beyond Sheep Street highway to the west. And the approach and car parking associated with St. Peter & St. Paul's Church enclosing the sites northern boundary with Market Place buildings including restaurants with residential above beyond. The site is also located with the Town Centre Conservation Area.

The listings descriptions for the host buildings are:

Alfred East Art Gallery

Grade II. 1913 by J A Gotch in Neoclassical style. Ashlar, of Weldon stone with low pitched roof behind parapet. Single storey on rusticated base. No windows, Roman Doric order with half columns in centre of side elevation

framing entrance arch in rusticated chamfered voussoir with carved keystone. Pairs of columns either end of front frame raised panels and wreaths with garlands.

Public Library

Grade II. 1904 by Goddard, Paget and Catlow in Arts and Crafts manner. Red brick, stone dressings, Collyweston slated roof with 3 gables. 1 storey, projecting ends, slightly projecting centre with elliptically chamfered arched wide entrance up stone steps. Mullioned and transomed casement windows. Central lantern and cupola astride roof ridge.

Public Library, Art Gallery. Alfred East Monument and Dryland Fountain form a group.

Manor House Museum

Grade II*. C17 refronted C18, perhaps incorporating earlier structure of house, known as Abbot's house, belonging to Peterborough monastery. Ironstone squared rubble and ashlar, stone slated and concrete tiled gabled roof with stone copings and front parapet. 2 storeys and attics, gabled dormer. L plan, 4 sash windows with glazing bars to front elevation, ashlar faced with flat arches. Back wing has 6 light stone mullioned ground floor casement window under drip mould. Carved shield below centre of parapet. C19 lower 2 storey 1 casement window wing on left.

Proposed Development

The application seeks full planning permission for the following:

- Brick and glazed flat-roof two storey extension off the eastern side of the Gallery and Library including within a central courtyard area. The extension together with internal modifications shall house Gallery storage, meeting and staff rooms and multipurpose room to the ground floor. To the first floor is proposed a range of offices within the existing first floor of the Library building, a multifunction events room, a Café that opens on to an accessible terrace off the side elevation of the Gallery, which is raised to cope with site levels. Also included in this element of the proposal is a staircase and lift together with an external access ramp. The provision of plant machinery is proposed to the roof together with associated screening and rooflights.
- The existing 'Blitz Tea Room' is proposed to change its use to provide a giftshop, tourist information centre and a new entrance to the museum with provision of a glazed link (primarily under an existing canopy) to the rear of the building to give access to the existing Manor House Museum. A 'Buggy' store is also proposed between a retained section of stone wall and the 'Blitz Tea Room'. A small extension glass extension is also being formed to the rear of the 'Tea Room' to fill a small walkway/courtyard area between the 'Tea room' and the museum and will house an exhibition room together with the glazed link.

- Externally an enclosed bin storage and covered 30-space cycle storage area will be created in the area around the existing level access to the Library toward the northern extent of the site.
- Three oval focal areas are proposed in the surrounding spaces including provision of a 'Feature' in the area between the proposed Café entrance and the adjacent Council car park with access opened for pedestrian access between the two. A large oval block-paved area is proposed between the Library and the Manor House Museum with seating and a smaller area of seating to the south of the Museum in the vicinity of an established mulberry tree. External lighting is proposed throughout the proposed public realm changes together with provision of a CCTV system.
- To make way for the proposal some of the sites mature trees are proposed to be felled; notably the removal of an 18m high Scots Pine on the footprint of the extension to the east of the Gallery.

The proposal before the Members follows three rounds of amendments secured during the application process to address comments received from Statutory Consultees and following Officer advice. These amendments include:

- reduction in the height of the Gallery/ Library brick lift/stair tower by 1m
- removal of balustrades from the roof of the extension and replacement with collapsible handrails and a change to the east elevation frameless glass balustrades to traditional metal railings
- Incorporation of a 'living wall' to the west elevation of the café as seen from Sheep Street
- omission of secondary glazing from the Manor House Museum and Library
- omission of an access ramp from the front west Sheep Street elevation of the Library
- omission of Dormers from the east elevation of the Manor House Museum
- decluttering of the café terrace and entrance steps
- retention of Collyweston rooves to the 'Blitz Tea Room' and the Museum's 1980's extension
- reduction to the extent of the glazed extension to the north of the Museum

The proposal is considered based on these amendments and demonstrates the willingness of the applicant to engage with the local planning authority to overcome issues.

The proposal is part of a Kettering Borough Council project, that has been being prepared over the last two years, to combine the Art Gallery, Library and Museum (GLaM) into an integrated facility. This follows recently obtained funding to carry this out through the Governments 'Getting Building Fund'. This Fund aims to create cultural anchors which provide a blend of cultural amenity, work/exhibition space and teaching facilities. This Project is seen as being complementary to and would run alongside the Heritage Action Zone (HAZ) project, which is a project ran in partnership with Historic England which secured funding in April 2020 toward Town Centre cultural and heritage led regeneration.

Any Constraints Affecting the Site

Listed Buildings

Within the setting of Listed Buildings

Within Conservation Area

4.0 Consultation and Customer Impact

The proposal has undergone three rounds of amendments and re-consultation. The below comments are the most recent received:

KBC – Environmental Protection Department: No objection subject to the imposition of an unexpected contamination condition and a condition requiring approval of a Construction Method Statement prior to commencement.

KBC – Economic Development Department: ‘Support’ the proposal for the following reasons:

- *The application represents a major investment to improve the cultural assets within Kettering Town Centre, safeguarding the future of these buildings for generations to come. It will also enhance the gateway into the Cultural Quarter and increase footfall for surrounding businesses*
- *Together with the Heritage Action Zone, this represents a complementary £8m investment in the cultural and historical assets of Kettering Town Centre. Although the town centre remains an important shopping place, we must plan for a more holistic role for the Town Centre incorporating wider uses including arts and leisure. If this opportunity is lost, the impact on the town centre will be significant. As we have seen from the regeneration of the Market Place, public investment within the Town Centre acts as a catalyst for private investment and this opportunity will also be lost*
- *This project will also help to expand the delivery of free business and intellectual property advice in conjunction with the British Library through the increase of education space. This is service provides valuable 121 business support for local businesses and this resource will be a crucial aid to economic recovery and growth*

Historic England (HE): These comments do not relate to the most recent amendments but are the most recent comments received to date. Any subsequent comments will be reported to the Planning Committee in the updates. Their comments are provided in full:

We welcome the revisions to the scheme which address a number of the concerns we raised in our letter of 3 November 2020. However, we have some concerns outstanding and advise your authority to seek amendments, additional information or safeguards to address the four

remaining concerns we have highlighted in our advice below.

In our letter of 3 November 2020 we raised seven specific concerns with regard to the applications. We welcome the submission of additional information intended to address these concerns, including covering letter, amended plans, 3D views and photo comparison. We have reviewed the additional information and are pleased to note that five of our concerns have been addressed and resolved through these submissions. However, two of our previous concerns remain unresolved and two additional concerns have been flagged by the new information.

Concerns that have been addressed

Art Gallery

1. Height of lift tower in extension: we welcome the reduction in height of the lift/services tower by 1 metre. The reduction in height reduces the harmful impact of the tower on views of the listed buildings, particularly to the east and south. The reduction in height also reduces the impact on views from Sheep Street, where the extension will be seen rising above the link corridor between the Art Gallery and Library and above the Alfred East monument. The view from Sheep Street is also improved by replacement of the proposed glass balustrade on the extension roof with a metal railing. However, even with these amendments, the extension will have quite an impact on the Sheep Street elevation, and your authority should weigh this harm against the public benefits of the proposals.

Manor House Museum

2. Dormer windows on east elevation: we note that it is now proposed to retain the existing roof structure on the 1980s Museum extension, and the harmful dormer windows have therefore been removed from the design.

3. Secondary glazing: we note that secondary glazing is no longer proposed for the Museum.

Library

4. Ramp: we note that the harmful Sheep Street ramp has been removed from the designs.

5. Secondary glazing: we note that secondary glazing is no longer proposed for the Library.

Concerns that are outstanding

Art Gallery

1. Impact of extension and café seating on views from the south: we note the submission of photomontages with bare trees as requested, which

enables better assessment of the impact of the extension and café seating on the Art Gallery and setting of the parish church. In our opinion, these photomontages demonstrate the harmful impact that will be caused to views of the parish church in particular, by the clutter of glass balustrading and other elements on the extension terrace and entrance steps. The glass balustrading is unnecessarily intrusive in this view. We urge you to seek amendments to the scheme to remove the glass balustrading and replace it with metal railings where necessary, and generally de-clutter this view.

Manor House Museum

2. Replacement of Collyweston roofs: We note that the proposals have been revised to retain the existing Collyweston roof coverings on the Blitz Café, in line with our comments. However, as it is also now proposed to retain the roof structure on the 1980s extension, we cannot see the justification for removal and replacement of the Collyweston coverings on this extension with Welsh slate. The choice of Collyweston was made deliberately in the 1980s, as this is a high quality material local to the area, and in keeping with the existing roofs of the Manor House, Library and other high status buildings. The deliberate removal of Collyweston coverings and replacement with a non-local material that is different in colour and appearance still requires strong justification, even on a 1980s extension. Now that the roof structure itself is not being replaced, that justification has not been provided. We advise your authority to seek amendments to the scheme to retain all the existing Collyweston roof coverings on the Museum, including on the 1980s extension.

3. North extension: we have re-examined the potential impact of the glazed north extension to the Museum, in light of the acknowledgement in Mr Assheton's covering letter that the proposals may cause more harm to the significance of the heritage assets than originally ascribed in the Heritage Impact Assessment (HIA). The HIA describes the extension on page 11 as 'courtyard infill' to the north of the roofed passageway between the Blitz Café and the Museum, which is 'currently surrounded by walls on three sides'. It notes the extension 'will be hidden from the church by the 2 metre high churchyard wall'. The only other assessment of impact is provided by a small picture on page 23 captioned: 'pedestrian route from churchyard south towards Manor House will remain as it is but with the north extension in the distance'.

In our opinion, the harm that will be caused by the glazed north extension has been entirely underestimated. We have realised that, while the courtyard might be surrounded by walls on three sides, the open side is the one that faces the main pedestrian route from the Council car park to the parish church, through the archway in the churchyard wall - a route that has already been highlighted as significant by the Rector in his comments on the scheme. The experience of approaching the parish church through the archway is part of the significance of the parish church; as is the experience of looking back through the archway and seeing the

Museum. This experience will be heavily impacted by the distracting glazed extension to the Museum, both during the daytime and when illuminated from within at dusk. There is also potential impact on views from the west front of the church, above the churchyard wall, but that is difficult to ascertain due to changes in ground level that are impossible to work out from the drawings.

We advise your authority to seek additional information that enables proper assessment of the level of impact of the north extension (photomontages, 3D views), and to seek amendments to reduce that impact. As the extension is proposed to be used for exhibits, it would make sense both aesthetically and functionally to replace the full-height glazed elevations with stone walls, with carefully placed window apertures or even roof lights.

'Secure by Design' revisions

4. CCTV and lighting: to address security concerns raised by the Police, the 'Secure by Design' revisions propose installing several CCTV cameras and lighting on the exteriors of the Gallery, Library and Museum. If not carefully controlled, the choice of design and location for the CCTV cameras and lighting fixtures could cause harm to the significance of the listed buildings. The south front of the Gallery and the west and south fronts of the Museum are particularly sensitive locations. Therefore we advise your authority to secure the design and location of the CCTV cameras and lighting fixtures by condition.

Recommendation

Historic England has concerns regarding the applications on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 194 and 196 of the NPPF.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Officer Comments: These comments relate to earlier amendments and secured the satisfaction of Historic England (HE) on initial objections relating to removal of the Collyweston roof from the 'Blitz Tea Room', Dormer windows on the east elevation of the Museum and Secondary glazing, which have been omitted from the proposal. In addition, the Library Sheep Street ramp has been omitted together with Secondary glazing. Whilst the height of height of the lift tower on the proposed library/gallery extension has been lessened by 1m it remains a concern together with some other features and consider this to be harm that the LPA should weigh against public benefit.

HE retain concerns regarding, the glass balustrade clutter to the café terrace and entrance steps, removal of Collyweston to the rooves of the Museum's 1980's extension, and the glazed extension to the north of the Museum and also recommend provision of a condition to require full details of the proposed CCTV and lighting fixtures.

The further and most recent amended drawings have been received and have sought to address these matters and involve retention of the Collyweston Roof to the Museum's 1980's extension and drastic reduction of the proposed glazed extension to the north of the Museum. In addition, the cluttered nature of the Café terrace and entrance steps has been revisited and the recommended provision of a condition requiring full details of the CCTV and lighting fixtures accepted. Comments on these further amendments by HE has been sought, although are not available at the time of writing and thereby shall be reported to the Planning Committee, in the updates, if received. As such the findings of this report are based on the current position of the HE provided above, and the recent amendments submitted to address those impacts stated.

Victorian Society: Object to the proposal and provide the following comments having considered the most recent amendments:

Since the first iteration of these proposals the architects have made a number of revisions in response to comments made both by the Victorian Society and by Historic England. These revisions include the deletion of the new ramp to the main entrance of the Public Library, the alteration and then deletion of the railings to the roof terrace, the reduction in height of the brick staircase tower, the change of material on the west elevation of the first floor from structural glazing to brick, and the change of material for the proposed railings to the south and east terrace and ramp from glass to metalwork. These revisions are extensive and have all made the scheme less harmful to the significance of the existing buildings. They have been accompanied by revisions to the heritage assessment which now describes more fully the constraints of the site, explains the reasoning behind the current scheme, and offers more detailed justification for the harm that will be caused by the proposals in terms of the public benefits that will follow from it.

The architects have gone to some pains at short notice to make these alterations and we are grateful that they have done so. We regret, however, that, having carefully considered the amended proposals and the revised documentation, the Victorian Society maintains its objection to the scheme. Although the amendments address some of our concerns, they do not affect our judgment that the proposed extension, because of its location with respect to the historic buildings and the way it alters their fundamental articulation, will cause harm to significance. This harm is not in principle necessary to achieve the benefits intended by the scheme — many if not all of the same benefits could be provided by a less harmful design.

We do not maintain our objection lightly. We understand the public benefits that the proposals will in principle bring to the combined Gallery, Library, and Museum, and to Kettering more widely; we appreciate that the opportunity for funding this work through the Government's 'Get Building Fund' entails a strict deadline for the completion of the works and hence puts high pressure on the planning process. This pressure, however, should not be allowed to distort the functioning of the planning process so that the outcome is more harmful to the designated heritage assets than it might have been had more time been available to develop a better solution. As I wrote in our letter of the 26th November, I must remind your authority that, as the NPPF states at paragraph 184, heritage assets are an irreplaceable resource. Whilst the current proposals will not result in the permanent loss of any assets, they still will cause lasting harm to significance; this harm could be substantially avoided by a more sensitive scheme and hence remains unjustified, according to the terms of the NPPF, paragraph 194. We therefore urge your authority once more to withhold consent and seek further revisions to the plans.

Notwithstanding this advice, we would like to make it clear that, if your authority is minded to give consent to these proposals, The Victorian Society does not wish you to treat our representations as an objection in the terms of the Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015.

Officer Comments: *The specific reasons for the objection in relation to the extension are provided verbatim in the relevant section of the report (Section 8.2).*

The information contained within the final paragraph of their comments above are dealt with within the associated Listed Building Consent application (KET/2020/0697) as the requirements of the Secretary of State notifications relate to Listed Building Consents.

NCC – Ecology: No objection subject to the imposition of a condition requiring approval of a Bat licence or confirmation that such a license is not required and a condition that details how the invasive species – Virginia Creeper – would be dealt with.

Officer Comments: *The County ecologist, in their full comments, indicate that they were reluctant to agree to this conditional approach in association with the Bats and say that normally when the presence of Bats has been established a Bat emergence survey should be carried out between May-September pre-determination and therefore came to this stated view 'on balance'. This matter will be discussed further below within the main body of the Report.*

NCC – Local Highway Authority: Say that the ‘cannot accept this application and require further information’ and make the following summarised observations:

- The Local Planning Authority (LPA) are requested to take a view on the refuse arrangements and the reversing requirement of the refuse vehicle
- Footpaths are the required 2m width
- Proposed 30 cycle parking spaces are covered and secure. Any existing spaces should also be covered and secure.
- A condition requiring approval of a Demolition and Construction Management Plan should be imposed
- The site is not affected by public rights of way

NCC – Archaeology: No objection subject to the imposition of a staged condition requiring approval of a written scheme of archaeological investigation, which shall also include provision of a Level 3 Building Recording survey.

NCC – Lead Local Flood Authority: State ‘no comment’

Northamptonshire Police – Crime Prevention Design Advisor: State ‘no objection’ – following the submission of and acceptable ‘Secured by Design’ Plan and statement

Neighbours: Two third party letters received including an objection from an interested party and the Rector of St. Peter and Paul’s Church.

The third-party objector says:

“I would like to register my objection to the disabled access ramp planned for the main entrance to Kettering Library.

Obviously, I’ve no objection to disabled access per se, but this ramp is an eyesore and will spoil the beauty of the Kettering Library entrance. I’m surprised that Historic England has not formally objected to the architects’ design.

There is a disabled access entrance at the side of the Library for wheelchairs which is conveniently situated next to the disabled parking. I see from the plans that this entrance will remain open, so can be used for wheelchairs.

Removing this large and ugly structure from the front of the Library will preserve the integrity of the building and save on costs.”

Officer Comments: *Prior to this representation being received the mentioned disabled ramp had been omitted from the proposal following Officer advice and initial comments from Historic England. As such this objection has already been overcome through secured amendments.*

Verbatim comments from the Church Rector:

“I am the Rector of St Peter & St Paul’s Church, next to the proposed development site, Kettering’s oldest building and most visible landmark. I am also Chaplain to the Mayor of Kettering.

We envisage an increased use of the church building in coming years for cultural events, together with possibly permanently changing the use of the space to the west end of the church as a car park. This means that the path from the London Road Car Park down to the church will be much in use by those attending events in our building.

It is important to us that access from the London Road car park to the church remains open throughout construction.

We would also like to see improved lighting on the path from the London Road Car Park down towards the church (at present it is not working and this is a real deterrent for some of our potential visitors for evening events) as well as CCTV coverage extended to include this path.”

The applicant has provided the following response to the Rector comments:

- 1. We will endeavor to ensure that the footpath between the London Road (Cattle Market) Car Park and the church will remain unobstructed during the construction works. There may be occasions when such is not possible for short periods, but we will ensure that the contractor gives adequate warning should this be required.*
- 2. With regard to the lighting to the footpath, we will arrange for the appropriate part of Kettering Borough Council to be notified so that they can carry out any necessary repairs.*
- 3. With regard to CCTV in the area, we will raise the matter with our client and suggest that there be additional coverage in the vicinity of the church.*

5.0 Planning Policy

National Planning Policy Framework (NPPF):

1. Achieving sustainable development
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
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 and geodiversity
5. Water environment, resources, and flood risk management
6. Development on brownfield land and land affected by contamination
7. Community services and facilities
8. Place shaping
9. Sustainable buildings
11. The network of urban and rural areas
12. Town centres and town centre uses
22. Delivering economic prosperity
23. Distribution of new jobs

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

58. Employment: Within Towns
99. Leisure: Class A3 Uses (pubs, restaurants, takeaways)

Kettering Town Centre Area Action Plan (KTCAAP):

1. Regeneration priorities
2. Urban quarters, urban codes and development principles
5. Culture, tourism and leisure
10. Pedestrian and cycle network
11. Public Realm and Public Art
12. Heritage conservation and archaeology
13. Open Space, Green Infrastructure and Biodiversity
23. The Cultural Quarter

Other Documents:

- Kettering Conservation Area Review (2007)
- Kettering Town Centre Delivery Plan (2018)

6.0 Financial/Resource Implications

None

7.0 Climate Change Implications

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global

environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site-Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaptation to, climate change.

8.0 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 archaeology
4. Impact on biodiversity
5. Impact on trees
6. Impact on neighbour's amenity
7. Impact on highway safety
8. Secured by design implications
9. Other matters
10. Benefits
11. Planning balance

1. The principle of the development

The site is located within the Town Boundary defined by Saved Policy 58 of the Local Plan and therefore is consistent with basic principles of that Policy and Saved Policy 99 regarding the Café use. The proposal thereby is consistent with strategic Policies 11 and 23 of the JCS that look to focus development within Growth Towns to secure a sustainable pattern of growth and protection of the rural area. The basic tenet of the proposal is therefore acceptable.

Moreover, as the proposal is associated with the enhancement of an existing established and valued Tourism and Cultural offer the proposal is consistent with Policy 7, 12 and 22 of the JCS which together look to enhance existing employment sites, community services and maintain a vibrant mix of leisure and cultural facilities, especially in town centres as well as enhance public realm.

Further, the development is consistent with Policies within the Kettering Town Centre Area Action Plan (KTCAAP) which puts the proposal within the area defined as 'The Cultural Quarter' (Policy 23) where development within that area and within the study area as a whole should look to positively contribute toward and support the vitality, viability and regeneration of Kettering town centre. Policy 5 and 11 of the

KTCAAP collectively seek to encourage development that improve public realm including the provision of public art and enhance cultural and tourism facilities throughout the Plan area.

The principle of the proposal therefore aligns with the key thrusts of the three arms of the Development Plan and the NPPF for securing such developments in accessible town centre locations that contribute toward vitality and the enhancement of existing cultural heritage facilities.

2. Impact on character and appearance

Policy 8(d) of the JCS consistent with chapter 12 of the NPPF seeks development to respond to the site's immediate and wider context.

As the proposal relates to heritage assets it should be considered against Policy 2 of the JCS and Policy 12 of the KTCAAP which seek development to preserve and enhance the historic environment. Whilst these development plan policies and their general heritage protecting themes are consistent with provisions laid out at chapter 16 of the NPPF they are not entirely consistent as they fail to discuss the 'public benefit' test discussed in the NPPF that allows for identified harm to be outweighed by such benefits. Therefore, if harm is identified, in this regard, discussion will turn to NPPF provisions, as a material consideration.

Moreover, as the proposal relates to development to Listed Buildings and within the setting of other Listed Buildings and articles the proposal shall be considered against 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.

As the site is located within a Conservation Area 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.

To make its case on this matter the application has been accompanied by a 'Heritage Impact Assessment' which is a requirement under paragraph 189 of the NPPF where development has impact on heritage assets so that the significance of assets may be understood.

Notwithstanding the contents of the submitted 'Heritage Impact Assessment' the Victorian Society provide a better 'significance' description of the Grade II Listed Alfred East Gallery and Library. This follows:

In order to understand the harm that will be done by these proposals it is necessary to articulate carefully the architectural qualities of the existing buildings. Firstly it is important to grasp that there are two distinct buildings — the Public Library and the Alfred East Gallery —

and that they have very different characters. The Public Library is a charming and accomplished Arts & Crafts building of 1904, with some later extensions to the rear. It is mostly single storey, with extensive pitched roofs and prominent gables. Its predominant material is red brick, with pale stone dressings for the windows and Collyweston slates for the roofs. The main entrance breaks forward slightly between two small attached towers and under a large decorated gablet, almost entirely in stone. The scale of the building is generous: the principal windows are large, as is the main door and its surround. The composition is enlivened by the ornamental leaded vent and cupola at the centre of the main roof ridge, and by the Jacobethan finials at each end of the principal gables. The Alfred East Gallery, although more decorated, is more austere. It is an almost entirely rectilinear neo-classical building, mostly faced with Weldon Stone, with a rusticated plinth and a stark, plain parapet above a prominent cornice. The walls are blank, relieved only at the corners by pairs of attached Doric columns framing a wreath above a raised panel. The entrance is on the south side, facing a small terrace with the Kettering Cenotaph.

These two buildings, very different in their massing, their style, and their materials, are connected by a small corridor. This corridor divides the space between the two buildings into two open courtyards, one to the west, facing Sheep Street, the other to the east, facing the rising ground that leads to the car park behind the Municipal Offices. To Sheep Street the corridor presents a blank brick wall, divided into three parts by plain pilasters. The wall has a plinth with chamfered stone course that continues that of the library; this harmonises with the back of the Alfred East Gallery, which on its north side is also faced in brick above its rusticated plinth. These three brick walls define an open court with a listed memorial to Alfred East at the centre, surrounded by a low hedge and an iron railing. This courtyard is an important element of the composition and the wider streetscape, and manages the transition between the two buildings with sensitivity and skill. The space is formal and highly articulated, but small in scale and softened by the planting; the low height of the back wall relative to both buildings means that they remain independent. Views over the linking corridor to the planting beyond reinforce this independence and give a sense of openness.

To the east of the corridor is a service yard, bounded on its east side by a relatively low retaining wall. This yard was partly infilled in the 1980s, with the construction of a lean-to picture store against the back of the gallery. The quality of this yard may be low — the 80s lean-to is not particularly sympathetic and the yard's back of house functions make it a scruffy space — but its contribution to the architectural value of the composition should not be underestimated. The way the corridor separates the two very different buildings allows them to be comfortably reconciled as one complex, and the two courtyards add

an extra element of interest to the spatial articulation of the pair of buildings.

The topography of the site, with its distinct rise from west to east, means that the Public Library is partly set into the ground at the rear, and has a definite front and back. The building addresses Sheep Street with its strong symmetry and prominent central entrance. The orientation of the whole complex, however, is more ambivalent. The Alfred East Gallery also addresses Sheep Street as part of the extended composition, but its main entrance is to the south, fronting the small raised terrace which mediates between the hard landscaping of Sheep Street to the north and the public garden to the south. At the north end of the Public Library the access road to the Manor House Museum and then the avenue approaching the church of St Peter and St Paul mean that the Library's north elevation has at least a semi-public aspect, emphasised by its two sets of paired gables.

Finally, it is important to note the characteristic solidity shared by all the existing elements. Although their principal materials are different, both the Library and the Gallery are strikingly solid buildings. This solidity is an obvious characteristic of the Gallery, with its monumental blank walls of stone, but is also a key aspect of the Library, which presents large surfaces of unbroken solid material, especially in its expansive roofscape. The Library has large windows, but these do not form an especially high proportion of the wall surfaces and have their glazing heavily divided by stone mullions and transoms. The open court between the two is also characterised by the blankness of its enclosing walls.

The significance of the Grade II* Listed Manor House is not covered in a comprehensive way in the submitted Heritage Impact Assessment although is assigned 'Exceptional significance' with some general text provided giving some insight as to why that high level of significance is applied:

There has been a Manor House in Kettering since Saxon times and it is likely to have been on the site of the current Manor House. The current buildings incorporate some 17th century stone mullion windows but the L shaped plan two storey (with attics) building dates from the late 17th century but has been refaced in the 18th century. Its walls are generally in ironstone with limestone dressings, including the refaced west elevation, and windows vary including vertical sliding sashes, upper floors being timber joist structured. A 19th century single storey brick extension is to its north west corner and 1980s extensions wrap around its north and part of the east elevations. Roofs are generally Collyweston stone slate covered (whose pitches are too shallow), the main exception being the west elevation of the formal four bay wide principal elevation. The building was significantly refurbished in the 1980s, when it was extended.

Internally many of the historical finishes (fireplaces, joinery, etc.) seem to have been removed. The late 17th century staircase, including balusters and handrails, remains and there is timber wall panelling to a number of walls on the ground floor and first floor, some of which appear historic, but some is apparently reproduction from the 1980s refurbishment. Some plaster cornices also remain. (Taken from paragraph 3.1 of the submitted Heritage Impact Assessment)

This cluster of Listed Buildings together with others in the vicinity, including the Grade I Listed Church of St. Peter and St Paul's, and the formal and informal spaces between contribute to the significance of the Conservation Area and form the Heritage core of the Town Centre. The proposal buildings also provide an important Heritage setting to the Church of St. Peter and St. Paul's and to the other inter-visible Listed articles in the area.

The substantive parts of the proposal shall be discussed in turn below and its merit considered with reference to Victorian Society and Historic England comments where relevant:

Manor House Museum

The substantive element of the proposal to the Grade II* Listed Manor House Museum relates to the area between the 'Blitz Tea Room' and the Manor House involving change of use of the 'Tea Room' to an entrance area associated with the Museum. This area will be incorporated within the Museum through the provision of a glass link which will be located under an existing canopy and be extended to the north to fill a walkway and small courtyard. Following the concerns of Historic England to an earlier version the mentioned extension has been drastically reduced. This reduction has taken place to limit the physical and night-time presence of the extension in views experienced inter-visible with the Grade I Listed Church of St Peter and St Paul's from the north particularly through the archway in the adjacent wall and therefore toward harm to its setting.

The extension no longer requires significant re-grading of land to the north of the museum, is tightly related to the Museum between two buildings and has a lightweight appearance that retains the legibility of the existing detached arrangements associated with the Manor House and the 'Blitz Tea room' building. The extension is also off the later additions to the Manor House and therefore has no significant change as to how the Manor House is perceived or experienced. These circumstances significantly reduce the visual influence that the extension has in its locality, particularly as it would be located at a ground level lower than the wall to the north which separates the site from the adjacent Church. Whilst there is still likely to be viewpoints where the extension can be seen within the setting of the Church these will be very specific with only glimpses of the extension likely to be experienced. In particular, as the below photograph illustrates, the extension would not be visible from the north of the wall which forms boundary with the Church and the Museum as it would sit lower than the wall and would not be visible through the archway.



As such the harm mentioned by Historic England with respect to the influence of the Manor House extension on the Church has been greatly reduced and is apportioned a small (almost residual) amount of harm toward the lower end of the 'less than substantial harm' spectrum toward the setting of the Church. Thereby, whilst the retention of the extension means that Historic England concerns on this matter cannot be said to have entirely disappeared, they would be reduced greatly.

The retention of Collyweston roofs throughout, the replacement of glass balustrade with metal railings and rationalising other clutter to the Gallery extension and the imposition of a condition requiring full details of CCTV and lighting apparatus would seemingly address the other concerns of Historic England.

The remaining concerns of Historic England thereby would be harm caused to the setting of the Church, although that harm would have lessened significantly through the most recent amendments. Clarification of Historic England's position should be available to the Planning Committee in the updates. This is harm that should be weighed in the balance through provision of a 'public benefit test' as laid out at paragraph 196 of the NPPF. This test is made at section 8.11 of the report below.

Art Gallery and Library

The key issue here is the impacts associated with the proposed extension with internal changes to the existing building relatively minor. Historic England concerns on this matter are limited to impacts associated with the setting of the Church to the north as it is outside their normal remit to deal with matters relating to Grade II Listed Buildings. Those concerns relate to the clutter experienced within viewpoints from the south where the Church can be viewed beyond. To address this matter metal railings have replaced glass balustrades and clutter has been reduced.

The Victorian Society object to the proposal and whilst they acknowledge the good work that has taken place to limit the impacts of the proposal, notably the removal

of the Sheep Street entrance ramp, their objection has been maintained. Their objection is:

'It is proposed to infill the rear service yard to create a new single storey flexible ticketing/exhibition/retail space, and to erect a new two-storey block to the rear. This proposal will destroy at a stroke the articulation of the two existing buildings. The existing arrangement manages a tactful reconciliation of two different buildings by giving each space; the proposed new block will crash into both, joining two distinct elements with a third and entirely compromising the careful balance of separation and connection that characterises the current massing.

This new third block is entirely unsympathetic to both the existing buildings. Its massing is uncompromisingly rectilinear, with large cuboidal elements almost unrelieved by any textural details; its principal material is glass, used structurally in large expanses with minimal framing. The treatment of the surfaces responds to neither the characteristic angled expanses of the library's pitched roofs and gabled elevations, nor the restrained but highly detailed classicism of the gallery. The large expanses of glass curtain-walling totally contradict the characteristic solidity of both historic buildings. There are proposed elements of brickwork, 'to match existing' — an extension to the south of the Library's existing single-storey rear elements, and the stair and lift core with the new principal first-floor entrance. Even if the bricks themselves match the existing materials perfectly, however, the construction details — bond, proposed decorative patterns, soldier courses above the openings — have little in common with the architectural language of either existing building.

Although the proposed extension is to the rear it will nonetheless be highly visible from Sheep Street, rising above the blank wall of the linking corridor and largely erasing the important dip in the roofline separating the two buildings. Furthermore, the proposed terrace above the infilled service courtyard has a glass balustrade which will run along the top of the east wall of the linking corridor. Not only will this balustrade be a very visible intrusion of an entirely incongruous material into what is currently a dignified civic composition in solid masonry, but it will also destroy entirely the architecturally important impression that beyond the corridor lies an open space.'

Whilst the Victorian Society fall short of apportioning 'substantial harm' they do indicate that the level of harm *'is still high'* and therefore is toward the high end of the 'less than substantial harm' spectrum of harm laid out in the NPPF.

In the Officers view, the design rationale of the extension is appreciated and is a correct approach, and its generally lightweight nature retains some legibility of the two separate buildings (Art Gallery and Library). The location of the extension to the buildings rear and its less significant elevation, that has seen changes over the years and has a shabby appearance in places, is also considered to have a lessening effect when apportioning harm to significance. Moreover, the provision of a detached building (as an alternative) would not be suitable for the holistic aspirations of the proposal that would provide improved facilities to both the Gallery

and the Library and may be more harmful than the proposed. Nevertheless, in-line with the professional judgement made by the Victorian Society the proposal and the coalescence of the Gallery and Library constitutes harm for the reasons provided by the Victorian Society above.

That harm is 'less than substantial' however it is toward the medium-high end of that range. In this circumstance the amount of public benefit required to overcome this harm, together with the smaller degree of residual harm associated with the Museum build, must be convincing and overwhelming.

The external proposals and the remodelling of the surrounding spaces is considered to constitute natural evolution of such municipal areas in terms of the creation improved public realm where people are more inclined to linger and spill from the enhanced proposed community facilities. The position of the plant machinery on the roof has been thought about carefully and would not be visibly from Sheep Street at street level. This has been demonstrated through the provision of a 'cross-section' plan. A condition will be imposed limiting the height of the plant to within the 'plant zone' shown on the submitted plan.

Further conditions imposed shall require details of all external materials (including railings), construction of a brick sample panel, details of finished floor levels, details of landscaping (including hard-surfacing materials and 'green wall'), details of the bin and cycle store and details of the lighting and CCTV equipment in addition a condition shall be imposed requiring any repair work to be carried out in matching materials.

The extent and scale of the proposal, particularly the extension to the Library and Gallery will be read as a significant change to the host buildings as experienced from the south and east, such large-scale changes tend to exert harm and should be acknowledged. The proposal however has been keen to avoid changes to the main Sheep Street streetscape and has sought to lessen the perceived scale and impact of the proposal experienced from the Gardens to the south.

Consequently, the proposal, would result in harm to the significance of the Gallery and Library as Grade II Listed buildings particularly because of their coalescence and therefore conflicts with Policy 2 of the JCS. In such circumstances a 'public benefit test' needs to be carried out to justify outweighing such harm as permitted by paragraph 196 of the NPPF. That test together with any other harms that may be identified is carried out toward the end of this report.

3. Impact on archaeology

Policy 2 of the JCS and Policy 12 of the KTCAAP, consistent with chapter 16 of the NPPF seeks development to conserve archaeology as part of the historic environment.

Given the Listed designations of the host buildings and the location of the site close to the parish church, and the likelihood of the Manor House being a later replacement of a medieval precursor, there is some potential for remains of archaeological interest to be present on the site. The County Archaeologist considers that this potential can be addressed by the use of their standard condition

for a programme of archaeological work, to comprise in this case a scheme of Observation, Investigation and Recording during groundworks followed by Analysis and Publication of the results.

In addition, the County Archaeologist notes that the Manor House has not previously been subject to any archaeological building recording. As such and considering its changing uses and place in the history and development of the town, as well as its historic fabric, this should be carried out under the same condition as the groundworks scheme. The recording should be up to Level 3 as defined by Historic England (*Understanding Historic Buildings*, 2016) to allow for enhanced documentary research. This matter can be dealt with in the same standard condition.

As a result, and with inclusion of the condition discussed the proposal would conserve archaeological remains and contribute to historic building recording records in the process and thereby is acceptable on this matter.

4. 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.*

Policy 4 of the JCS and Policy 13 of the KTCAAP consistent with chapter 15 of the NPPF seeks to protect biodiversity.

To address this matter the application has been accompanied by a 'Preliminary Ecological Appraisal and Bat Roost Potential Survey'. Whilst this survey concluded for the most part that the development would protect biodiversity, it identified the potential for roosting bats within existing roof voids and thereby recommended the carrying out of 'nocturnal bat surveys' between May and August. Whilst this proposal appears to have been long in the planning in some form such a survey has not been undertaken and cannot be carried out, in an acceptable way, until May 2021. This survey would normally be required prior to determination and therefore this matter could be a pediment to the development coming forward in the short term.

The County Ecologist has been sympathetic to this short-term development constraint and has agreed to the imposition of a condition that allows work to commence. The condition recommended states that prior to work taking place to certain bat sensitive areas of the existing building (the cited roof void) an approved Bat licence should be provided for approval or confirmation that such a license is not required by a suitable ecological professional.

When scenarios such as this arise the determining Local Planning Authority should have a reasonable degree of confidence that such a Bat licence can be obtained. A condition should only be applied when there is a realistic likelihood of it being

approved and thereby enable the development to progress. Otherwise the application should be refused. The mechanism for the Council to obtain such assurance is through application of the 'Three Tests' to Licence Applications associated with European Protected Species and the Planning Process as laid out in the same-titled 'Natural England Guidance Note'. This Test should have regard to Government Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligation and should following appropriately qualified ecological advice, which has been acquired from the County Ecologist.

The applicant sought to address this issue in a Covering Letter that accompanied the recent amendments to the proposal. The 'Three Tests' are (a) Imperative Reasons of Overriding Public Interest (IROPI); (b) No Satisfactory alternative; and (c) Favourable Conservation Status. Each arm of the test will be considered:

a) Imperative Reasons of Overriding Public Interest (IROPI)

When considering 'imperative reasons of overriding public interest, including those of a social and economic nature' Natural England will consider whether the activities/ developments are required to meet or provide a contribution to meeting a specific need. Specific needs identified in the Guidance covers things such as '...requirements for economic or social development' and states 'regeneration' as a non-exhaustive list example. The requirements to maintain nation's education is also an example of a IROPI together with compliance with planning policy.

In the submitted information the applicant makes their case on this matter by saying:

"The effects of the Corona Virus pandemic threaten the livelihoods and health of the entire population of Great Britain (and the whole world). In response our Government has introduced and undertaken various programmes including making £900 million funds available under the "Get Building Fund" initiative which will promote the construction industry in order to kick start the economy. Before the pandemic, construction accounted for over 373,00 jobs and comprised 24,000 companies in Britain with a combined annual turnover of £62.1 Billion. The Government's aim is to stimulate the economy as speedily as possible and consequently has required that all such schemes to be completed by January 2022. The KGLaM scheme (comprising a new extension connecting the Kettering Art Gallery to the Library and improvements to the Museum) is fortunate to have been selected as one of the participatory schemes.

The KGLaM construction period has been estimated to be some 11 months meaning that some construction work , (which would be agreed with the County Ecologist as not being detrimental to bats), has to start on site early in 2021 before the Spring emergent bat surveys can be carried out in May next year. To allow this, the current programme is for Planning Permission to be received before Christmas 2020, with work starting on site in

February. Should planning permission not be granted until after the emergent bat surveys had been completed in May 2021 and any mitigation agreed, such consent would only be granted until mid-summer at the latest which would prevent the scheme from going ahead at all due to the requirement that such GBF funded schemes be completed by January 2022...

... The “do nothing” approach of not starting the construction until the late summer of next year is not an alternative if the goal of this scheme playing its part in the economic regeneration of Kettering is to be achieved and such a delay would not satisfy or contribute to the needs listed above and indeed it would be detrimental to those needs.”

In short; this proposal represents a significant project aimed specifically at the regeneration and improvement of the Town’s cultural and educational assets with funding secured from Government to create cultural anchors which provide a blend of cultural amenity, work/exhibition space and teaching facilities. As such and due to the convincing case made by the applicant in this regard the proposal is considered to meet this IROPI Test.

b) No Satisfactory alternative

In order to issue a licence Natural England (NE) expect the applicant to demonstrate that alternatives have been considered, explain what those alternatives were, and provide a justification for their decisions to select their preferred option and discount the others as satisfactory. As part of the process the applicant should also consider the ‘do nothing’ scenario. NE also expect expects the applicant to demonstrate that they have taken reasonable steps to minimise the impacts of a development on European Protected Species and will consider whether the planning authority has appropriately discharged its duties in respect of the development proposal when determining whether a specific need is being addressed and for the planning consents to be granted.

To make its case on this test point the applicant says:

“This project is site specific comprising three listed buildings and any other locations on the site which would fulfil the required linking of the buildings would not be permitted because anywhere else on the site would have an unacceptable impact on the settings of the heritage assets (the listed buildings) and on other listed buildings in the vicinity such as the Parish Church. In other words any other location on the site would be unacceptable on heritage grounds.”

As the proposal relates to three established heritage buildings which provide three important community facilities (Library, Art Gallery and Museum) it is not practical that the project could be delivered somewhere else whilst still having the same cultural and educational benefits. The project need is associated with the regeneration of the cultural heritage and educational offer

current available and its wider vitality benefits which will be secured in a sustainable town centre location. As such there is no satisfactory alternative and therefore the proposal would meet this Test.

c) Favourable Conservation Status

This Test applies to general principles set out, in the Natural England 'Bat mitigation guidelines' document and therefore is led by the views of Ecologists. The applicant's Ecologist addresses this specific matter in the 'Preliminary Ecological Appraisal and Bat Roost Potential Survey – Addendum' recently received; and say:

“Whilst the current conservation status of any bat roost at the Site is currently unknown this will be informed by the nocturnal surveys, it is anticipated that any roost identified can either be retained in-situ, or adequate compensation incorporated into the project without any significant amendments to the scheme design. Whilst alterations are proposed to the roof structures of the on-Site buildings, significant areas of enclosed roof space are to be retained and can continue to provide roosting opportunities for bats with the retention or creation of bat access points. Further roosting opportunities can also be easily created for crevice dwelling species through the installation of bat boxes either affixed to the walls or integrated into the eaves of the buildings. As such it is considered that maintaining the favourable conservation status of bats at the Site can be achieved following the proposed refurbishment works.”

Because of this comment provided by the applicants Ecologist and in light of the conclusion reached by the County Ecologist there is no reason to believe that a suitable 'Method Statement' could not be provided to Natural England to enable the grant of a Bat licence. Therefore, this Test is met.

Having applied the 'Three Tests' of derogation above the proposal would meet those Tests and therefore it is highly probable that Natural England would grant a suitable Bat Licence, if required. It therefore follows that the condition recommended by the County Ecologist, to allow commencement of certain works whilst preventing other works until suitable Bat mitigation measures has been proven, is a proper and reasonable mechanism to deal with impacts on Bats and is compliant with paragraph 54-55 of the NPPF. That being the case the proposal would have effective safeguards in place to protect Bats as a protected species.

Turning to other biodiversity matters; the provision of a condition, as recommended by the County Ecologist, to deal with the safe disposal of the Virginia Creeper on the building would ensure that this invasive species is dealt with properly. Other issues such as impact on birds and Bats during the early construction phase shall be dealt with through the mitigation measures provided in the submitted Ecological Report, which shall be approved by condition.

As such, the demonstrative evidences submitted with the application together with the imposition of the conditions discussed above are considered to safeguard biodiversity and therefore the proposal is acceptable in this regard.

5. Impact on trees

Impacts on Biodiversity also extend to include impacts on flora and therefore is covered under the provisions of JCS Policy 4 and Policy 13 of the KTCAAP consistent with chapter 15 of the NPPF.

To deal with this matter the application was accompanied by an 'Arboricultural Survey' which included provision of a Conditions survey Tree Protection Plan. The survey also concluded that no trees surveyed were suitable for roosting bats.

The survey revealed that there are trees of varying quality within the application site ranging from lower value (Category C) that could be retained through to moderate and high value Category A trees which are desirable for retention given their maturity, condition and visual amenity (including cultural) value. These trees together with the areas of grass contribute to the area's verdant quality.

Whilst attempt has been made to retain some of the site's trees such as a mature Scots Pine to the east of the Library and a visually interesting snarled Black Mulberry most of the trees shall be felled. It is likely that the mentioned Scots Pine will also come under pressure for felling due to its proximity to the proposed extension. Notably, another Scots Pine of high value to the east of the Gallery will have to come out to make way for the proposal together with other Trees of moderate value along the boundary with the Council car park.

These Tree removals are necessary to provide the extension proposed, to facilitate a walkway through to the Council car park and to create the quality hard surfaced areas proposed.

The loss of the Trees is an unfortunate but necessary result associated with delivery of the scheme, particularly the High value specimens mentioned and their group value to the area.

The removal of the trees therefore is an acknowledged harmful impact associated with the proposal, however this harm is off-set through the creation of a pleasant outside space and the delivery of a high value cultural heritage package and will form part of the Planning Balance toward the foot of this report. Full details of soft and hard landscaping shall be required by condition.

6. Impact on neighbour's amenity

Policy 8 (e) of the JCS consistent with paragraph 127(f) of the NPPF seeks provide a high standard of amenity for existing and future users.

The proposal is concentrated to the eastern side of the Library and Gallery and in the area between the Library and Manor House Museum. The site boundaries are enclosed by Municipal or highway land. The bulk of the building work relates to provision of the Café and educational spaces within the proposed Gallery and

Library extension with its adjacent neighbour being the Council car park to the east and the Manor House Gardens to the south.

The closest residential property to the site would be those in the upper floors of the 'Market Place Buildings' (above Prezzo and Jurassic Grill) 30m to the north beyond the St. Peter and St. Paul's Church approach and car park, any flats that may be in the upper floors of the 'Picaddily Buildings' on Sheep Street 22m to the west and occupiers of the 'Sawyer's Almshouses' 35m to the south-west.

Due to the distance of the proposals from the nearby sensitive residential receptors mentioned and the location of the planned two storey addition and the nature of the adjacent land the proposal would have no direct impacts derived from its physical presence as a result of loss of light, outlook or privacy.

The site and the number of comings and goings within the area will increase because of the proposal and will result in a larger café offer than currently exists at the 'Blitz Tea Room'. However, the proposed works are complementary to the existing function of the site with no reason to believe that its increased usage would have harmful impacts to surrounding land users because of nuisance or disturbance.

Specifically, with respect to the neighbour of St. Peter and St. Paul's Church to the north and comments provided by its Rector with respect to its envisaged increase in cultural usage over the forthcoming years, use of the approach land as a car park and means of pedestrian access from the Council car park and its availability during the construction phase. The proposal shall not impede or otherwise hinder future aspirations for increased activities at the Church or usage of the approach as it sees fit and would be considered complementary to the proposal. Whilst the proposal would result in a secondary approach to the Church's access (from the Manor House Gardens) being closed off by the Manor House extension the primary pedestrian route from the Council Car Park to the Church would remain unchanged. Details of the provision of this route during the construction phase of the proposal shall be a specified requirement of the Construction Management Plan that shall be required by condition.

The Rector also highlights the need to see improved lighting (existing not working) from the car park to the Church as well as CCTV coverage of this area. The proposal includes the provision of an additional lighting bollards at the pedestrian access in the wall of the Church (to the northern boundary of the site and the Manor House Museum). Full details of the lighting scheme, together with coverage shall be required by condition and an informative can be applied encouraging the applicant to deal with any existing malfunctioning lighting stands. In addition and as detailed in the submitted 'Secured by Design' Plan and Statement provision of a CCTV camera is proposed within the small courtyard area that would be formed between the extension proposed to the Manor House and the Church's pedestrian access archway. The CCTV and any other arrangements proposed in the 'Secured by Design Plan for the site shall be required to be in place and operational prior to first use of the development. The applicant has also provided (detailed above at the end of section 4.0) a commitment to carry out the proposal in a way that aligns with the

wishes of the Rector. As a result, the proposal would provide a well-lit and overlooked walked approach from the Council car park to the Church.

Whilst any development will have some impacts during its construction phase, impacts cover a very limited time over the lifespan of the development. Any significant issues, such as retaining the Pedestrian Access to the Church, can be mitigated through the provision of a Construction Management Plan condition which shall be approved prior to commencement. The imposition of such a condition was recommended by the Council's Environmental Protection Officer.

In terms of future users of the proposal; the development will create an attractive 'stay-a-while' outside space for pedestrians and pleasant light and airy conditions and improved facilities for users of the proposed internal spaces and also include cycle storage and suitable refuse storage facilities.

As such the proposal would ensure the amenities of surrounding land users, including sensitive nearby residential receptors and provide enjoyable spaces for future users subject to imposition of the conditions discussed. Thereby and with no objection from the Council's Environmental Protection Department or reason to justify coming to a different conclusion the proposal is acceptable in this respect.

7. Impact on highway safety

Policy 8 (b) of the JCS together with Policy 2 and 10 of the KTCAAP look to create safe and well connected streets and places through the delivery of satisfactory means of access and parking provision whilst also prioritising the needs of pedestrians and cyclists and resisting development that would prejudice highway safety. These development plan requirements are consistent with chapter 9 of the NPPF.

The application has not tackled this matter in any meaningful way other than through the provision of a short section in the submitted 'Design and Access Statement entitled 'vehicular and transport links'.

Nevertheless, and to deal with parking provisions first. The site is in a sustainable location within the Town Centre less than 400m from the Train Station and less than 300m walking distance from the Towns Horsemarket bus hub. Currently the site accommodates approximately two disabled car parking spaces in the area to the north of the Library level access which shall be retained. Other than the retention of these two spaces no parking provision is proposed. In addition, there are three disabled bays available in Sheep Street approximately 20m from the libraries retained level access entrance which are also available. There is also a taxi rank layby in the same Sheep Street location. In addition, disabled parking is available in the Council Car Park adjacent as well.

The site appears to operate currently in a way that does not cause parking inconvenience or highway safety concerns. The level of usage will increase because of the proposal and therefore result in increased trip generations. The adjacent car park is available to the development and together with the London Road car park provides 341 car parking spaces including 11 disabled spaces with Electric Vehicle (EV) to be added shortly. Whilst the car parking is currently operating significantly

below capacity, due to COVID-19 measures, once such measures are no longer required full capacity will be resumed. The proposal includes provision of a level access to the adjacent Council car park through a section of fencing to the sites eastern boundary which will give direct access to the proposed Café and its ramped access.

Whilst the number of vehicular trips generated by the proposal is not clear in the submission there is no reason to believe that the developments parking requirements cannot be accommodated safely at existing car parks in the area.

The servicing of the proposal for deliveries can be taken either from Sheep Street which allows loading and unloading before 8am and after 6pm or otherwise, with regard to the Café, deliveries can be made from the adjacent Council car park without causing issue. Bin refuse storage is provided to the northern end of the site located an acceptable 15m drag distance from the highway or otherwise the refuse vehicle is shown to be able to reverse directly to the bin store in a provided tracking diagram. Details of the bin store shall be required by condition. As such servicing arrangements are acceptable.

Moving on to impacts relating to cycle and pedestrian movements. The proposal will provide 30 new cycle spaces in a row of 'hooped cycle stands' with cover adjacent to the proposed bin storage area close to the retained access off Sheep Street and retain the existing 8 cycle hoops. Precise details of the cycle stands shall be required by condition. A pedestrian route shall be closed off through provision of the Manor House Museum extension. Although the primary function of this route relates to the position of the current Manor House Museum access which will be changed to where the 'Blitz Tea Room is currently located. As a result, the closing off this access and with another route possible to get access to pedestrian gate in the Church wall, which serves as a permissive route, is not considered to cause harm to pedestrian movements. Some minor remodelling work will be required within the adjacent Council car parking. However this is outside the extent to the defined site boundary and would in any event not require planning permission as it would involve the removal and painting on the car park surface closest to the proposed Café access from the car park and therefore is not subject to a condition and shall be carried out by the Council as landowner of both sites.

The proposals pathways, building entrances and accesses to adjacent land are well placed and suitable to ensure ease of pedestrian movement whilst also creating pleasant areas of a 'lingering' quality. In particular the change to the location of the Manor House Museum entrance has a notable signposting benefit as it would now be clearly visible from Sheep Street whereas currently it is tucked behind the 'Blitz Tea Room' in an inconspicuous location with little sense of arrival. The relationship between the proposed Café entrance and the adjacent Council car park with the creation of a level access footpath is also well planned and effectively turns the eastern/rear elevation of the Library and Gallery into an accessible and connected destination rather than a little used through-route. The proposal therefore creates safe and useable pedestrian route enabling easy flow of movement and connects to existing routes and adjacent land well whilst also having cycle storage provisions.

The Local Highway Authority do not oppose the proposal, they do however make a series of observations that shall now be covered below in the order that they are detailed toward the top of Section 4.0 above:

- Refuse collection will be made from the northern edge of the site where a bin storage area is proposed. Collection shall either be made from the Sheep Street, with the bins only 15m drag distance or otherwise the refuse vehicle can reverse to the bin store. Either scenario is a suitably safe arrangement.
- The footpaths accord with the 2m width requirement.
- The proposed 30 cycle storage shall be covered as required and whilst the existing 8 cycle hoops shall not be covered this is an existing situation with demand for secure cycle store to be met by the new 30 cycle parking spaces
- A Construction Management Plan shall be required by condition in the interest of highway safety during the proposal's construction phase and no public rights of way will be affected.

Given the immediate foregoing, the proposal would come forward in a way that maintains highway safety, is user accessible and well connected with surrounding land and car park facilities. As such the proposal is acceptable in this regard.

8. Secured by design implications

Policy 8 (e) of the JCS, consistent with paragraph 127(f) of the NPPF seeks development to design out antisocial behaviour and crime and reduce the fear of crime.

It is known that the area to the east of the east of the Library and Gallery experiences anti-social behaviour and therefore the comprehensive redevelopment of that area would have an immediate improving effect. Following initial concerns by the Police's Crime Prevention Design Advisor a 'Secured by Design' Plan was provided by the applicant. The Plan shows the provision of well-lit but low-key (bollard) lighting together with more substantial lighting columns at key points and external lighting to the buildings. A CCTV system is also proposed to sensitive and alcove areas. As a result of these provisions the Police no longer have any concerns. Details of the lighting scheme shall be required by condition and the overall 'Secured by Design' Plan conditioned to be in place and operational prior to first use of the proposal.

As such, with no Police objection and through the imposition of the conditions mentioned the proposal would create a pleasant illuminated and overlooked environment that has addressed its responsibilities to provide a development that plans out crime by design. The proposal is acceptable on this issue.

9. Other matters

Any matters that may arise because of ground or building contamination shall be dealt with through the provision of an unexpected contamination condition as recommended by the Council's Environmental Protection Officer.

The proposal would not require a Flood Risk Assessment or comprehensive drainage strategy given its limited surface area. As such and with no issues coming from the Lead Local Flood Authority and with the proposal adhering to Building Regulations and statutory surface and foul water connection arrangements the proposal is acceptable on this matter.

10. Benefits

The benefits associated with the proposal are as follows with provided by the Council's Economic Development Department comments, which say:

- *The application represents a major investment to improve the cultural assets within Kettering Town Centre, safeguarding the future of these buildings for generations to come. It will also enhance the gateway into the Cultural Quarter and increase footfall for surrounding businesses*
- *Together with the Heritage Action Zone, this represents a complementary £8m investment in the cultural and historical assets of Kettering Town Centre. Although the town centre remains an important shopping place, we must plan for a more holistic role for the Town Centre incorporating wider uses including arts and leisure. If this opportunity is lost, the impact on the town centre will be significant. As we have seen from the regeneration of the Market Place, public investment within the Town Centre acts as a catalyst for private investment and this opportunity will also be lost*
- *This project will also help to expand the delivery of free business and intellectual property advice in conjunction with the British Library through the increase of education space. This is service provides valuable 121 business support for local businesses and this resource will be a crucial aid to economic recovery and growth*

The application, also provides series of bullet-points with respect to the proposal's benefits:

- *Investment in repairs the fabric of the heritage assets*
- *Improved library facilities including encouraging start business and IP facilities*
- *Improved museum including new interpretation and exhibition facilities*
- *Improved art gallery exhibition spaces*
- *Improved storage facilities with better environmental control for art works and museum artifacts*
- *new café provision*
- *Improved public access*
- *New "black box" exhibition/drama/lecture/function space*

- *Better integration of the three cultural facilities of the new North Northamptonshire unitary authority*
- *Better and safer external spaces*
- *More sustainable lower carbon footprint accommodation*
- *Improvements in Civic pride of Kettering residents in the difficult time of the current corona pandemic*
- *More publicly accessible facilities such public conveniences and office space for community uses.*

These community and cultural heritage benefits discussed together with other direct and in-direct economic benefits associated with the proposal including construction spend and the positive contribution to the Towns vitality and improving its cultural heritage offer and accessibility are worthy of applying the ‘great’ weight averred in the Heritage Statement conclusions.

11. Planning balance

The benefits that would accrue from the development are set out above and acknowledge that significant weight can be afforded to the economic, social, and environmental dimensions of the NPPF.

The proposal would result in identified ‘less than substantial harm’ to the significance of heritage assets and notable would cause harm to the significance of the Grade II Listed Art Gallery and Library as a result of the proposals modern design approach and coalescence of the two buildings. There would also be minor harm to the setting of the Church. This harm conflicts with Policy 2 of the JCS and 12 of the KTCAAP and can only be overcome through passing the ‘public benefits’ test laid out at paragraph 196 of the NPPF.

Other harm identified relates to the loss of trees, although as this is also linked to the harm identified to the setting of heritage assets it shall thereby shall not be double counted. The other key impact in this regard relates specially to Bats, however this is not considered to weigh on the side of harm as fully reasoned mitigation measures, including application of a derogation test has been made which would deal with any potential harmful impacts to protected species.

The overall harm therefore identified would be the ‘less than substantial’ harm to the significance of Heritage Assets, which would equate to ‘significant’ in the Balance.

Consequently, and in making the final committed Planning Balance, it is considered that the ‘great benefits’ discussed above would outweigh the ‘significant’ harm identified and would hold the tilt in the balance. Particularly the significant benefits of the proposal relate to securing the ‘optimal viable use of the host Listed Buildings’ is a contributing factor to this view as those benefits also directly relate to the harm apportioned. IE – the benefits are unlikely to occur without the harm.

The objection and comments received by the Victorian Society have been considered with a high degree of weight when coming to the above view with a factor being that the level of harm that they originally cited has undoubtedly been lessened through the three rounds of amendments secured. However, in this case the

benefits are so weighty, and the harm not considered to be so great to out-balance the identified benefits.

The proposal therefore is considered to meet the three dimensions of sustainable development (economic, social, and environmental) required in the NPPF when assessed as a whole. Moreover, this harm would not warrant a conclusion of there being conflict with the development plan when read as whole.

Conclusion

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

Considering the foregoing the proposal is in accordance with the development plan when read as a whole. The conflict with JCS Heritage Policy 2 and KTCAAP Heritage Policy 12 is acknowledged but only insofar as they are inconsistent with NPPF guidance for not permitting the public benefit test to outweigh harm. Thereby under such circumstances and consistent with paragraph 11 of the NPPF, which details the presumption in favour of sustainable development, the proposal is considered to be sustainable and should be approved without delay as it comprises the right type of development in the right place and at the right time to support the Town's regeneration through provision of a significant improvement project that relates to cultural heritage and education.

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

Background Papers

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

BOROUGH OF KETTERING

Committee	Full Planning Committee - 19/01/2021	Item No: 5.3
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2020/0697
Wards Affected	William Knibb	
Location	Kettering Library, Alfred East Gallery and Manor House Museum, Sheep Street, Kettering	
Proposal	KBC:Listed Building/Conservation Area Consent Applications: External alterations and extensions to include conversion of existing café to Museum entrance, new ramps, creation of new public areas. Internal alterations to create exhibition space and offices, change toilet layout and replace staircase	
Applicant	Ms R Mathieson, Kettering Borough Council	

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 works to which this consent relate shall be begun before the expiration of 3 years from the date of this consent.

REASON: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and to prevent an accumulation of unimplemented consents.

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 2 of the North Northamptonshire Joint Core Strategy.

3. The proposal shall be carried out in accordance with external materials and finish details (including the finishes to balustrades and railings etc.) 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 2 and 8 of the North Northamptonshire Joint Core Strategy.

4. All external brick walls shall not be laid, coursed or pointed other than in accordance with a sample panel which shall have been constructed on site and approved in writing by the Local Planning Authority prior to the commencement of construction of any such external walls. As approved, the sample panel shall be retained on site and kept available for re-inspection throughout the construction period.

REASON: In the interests of preserving the historic interest of the listed building in accordance with Policy 2 of the North Northamptonshire Core Spatial Strategy.

5. No works shall take place above slab until full details of all windows, doors (and their surrounds), timber finishes, verge detailing and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of protecting the character and appearance of the Conservation Area and Listed Buildings in accordance with Policy 2 and 8 of the North Northamptonshire Joint Core Strategy.

6. Prior to installation of the following articles full design details of the CCTV system, external lighting and the cycle & bin storage areas shall be provided to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be in place and available for use prior to first use and shall remain in that form thereafter.

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

7. All works of repair, restoration and replacement are to exactly match the original features, unless otherwise approved in writing by the Local Planning Authority.

REASON: To protect the architectural and historic interest of the building in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy.

8. No Plant Machinery whatsoever shall be installed on the roof of the development hereby permitted other than within the yellowed 'Plant Zone' shown on the approved plan (SK)48A for the duration of the development.

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

Officers Report for KET/2020/0697

This application is reported for Committee decision because it is a Kettering Borough Council own development and due to an objection being received

3.0 Information

Relevant Planning History

KET/2020/0696 - External alterations and extensions to include conversion of café to Museum entrance, new ramps, removal of trees and creation of new public areas
- Pending and to be considered concurrently with this application

Site Visit

Officer's site inspection was carried out on 09/11/20 and 07/01/2021

Site Description

The application site comprises a cluster of Listed Buildings and surrounding land that form a key component to the Town Centre's cultural heritage. The buildings comprise the linked Grade II Listed Alfred East Art Gallery & Public Library and the Grade II* Listed Manor House Museum and the 'Blitz Tea Room' which is linked to the Museum by way of an open canopy (listing descriptions provided below). These buildings shall henceforth be referred to collectively throughout the report as the Gallery, Library and Museum ("GLaM").

The site also includes the Grade II Listed Kettering Cenotaph (War Memorial) toward its southern extent and the Grade II Listed Alfred East Monument within a courtyard toward its western edge. Other Listed Buildings in the locality include the Grade II Listed Dryland Fountain to the west to the road edge of the adjacent Sheep Street footpath and the Grade I Listed Church of St. Peter & St Paul, which is to the north of the Manor House museum beyond a wall and archway.

The site is within a mixed-use area and include the curtilage listed municipal Manor House Gardens to the immediate south of the Gallery. The Council Offices and associated car park to the east of the Gallery. The vacant Naseby (former George) Hotel and a row of shops (Piccadilly Buildings) beyond Sheep Street highway to the west. And the approach and car parking associated with St. Peter & St. Paul's Church enclosing the sites northern boundary with Market Place buildings including restaurants with residential above beyond. The site is also located with the Town Centre Conservation Area.

The listings descriptions for the host buildings are:

Alfred East Art Gallery

Grade II. 1913 by J A Gotch in Neoclassical style. Ashlar, of Weldon stone with low pitched roof behind parapet. Single storey on rusticated base. No windows, Roman Doric order with half columns in centre of side elevation framing entrance arch in rusticated chamfered voussoir with carved keystone. Pairs of columns either end of front frame raised panels and wreaths with garlands.

Public Library

Grade II. 1904 by Goddard, Paget and Catlow in Arts and Crafts manner. Red brick, stone dressings, Collyweston slated roof with 3 gables. 1 storey, projecting ends, slightly projecting centre with elliptically chamfered arched wide entrance up stone steps. Mullioned and transomed casement windows. Central lantern and cupola astride roof ridge.

Public Library, Art Gallery. Alfred East Monument and Dryland Fountain form a group.

Manor House Museum

Grade II*. C17 refronted C18, perhaps incorporating earlier structure of house, known as Abbot's house, belonging to Peterborough monastery. Ironstone squared rubble and ashlar, stone slated and concrete tiled gabled roof with stone copings and front parapet. 2 storeys and attics, gabled dormer. L plan, 4 sash windows with glazing bars to front elevation, ashlar faced with flat arches. Back wing has 6 light stone mullioned ground floor casement window under drip mould. Carved shield below centre of parapet. C19 lower 2 storey 1 casement window wing on left.

Proposed Development

The application seeks Listed Building Consent for the following:

- Brick and glazed flat-roof two storey extension off the eastern side of the Gallery and Library including within a central courtyard area. The extension together with internal modifications shall house Gallery storage, meeting and staff rooms and multipurpose room to the ground floor. To the first floor is proposed a range of offices within the existing first floor of the Library building, a multifunction events room, a Café that opens on to an accessible terrace off the side elevation of the Gallery, which is raised to cope with site levels. Also included in this element of the proposal is a staircase and lift together with an external access ramp. The provision of plant machinery is proposed to the roof together with associated screening and rooflights.
- Internally within the Library the first-floor rooms will be reordered slightly to dispense with a staircase which will effectively be replaced by the stairs and lift within the extension mentioned above.
- The existing 'Blitz Tea Room' is proposed to change its use to provide a giftshop, tourist information centre and a new entrance to the museum with provision of a glazed link (primarily under an existing canopy) to the rear of the building to give access to the existing Manor House Museum. A 'Buggy' store is also proposed between a retained section of stone wall and the 'Blitz Tea Room'. A small extension glass extension is also being formed to the rear of the 'Tea Room' to fill a small walkway/courtyard area between the 'Tea room' and the museum and will house an exhibition room together with the glazed link.

- Internally within the Manor House Museum some of the exhibition spaces and offices are to be reordered and there is a change in layout to the ground floor toilets.
- Externally an enclosed bin storage and covered 30-space cycle storage area will be created in the area around the existing level access to the Library toward the northern extent of the site
- Three oval focal areas are proposed in the surroundings spaces including provision of a 'Feature' in the area between the proposed Café entrance and the adjacent Council car park with access opened for pedestrian access between the two. A large oval block-paved area is proposed between the Library and the Manor House Museum with seating and a smaller area of seating to the south of the Museum in the vicinity of an established mulberry tree. External lighting is proposed throughout the proposed public realm changes together with provision of a CCTV system.
- To make way for the proposal some of the sites mature trees are proposed to be felled; notably the removal of an 18m high Scots Pine on the footprint of the extension to the east of the Gallery.

The proposal before the Members follows three rounds of amendments secured during the application process to address comments received from Statutory Consultees and following Officer advice. These amendments include:

- reduction in the height of the Gallery/ Library brick lift/stair tower by 1m
- removal of balustrades from the roof of the extension and replacement with collapsible handrails and a change to the east elevation frameless glass balustrades to traditional metal railings
- Incorporation of a 'living wall' to the west elevation of the café as seen from Sheep Street
- omission of secondary glazing from the Manor House Museum and Library
- omission of an access ramp from the front west Sheep Street elevation of the Library
- omission of Dormers from the east elevation of the Manor House Museum
- decluttering of the café terrace and entrance steps
- retention of Collyweston rooves to the 'Blitz Tea Room' and the Museum's 1980's extension
- reduction to the extent of the glazed extension to the north of the Museum

The proposal is considered based on these amendments and demonstrates the willingness of the application to engage with the local planning authority to overcome issues.

The proposal is part of a Kettering Borough Council project, that has been being prepared over the last two years, to combine the Art Gallery, Library and Museum (GLaM) into an integrated facility. This follows recently obtained funding to carry this out through the Governments 'Getting Building Fund'. This Fund aims to create cultural anchors which provide a blend of cultural amenity, work/exhibition space

and teaching facilities. This Project is seen as being complementary to and would run alongside the Heritage Action Zone (HAZ) project, which is a project ran in partnership with Historic England which secured funding in April 2020 toward Town Centre cultural and heritage led regeneration.

Any Constraints Affecting the Site

Listed Buildings

Within the setting of Listed Buildings

Within Conservation Area

4.0 Consultation and Customer Impact

The proposal has undergone three rounds of amendments and re-consultation. The below comments are the most recent received:

KBC – Economic Development Department: ‘Support’ the proposal for the following reasons:

- *The application represents a major investment to improve the cultural assets within Kettering Town Centre, safeguarding the future of these buildings for generations to come. It will also enhance the gateway into the Cultural Quarter and increase footfall for surrounding businesses*
- *Together with the Heritage Action Zone, this represents a complementary £8m investment in the cultural and historical assets of Kettering Town Centre. Although the town centre remains an important shopping place, we must plan for a more holistic role for the Town Centre incorporating wider uses including arts and leisure. If this opportunity is lost, the impact on the town centre will be significant. As we have seen from the regeneration of the Market Place, public investment within the Town Centre acts as a catalyst for private investment and this opportunity will also be lost*
- *This project will also help to expand the delivery of free business and intellectual property advice in conjunction with the British Library through the increase of education space. This is service provides valuable 121 business support for local businesses and this resource will be a crucial aid to economic recovery and growth*

Historic England (HE): These comments do not relate to the most recent amendments but are the most recent. Any subsequent comments will be reported to the Planning Committee in the updates. Their comments are provided in full:

We welcome the revisions to the scheme which address a number of the concerns we raised in our letter of 3 November 2020. However, we have some concerns outstanding and advise your authority to seek amendments, additional information or safeguards to address the four

remaining concerns we have highlighted in our advice below.

In our letter of 3 November 2020 we raised seven specific concerns with regard to the applications. We welcome the submission of additional information intended to address these concerns, including covering letter, amended plans, 3D views and photo comparison. We have reviewed the additional information and are pleased to note that five of our concerns have been addressed and resolved through these submissions. However, two of our previous concerns remain unresolved and two additional concerns have been flagged by the new information.

Concerns that have been addressed:

Art Gallery

1. Height of lift tower in extension: we welcome the reduction in height of the lift/services tower by 1 metre. The reduction in height reduces the harmful impact of the tower on views of the listed buildings, particularly to the east and south. The reduction in height also reduces the impact on views from Sheep Street, where the extension will be seen rising above the link corridor between the Art Gallery and Library and above the Alfred East monument. The view from Sheep Street is also improved by replacement of the proposed glass balustrade on the extension roof with a metal railing. However, even with these amendments, the extension will have quite an impact on the Sheep Street elevation, and your authority should weigh this harm against the public benefits of the proposals.

Manor House Museum

2. Dormer windows on east elevation: we note that it is now proposed to retain the existing roof structure on the 1980s Museum extension, and the harmful dormer windows have therefore been removed from the design.

3. Secondary glazing: we note that secondary glazing is no longer proposed for the Museum.

Library

4. Ramp: we note that the harmful Sheep Street ramp has been removed from the designs.

5. Secondary glazing: we note that secondary glazing is no longer proposed for the Library.

Concerns that are outstanding

Art Gallery

1. Impact of extension and café seating on views from the south: we note the submission of photomontages with bare trees as requested, which enables better assessment of the impact of the extension and café seating on the Art Gallery and setting of the parish church. In our opinion, these photomontages demonstrate the harmful impact that will be caused to views of the parish church in particular, by the clutter of glass balustrading and other elements on the extension terrace and entrance steps. The glass balustrading is unnecessarily intrusive in this view. We urge you to seek amendments to the scheme to remove the glass balustrading and replace it with metal railings where necessary, and generally de-clutter this view.

Manor House Museum

2. Replacement of Collyweston roofs: We note that the proposals have been revised to retain the existing Collyweston roof coverings on the Blitz Café, in line with our comments. However, as it is also now proposed to retain the roof structure on the 1980s extension, we cannot see the justification for removal and replacement of the Collyweston coverings on this extension with Welsh slate. The choice of Collyweston was made deliberately in the 1980s, as this is a high quality material local to the area, and in keeping with the existing roofs of the Manor House, Library and other high status buildings. The deliberate removal of Collyweston coverings and replacement with a non-local material that is different in colour and appearance still requires strong justification, even on a 1980s extension. Now that the roof structure itself is not being replaced, that justification has not been provided. We advise your authority to seek amendments to the scheme to retain all the existing Collyweston roof coverings on the Museum, including on the 1980s extension.

3. North extension: we have re-examined the potential impact of the glazed north extension to the Museum, in light of the acknowledgement in Mr Assheton's covering letter that the proposals may cause more harm to the significance of the heritage assets than originally ascribed in the Heritage Impact Assessment (HIA). The HIA describes the extension on page 11 as 'courtyard infill' to the north of the roofed passageway between the Blitz Café and the Museum, which is 'currently surrounded by walls on three sides'. It notes the extension 'will be hidden from the church by the 2 metre high churchyard wall'. The only other assessment of impact is provided by a small picture on page 23 captioned: 'pedestrian route from churchyard south towards Manor House will remain as it is but with the north extension in the distance'.

In our opinion, the harm that will be caused by the glazed north extension has been entirely underestimated. We have realised that, while the courtyard might be surrounded by walls on three sides, the open side is the one that faces the main pedestrian route from the Council car park to the parish church, through the archway in the churchyard wall - a route

that has already been highlighted as significant by the Rector in his comments on the scheme. The experience of approaching the parish church through the archway is part of the significance of the parish church; as is the experience of looking back through the archway and seeing the Museum. This experience will be heavily impacted by the distracting glazed extension to the Museum, both during the daytime and when illuminated from within at dusk. There is also potential impact on views from the west front of the church, above the churchyard wall, but that is difficult to ascertain due to changes in ground level that are impossible to work out from the drawings.

We advise your authority to seek additional information that enables proper assessment of the level of impact of the north extension (photomontages, 3D views), and to seek amendments to reduce that impact. As the extension is proposed to be used for exhibits, it would make sense both aesthetically and functionally to replace the full-height glazed elevations with stone walls, with carefully placed window apertures or even roof lights.

'Secure by Design' revisions

4. CCTV and lighting: to address security concerns raised by the Police, the 'Secure by Design' revisions propose installing several CCTV cameras and lighting on the exteriors of the Gallery, Library and Museum. If not carefully controlled, the choice of design and location for the CCTV cameras and lighting fixtures could cause harm to the significance of the listed buildings. The south front of the Gallery and the west and south fronts of the Museum are particularly sensitive locations. Therefore we advise your authority to secure the design and location of the CCTV cameras and lighting fixtures by condition.

Recommendation

Historic England has concerns regarding the applications on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 194 and 196 of the NPPF.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Officer Comments: These comments relate to earlier amendments and secured the satisfaction of Historic England (HE) on initial objections relating to removal of the Collyweston roof from the 'Blitz Tea Room', Dormer windows on the east elevation of the Museum and Secondary glazing, which have been omitted from the proposal. In addition, the Library Sheep Street ramp has been omitted together with Secondary glazing. Whilst the height of height of the lift tower on the proposed library/gallery extension has been lessened by 1m it remains a concern together

with some other features and consider this to be harm that the LPA should weigh against public benefit.

HE retain concerns regarding, the glass balustrade clutter to the café terrace and entrance steps, removal of Collyweston to the rooves of the Museum's 1980's extension, and the glazed extension to the north of the Museum and also recommend provision of a condition to require full details of the proposed CCTV and lighting fixtures.

The further and most recent amended drawings have been received and have sought to address these matters and involve retention of the Collyweston Roof to the Museum's 1980's extension and drastic reduction of the proposed glazed extension to the north of the Museum. In addition, the cluttered nature of the Café terrace and entrance steps has been revisited and the recommended provision of a condition requiring full details of the CCTV and lighting fixtures accepted. Comments on these further amendments by HE has been sought, although are not available at the time of writing and thereby shall be reported to the Planning Committee, in the updates, if received. As such the findings of this report are based on the current position of the HE provided above, and the recent amendments submitted to address those impacts stated.

Victorian Society: Object to the proposal and provide the following comments having considered the most recent amendments:

Since the first iteration of these proposals the architects have made a number of revisions in response to comments made both by the Victorian Society and by Historic England. These revisions include the deletion of the new ramp to the main entrance of the Public Library, the alteration and then deletion of the railings to the roof terrace, the reduction in height of the brick staircase tower, the change of material on the west elevation of the first floor from structural glazing to brick, and the change of material for the proposed railings to the south and east terrace and ramp from glass to metalwork. These revisions are extensive and have all made the scheme less harmful to the significance of the existing buildings. They have been accompanied by revisions to the heritage assessment which now describes more fully the constraints of the site, explains the reasoning behind the current scheme, and offers more detailed justification for the harm that will be caused by the proposals in terms of the public benefits that will follow from it.

The architects have gone to some pains at short notice to make these alterations and we are grateful that they have done so. We regret, however, that, having carefully considered the amended proposals and the revised documentation, the Victorian Society maintains its objection to the scheme. Although the amendments address some of our concerns, they do not affect our judgment that the proposed extension, because of its location with respect to the historic buildings and the way it alters their fundamental articulation, will cause harm to significance. This harm is not in principle necessary to achieve the benefits intended by the scheme —

many if not all of the same benefits could be provided by a less harmful design.

We do not maintain our objection lightly. We understand the public benefits that the proposals will in principle bring to the combined Gallery, Library, and Museum, and to Kettering more widely; we appreciate that the opportunity for funding this work through the Government's 'Get Building Fund' entails a strict deadline for the completion of the works and hence puts high pressure on the planning process. This pressure, however, should not be allowed to distort the functioning of the planning process so that the outcome is more harmful to the designated heritage assets than it might have been had more time been available to develop a better solution. As I wrote in our letter of the 26th November, I must remind your authority that, as the NPPF states at paragraph 184, heritage assets are an irreplaceable resource. Whilst the current proposals will not result in the permanent loss of any assets, they still will cause lasting harm to significance; this harm could be substantially avoided by a more sensitive scheme and hence remains unjustified, according to the terms of the NPPF, paragraph 194. We therefore urge your authority once more to withhold consent and seek further revisions to the plans.

Notwithstanding this advice, we would like to make it clear that, if your authority is minded to give consent to these proposals, The Victorian Society does not wish you to treat our representations as an objection in the terms of the Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015.

Officer Comments: *The specific reasons for the objection in relation to the extension are provided verbatim in the relevant section of the report (Section 8) and discussion on the final paragraph shall be provided under Preliminary Matters below.*

NCC – Archaeology: No objection subject to the imposition of a staged condition requiring approval of a written scheme of archaeological investigation, which shall also include provision of a Level 3 Building Recording survey.

5.0 Planning Policy

National Planning Policy Framework (NPPF):

1. Achieving sustainable development
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

Kettering Town Centre Area Action Plan (KTCAAP):

1. Regeneration priorities

12. Heritage conservation and archaeology

6.0 Financial/Resource Implications

None

7.0 Climate Change Implications

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site-Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaption to, climate change.

8.0 Planning Considerations

Preliminary Matters

Listed Building Consent Application associated with Council Own buildings are subject to requirements under Section 13 and 14 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This says that, in relation to a Council Own Listed Building Consent applications, if an objection has been received by Historic England and/or National Amenity Societies and the application has been recommended for approval then the Secretary of State shall be the determining Authority. The Victorian Society are a National Amenity Society and have objected. Historic England whilst they have raised some concerns to an earlier scheme do not state an objection.

However, in their response the Victorian Society provide the following paragraph by way of a caveat to their objection:

Notwithstanding this advice, we would like to make it clear that, if your authority is minded to give consent to these proposals, The Victorian

Society does not wish you to treat our representations as an objection in the terms of the Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015.

As a result of this and to ensure that the decision is made in a safe and proper way Legal Opinion has been obtained from the Council Solicitor; follows:

Your query relates particularly to whether the application will need to be referred to the Secretary of State on the basis that we have received an objection from the Victorian Society. The arrangements for such applications to be referred are set out in Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015(2015 Direction).

Para 5 of the 2015 Direction states:

“Section 13 of the Act does not apply to applications for listed building consent:

(a) to carry out excluded works;...”

Excluded Works are defined in the 2015 Direction:

““excluded works” means works for the demolition, alteration or extension of a grade II (unstarred) listed building which do not comprise or include relevant works;”

Relevant Works are defined as,

““relevant works” means:

(i) works for the demolition of any principal building;

*(ii) works for the alteration of any principal building which comprise or include the demolition of a principal external wall of the principal building;
or*

(iii) works for the alteration of any principal building which comprise or include the demolition of all or a substantial part of the interior of the principal building.”

From the plans submitted it does not appear that the proposed application includes any relevant works. Therefore, provided the work relates to a Grade II building, then the application will not need to be referred to the Secretary of State on the basis of the Victorian Society objection. The Victorian Society themselves have confirmed in writing in their email of 10th December that they did not consider the application needed to be referred, “ if your authority is minded to grant consent, please don’t notify the Secretary of State on our account. “

As such and considering the above the Local Planning Authority is the correct determiners of the application and matters can proceed unfettered as recommended in this report.

Assessment

The key issue for consideration in this application is the impact of the proposal on the significance of heritage assets.

As the proposal relates to heritage assets it should be considered against Policy 2 of the JCS and Policy 12 of the KTCAAP which seek development to preserve and enhance the historic environment. Whilst these development plan policies and their general heritage protecting themes are consistent with provisions laid out at chapter 16 of the NPPF they are not entirely consistent as they fail to discuss the 'public benefit' test discussed in the NPPF that allows for identified harm to be outweighed by such benefits. Therefore, if harm is identified, in this regard, discussion will turn to NPPF provisions, as a material consideration.

Moreover, as the proposal relates to development to Listed Buildings and within the setting of other Listed Buildings and articles the proposal shall be considered against 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.

As the site is located within a Conservation Area 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.

To make its case on this matter the application has been accompanied by a 'Heritage Impact Assessment' which is a requirement under paragraph 189 of the NPPF where development has impact on heritage assets so that the significance of assets may be understood.

Notwithstanding the contents of the submitted 'Heritage Impact Assessment' the Victorian Society provide a better 'significance' description of the Grade II Listed Alfred East Gallery and Library. This follows:

In order to understand the harm that will be done by these proposals it is necessary to articulate carefully the architectural qualities of the existing buildings. Firstly it is important to grasp that there are two distinct buildings — the Public Library and the Alfred East Gallery — and that they have very different characters. The Public Library is a charming and accomplished Arts & Crafts building of 1904, with some later extensions to the rear. It is mostly single storey, with extensive pitched roofs and prominent gables. Its predominant material is red brick, with pale stone dressings for the windows and Collyweston slates for the roofs. The main entrance breaks forward slightly between two small attached towers and under a large decorated gable, almost entirely in stone. The scale of the building is generous: the principal windows are large, as is the main door and its surround.

The composition is enlivened by the ornamental leaded vent and cupola at the centre of the main roof ridge, and by the Jacobethan finials at each end of the principal gables. The Alfred East Gallery, although more decorated, is more austere. It is an almost entirely rectilinear neo-classical building, mostly faced with Weldon Stone, with a rusticated plinth and a stark, plain parapet above a prominent cornice. The walls are blank, relieved only at the corners by pairs of attached Doric columns framing a wreath above a raised panel. The entrance is on the south side, facing a small terrace with the Kettering Cenotaph.

These two buildings, very different in their massing, their style, and their materials, are connected by a small corridor. This corridor divides the space between the two buildings into two open courtyards, one to the west, facing Sheep Street, the other to the east, facing the rising ground that leads to the car park behind the Municipal Offices. To Sheep Street the corridor presents a blank brick wall, divided into three parts by plain pilasters. The wall has a plinth with chamfered stone course that continues that of the library; this harmonises with the back of the Alfred East Gallery, which on its north side is also faced in brick above its rusticated plinth. These three brick walls define an open court with a listed memorial to Alfred East at the centre, surrounded by a low hedge and an iron railing. This courtyard is an important element of the composition and the wider streetscape, and manages the transition between the two buildings with sensitivity and skill. The space is formal and highly articulated, but small in scale and softened by the planting; the low height of the back wall relative to both buildings means that they remain independent. Views over the linking corridor to the planting beyond reinforce this independence and give a sense of openness.

To the east of the corridor is a service yard, bounded on its east side by a relatively low retaining wall. This yard was partly infilled in the 1980s, with the construction of a lean-to picture store against the back of the gallery. The quality of this yard may be low — the 80s lean-to is not particularly sympathetic and the yard's back of house functions make it a scruffy space — but its contribution to the architectural value of the composition should not be underestimated. The way the corridor separates the two very different buildings allows them to be comfortably reconciled as one complex, and the two courtyards add an extra element of interest to the spatial articulation of the pair of buildings.

The topography of the site, with its distinct rise from west to east, means that the Public Library is partly set into the ground at the rear, and has a definite front and back. The building addresses Sheep Street with its strong symmetry and prominent central entrance. The orientation of the whole complex, however, is more ambivalent. The Alfred East Gallery also addresses Sheep Street as part of the extended composition, but its main entrance is to the south, fronting

the small raised terrace which mediates between the hard landscaping of Sheep Street to the north and the public garden to the south. At the north end of the Public Library the access road to the Manor House Museum and then the avenue approaching the church of St Peter and St Paul mean that the Library's north elevation has at least a semi-public aspect, emphasised by its two sets of paired gables.

Finally, it is important to note the characteristic solidity shared by all the existing elements. Although their principal materials are different, both the Library and the Gallery are strikingly solid buildings. This solidity is an obvious characteristic of the Gallery, with its monumental blank walls of stone, but is also a key aspect of the Library, which presents large surfaces of unbroken solid material, especially in its expansive roofscape. The Library has large windows, but these do not form an especially high proportion of the wall surfaces and have their glazing heavily divided by stone mullions and transoms. The open court between the two is also characterised by the blankness of its enclosing walls.

The significance of the Grade II* Listed Manor House is not covered in a comprehensive way in the submitted Heritage Impact Assessment although is assigned 'Exceptional significance' with some general text provided giving some insight as to why that high level of significance is applied:

There has been a Manor House in Kettering since Saxon times and it is likely to have been on the site of the current Manor House. The current buildings incorporate some 17th century stone mullion windows but the L shaped plan two storey (with attics) building dates from the late 17th century but has been refaced in the 18th century. Its walls are generally in ironstone with limestone dressings, including the refaced west elevation, and windows vary including vertical sliding sashes, upper floors being timber joist structured. A 19th century single storey brick extension is to its north west corner and 1980s extensions wrap around its north and part of the east elevations. Roofs are generally Collyweston stone slate covered (whose pitches are too shallow), the main exception being the west elevation of the formal four bay wide principal elevation. The building was significantly refurbished in the 1980s, when it was extended.

Internally many of the historical finishes (fireplaces, joinery, etc.) seem to have been removed. The late 17th century staircase, including balusters and handrails, remains and there is timber wall panelling to a number of walls on the ground floor and first floor, some of which appear historic, but some is apparently reproduction from the 1980s refurbishment. Some plaster cornices also remain. (Taken from paragraph 3.1 of the submitted Heritage Impact Assessment)

This cluster of Listed Buildings together with others in the vicinity, including the Grade I Listed Church of St. Peter and St Paul's, and the formal and informal spaces between contribute to the significance of the Conservation Area and form the Heritage core of the Town Centre. The proposal buildings also provide an important Heritage setting to the Church of St. Peter and St. Paul's and to the other inter-visible Listed articles in the area.

The substantive parts of the proposal shall be discussed in turn below and its merit considered with reference to Victorian Society and Historic England comments where relevant:

Manor House Museum

The substantive element of the proposal to the Grade II* Listed Manor House Museum relates to the area between the 'Blitz Tea Room' and the Manor House involving change of use of the 'Tea Room' to an entrance area associated with the Museum. This area will be incorporated within the Museum through the provision of a glass link which will be located under an existing canopy and be extended to the north to fill a walkway and small courtyard. Following the concerns of Historic England to an earlier version the mentioned extension has been drastically reduced. This reduction has taken place to limit the physical and night-time presence of the extension in views experienced inter-visible with the Grade I Listed Church of St Peter and St Paul's from the north particularly through the archway in the adjacent wall and therefore toward harm to its setting.

The extension no longer requires significant re-grading of land to the north of the museum, is tightly related to the Museum between two buildings and has a lightweight appearance that retains the legibility of the existing detached arrangements associated with the Manor House and the 'Blitz Tea room' building. The extension is also off the later additions to the Manor House and therefore has no significant change as to how the Manor House is perceived or experienced. These circumstances significantly reduce the visual influence that the extension has in its locality, particularly as it would be located at a ground level lower than the wall to the north which separates the site from the adjacent Church. Whilst there is still likely to be viewpoints where the extension can be seen within the setting of the Church these will be very specific with only glimpses of the extension likely to be experienced. In particular, as the below photograph illustrates, the extension would not be visible from the north of the wall which forms boundary with the Church and the Museum as it would sit lower than the wall and would not be visible through the archway.



As such the harm mentioned by Historic England with respect to the influence of the Manor House extension on the Church has been greatly reduced and is apportioned a small (almost residual) amount of harm toward the lower end of the 'less than substantial harm' spectrum toward the setting of the Church. Thereby, whilst the retention of the extension means that Historic England concerns on this matter cannot be said to have entirely disappeared, they would be reduced greatly.

The retention of Collyweston roofs throughout, the replacement of glass balustrade with metal railings and rationalising other clutter to the Gallery extension and the imposition of a condition requiring full details of CCTV and lighting apparatus would seemingly address the other concerns of Historic England.

The internal changes to the Manor House Museum are relatively light touch and involve removal of a small amount of non-structural dividing walls and the creation of a new room within the latter addition to the Museum to its north side. In addition, the ground floor toilet facilities are to be remodelled and various display stands, and cabinets removed. These changes are not considered to have any negative impacts to the significance of the Listed Building and thus are acceptable.

The remaining concern of Historic England thereby would be harm caused to the setting of the Church, although that harm would have lessened significantly through the most recent amendments. Clarification of Historic England's position should be available to the Planning Committee in the updates. This is harm that should be weighed in the balance through provision of a 'public benefit test' as laid out at paragraph 196 of the NPPF. This test is made below.

Art Gallery and Library

The key issue here is the impacts associated with the proposed extension with internal changes to the existing building relatively minor. Historic England concerns on this matter are limited to impacts associated with the setting of the Church to the

north as it is outside their normal remit to deal with matters relating to Grade II Listed Buildings. Those concerns relate to the clutter experienced within viewpoints from the south where the Church can be viewed beyond. To address this matter metal railings have replaced glass balustrades and clutter has been reduced.

The Victorian Society object to the proposal and whilst they acknowledge the good work that has taken place to limit the impacts of the proposal, notably the removal of the Sheep Street entrance ramp, their objection has been maintained. Their objection is:

'It is proposed to infill the rear service yard to create a new single storey flexible ticketing/exhibition/retail space, and to erect a new two-storey block to the rear. This proposal will destroy at a stroke the articulation of the two existing buildings. The existing arrangement manages a tactful reconciliation of two different buildings by giving each space; the proposed new block will crash into both, joining two distinct elements with a third and entirely compromising the careful balance of separation and connection that characterises the current massing.

This new third block is entirely unsympathetic to both the existing buildings. Its massing is uncompromisingly rectilinear, with large cuboidal elements almost unrelieved by any textural details; its principal material is glass, used structurally in large expanses with minimal framing. The treatment of the surfaces responds to neither the characteristic angled expanses of the library's pitched roofs and gabled elevations, nor the restrained but highly detailed classicism of the gallery. The large expanses of glass curtain-walling totally contradict the characteristic solidity of both historic buildings. There are proposed elements of brickwork, 'to match existing' — an extension to the south of the Library's existing single-storey rear elements, and the stair and lift core with the new principal first-floor entrance. Even if the bricks themselves match the existing materials perfectly, however, the construction details — bond, proposed decorative patterns, soldier courses above the openings — have little in common with the architectural language of either existing building.

Although the proposed extension is to the rear it will nonetheless be highly visible from Sheep Street, rising above the blank wall of the linking corridor and largely erasing the important dip in the roofline separating the two buildings. Furthermore, the proposed terrace above the infilled service courtyard has a glass balustrade which will run along the top of the east wall of the linking corridor. Not only will this balustrade be a very visible intrusion of an entirely incongruous material into what is currently a dignified civic composition in solid masonry, but it will also destroy entirely the architecturally important impression that beyond the corridor lies an open space.'

Whilst the Victorian Society fall short of apportioning 'substantial harm' they do indicate that the level of harm *'is still high'* and therefore is toward the high end of the 'less than substantial harm' spectrum of harm laid out in the NPPF.

In the Officers view, the design rationale of the extension is appreciated and is a correct approach, and its generally lightweight nature retains some legibility of the two separate buildings (Art Gallery and Library). The location of the extension to the buildings rear and its less significant elevation, that has seen changes over the years and has a shabby appearance in places, is also considered to have a lessening effect when apportioning harm to significance. Moreover, the provision of a detached building (as an alternative) would not be suitable for the holistic aspirations of the proposal that would provide improved facilities to both the Gallery and the Library and may be more harmful than the proposed. Nevertheless, in-line with the professional judgement made by the Victorian Society the proposal and the coalescence of the Gallery and Library constitutes harm for the reasons provided by the Victorian Society above.

That harm is 'less than substantial' however it is toward the medium-high end of that range. In this circumstance the amount of public benefit required to overcome this harm, together with the smaller degree of residual harm associated with the Museum build, must be convincing and overwhelming.

The internal changes, as with the Manor House Museum are relatively light touch to allow access to the extension and a remodelling of the first-floor rooms and remove a staircase of no notable significance and are acceptable.

The external proposals and the remodelling of the surrounding spaces is considered to constitute natural evolution of such municipal areas in terms of the creation improved public realm where people are more inclined to linger and spill from the enhanced proposed community facilities. The position of the plant machinery on the roof has been thought about carefully and would not be visibly from Sheep Street at street level. This has been demonstrated through the provision of a 'cross-section' plan. A condition will be imposed limiting the height of the plant to within the 'plant zone' shown on the submitted plan.

Further conditions imposed shall require details of all external materials (including railings), construction of a brick sample panel, details of the bin and cycle store and details of the lighting and CCTV equipment in addition a condition shall be imposed requiring any repair work to be carried out in matching materials.

The extent and scale of the proposal, particularly the extension to the Library and Gallery will be read as a significant change to the host buildings as experienced from the south and east, such large-scale changes tend to exert harm and should be acknowledged. The proposal however has been keen to avoid changes to the main Sheep Street streetscape and has sought to lessen the perceived scale and impact of the proposal experienced from the Gardens to the south. There has also been limited impact to the external fabric of the host Listed Buildings.

Consequently, the proposal, would result in harm to the significance of the Gallery and Library as Grade II Listed buildings particularly because of their coalescence and therefore conflicts with Policy 2 of the JCS. In such circumstances a 'public benefit test' needs to be carried out to justify outweighing such harm as permitted by paragraph 196 of the NPPF. That test is carried out toward the end of this report.

Impact on archaeology

Policy 2 of the JCS and Policy 12 of the KTCAAP, consistent with chapter 16 of the NPPF seeks development to conserve archaeology as part of the historic environment.

Given the Listed designations of the host buildings and the location of the site close to the parish church, and the likelihood of the Manor House being a later replacement of a medieval precursor, there is some potential for remains of archaeological interest to be present on the site. The County Archaeologist considers that this potential can be addressed by the use of their standard condition for a programme of archaeological work, to comprise in this case a scheme of Observation, Investigation and Recording during groundworks followed by Analysis and Publication of the results.

In addition, the County Archaeologist notes that the Manor House has not previously been subject to any archaeological building recording. As such and considering its changing uses and place in the history and development of the town, as well as its historic fabric, this should be carried out under the same condition as the groundworks scheme. The recording should be up to Level 3 as defined by Historic England (*Understanding Historic Buildings*, 2016) to allow for enhanced documentary research. This matter can be dealt with in the same standard condition and are attached to the associated Planning Application.

As a result, and with inclusion of the condition discussed the proposal would conserve archaeological remains and contribute to historic building recording records in the process and thereby is acceptable on this matter.

Before making the Planning Balance it is necessary to discuss the benefits associated with the proposal.

Benefits

The benefits associated with the proposal are as follows with provided by the Council's Economic Development Department comments, which say:

- *The application represents a major investment to improve the cultural assets within Kettering Town Centre, safeguarding the future of these buildings for generations to come. It will also enhance the gateway into the Cultural Quarter and increase footfall for surrounding businesses*
- *Together with the Heritage Action Zone, this represents a complementary £8m investment in the cultural and historical assets of Kettering Town Centre. Although the town centre remains an important shopping place, we must plan for a more holistic role for the Town Centre incorporating wider uses including arts and leisure. If this opportunity is lost, the impact on the town centre will be significant. As we have seen from the regeneration of the Market Place, public investment within the Town Centre acts as a catalyst for private investment and this opportunity will also be lost*

- *This project will also help to expand the delivery of free business and intellectual property advice in conjunction with the British Library through the increase of education space. This is service provides valuable 121 business support for local businesses and this resource will be a crucial aid to economic recovery and growth*

The application, also provides series of bullet-points with respect to the proposal's benefits:

- *Investment in repairs the fabric of the heritage assets*
- *Improved library facilities including encouraging start business and IP facilities*
- *Improved museum including new interpretation and exhibition facilities*
- *Improved art gallery exhibition spaces*
- *Improved storage facilities with better environmental control for art works and museum artifacts*
- *new café provision*
- *Improved public access*
- *New "black box" exhibition/drama/lecture/function space*
- *Better integration of the three cultural facilities of the new North Northamptonshire unitary authority*
- *Better and safer external spaces*
- *More sustainable lower carbon footprint accommodation*
- *Improvements in Civic pride of Kettering residents in the difficult time of the current corona pandemic*
- *More publicly accessible facilities such public conveniences and office space for community uses.*

In addition whilst there is no reason to believe that the buildings will not continue to be maintained and be available for continued use, the scheme will assist in providing a long-term future for the heritage assets and give greater security to their 'optimal viable use'.

These community and cultural heritage benefits discussed together with other direct and in-direct economic benefits associated with the proposal including construction spend and the positive contribution to the Towns vitality and improving its cultural heritage offer and accessibility are worthy of applying the 'great' weight averred in the Heritage Statement conclusions. Most of these mentioned benefits are public benefits and therefore can be weighed in the public benefits test, prescribed in the NPPF, where harm to heritage assets have been identified.

Public Benefits Balance

The public benefits that would accrue from the development are set out above and acknowledge that significant weight can be afforded to the economic, social, and environmental dimensions of the NPPF.

The proposal would result in identified 'less than substantial harm' to the significance of heritage assets and notable would cause harm to the significance of the Grade II Listed Art Gallery and Library as a result of the proposals modern design approach and coalescence of the two buildings. There would also be minor harm to the setting of the Church. This harm conflicts with Policy 2 of the JCS and 12 of the KTCAAP and can only be overcome through passing the 'public benefits' test laid out at paragraph 196 of the NPPF.

The overall harm therefore identified would be the 'less than substantial' harm to the significance of Heritage Assets, which would equate to 'significant' in the Balance in this case.

Consequently, and in making the final committed Planning Balance, it is considered that the 'great benefits' discussed above would outweigh the 'significant' harm identified and would hold the tilt in the balance. Particularly the significant benefits of the proposal relate to securing the 'optimal viable use of the host Listed Buildings' is a contributing factor to this view as those benefits also directly relate to the harm apportioned. IE – the benefits are unlikely to occur without the harm.

The objection and comments received by the Victorian Society have been considered with a high degree of weight when coming to the above view with a factor being that the level of harm that they originally cited has undoubtedly been lessened through the amendments secured. The conflict between this recommendation and the comments of the Victorian Society has not been made lightly but has been reached following a weighing exercise. Consequently, in this case the public benefits are so weighty, and the harm not considered to be so great to out-balance the identified benefits.

The proposal therefore is considered to meet the three dimensions of sustainable development (economic, social, and environmental) required in the NPPF when assessed as a whole. Moreover, this harm would not warrant a conclusion of there being conflict with the development plan when read as whole.

Conclusion

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

Considering the foregoing the proposal is in accordance with the development plan when read as a whole. The conflict with JCS Heritage Policy 2 and KTCAAP Heritage Policy 12 is acknowledged but only insofar as they are inconsistent with NPPF guidance for not permitting the public benefit test to outweigh harm. Thereby under such circumstances and consistent with paragraph 11 of the NPPF, which details the presumption in favour of sustainable development, the proposal is considered to be sustainable and should be approved without delay as it comprises the right type of development in the right place and at the right time to support the Town's regeneration through provision of a significant improvement project that relates to cultural heritage and education and in a way that preserves the longevity of the host heritage assets.

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

Background Papers

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

BOROUGH OF KETTERING

Committee	Full Planning Committee - 19/01/2021	Item No: 5.4
Report Originator	Nicola Wheatcroft Development Officer	Application No: KET/2020/0742
Wards Affected	Desborough St. Giles	
Location	26 Ise Vale Avenue (land adj), Desborough	
Proposal	Full Application: 1 no. dwelling with detached garage	
Applicant	Mr D Smith	

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. 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 Classes A - E of Part 1 of Schedule 2 of the Order shall be erected on the application site.

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

3. The first floor and ground floor windows and utility door on the south elevation shall be non-opening and glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in line with Policy G8 of the North Northamptonshire Joint Core Strategy.

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

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

5. No development above slab level shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenity and protecting the privacy of the neighbouring property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. The access and parking area hereby approved shall be provided prior to the first occupation of the building hereby permitted and shall be permanently retained and kept available for the parking of vehicles.

REASON: To ensure adequate on-site parking provision for the approved building and to discourage parking on the adjoining highway in the interests of local amenity and highway safety.

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

REASON: Finished Floor Levels are necessary to preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2020/0742

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

3.0 Information

Relevant Planning History

KET/2005/0482,15-Jul-05, Detached double garage loft conversion and UPVC conservatory to rear,July 2005,APPROVED

Site Visit

Officer's site inspection was carried out on 26/11/2020.

Site Description

The application site is located to the west of Ise Vale Avenue, it is a long narrow plot located between nos.26 and 28, which measures 6.4m in width by 75m in depth. It currently forms part of the curtilage of no.26. Ise Vale Road slopes down from north to south. There are a number of sheds and outbuildings on the site.

The neighbouring house at no.26 is a detached bungalow with a hipped roof, and the adjoining house to the south is a detached two storey dwelling with a two storey front gable and a detached double garage located to the front. Ise Vale Avenue is characterised by a variety of dwelling types and designs. Most dwellings are set back from the highway with long rear gardens. The location of the dwellings within the plots broadly follows a defined building line.

Proposed Development

Planning permission is sought for the erection of a detached two bedroom two storey house. It is designed with a gable frontage facing the highway and set back from the back of the highway by 15m in line with the neighbouring houses. To the front a detached single garage is proposed and to the rear is a garden with a depth of 45m.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

An objection was received from no.28 Ise Vale Avenue raising the following concerns:

- Our light source in the living room consists of two side windows, the proposal would mean an obstruction of light coming into the lounge.
- Also, having a door and window (of new dwelling) overlooking the side of our house and looking straight into our living room, causing a privacy issue.

5.0 Planning Policy

National Planning Policy Framework

Policy 5. Delivering a sufficient supply of homes

Policy 9. Promoting sustainable transport

Policy 12. Achieving well-designed places

Policy 15. Conserving and enhancing the natural environment (Contaminated Land)

Development Plan Policies

Policy 8. North Northamptonshire Place Shaping Principles

Policy 9. Sustainable Buildings

Policy 11. The Network of Urban and Rural Areas

Policy 29. Distribution of New Homes

Policy 30. Housing Mix and Tenure

Local Plan 1995 (Saved Policies)

Policy 35. Within Towns

6.0 Financial/Resource Implications

None

7.0 Climate Change Implications

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaptation to, climate change.

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Design, character and appearance
3. Impact upon neighbours
4. Highway Safety
5. Comments on other points raised by proposal

1. Principle of development

The application site lies within the designated town boundary of Desborough, where development is considered appropriate, in accordance with saved policy 35 of the Local Plan for Kettering Borough and policies 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS). Policy 11 of the JCS directs development towards the market town of Desborough. Policy 29 of the JCS asserts that priority will be given to the reuse of suitable previously developed land, followed by other suitable land in urban areas.

Policy 5 of the NPPF encourages use of land within existing settlements where future occupants can benefit from established amenities and public transport. The National Planning Policy Framework (NPPF) does not include garden land within the definition of 'Previously developed land' therefore this site is not a priority for development.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new residential development provided that it complies with the place shaping principles outlined within the policy. For example there should be no adverse impact on character and appearance, residential amenity and the highway network. These matters are considered further below.

The proposed development is located within the settlement boundary of Desborough and is considered acceptable in principle, subject to the satisfaction of the development plan criteria as detailed below.

2. Design, character and appearance

Policy 12 of the NPPF requires good design while Policy 8 of the JCS requires new development to be of a high standard of design, architecture and landscaping and to create distinctive local character which respects and enhances the character of its immediate and wider surroundings.

The application site is a long narrow plot located between no's 26 and 28 Ise Vale Avenue. The plot is approximately 6.4m wide, the prevailing character in Ise Vale Avenue is mixed with a range of property types including single and two-storey detached dwellinghouses, all with similar plot lengths to the application site but with varying plot widths. However the general character is relatively modest sized houses with houses and garages which fill the width of the plots. There is a recognised building line along the street with dwellings generally set back 12-15m from the back of the footpath. It is acknowledged that the plot width at 6.4m is narrow but there are houses within the vicinity with a comparable width for example no.29

which has a width of 8m and no.67 Breakleys Road to the rear was granted planning permission for a dwelling in a 2018 (KET/2018/0698) in a plot of 6.5m. It is considered therefore that the width of the proposed plot accords with the character of this part of Ise Vale Avenue.

There are a variety of dwelling types and designs within Ise Vale Avenue. Immediately adjacent to the application site is a 2 storey house and to the north is a bungalow with a hipped roof. The proposed house only has 2 bedrooms and a ridge height of 7.6m, the submitted streetscene elevation drawing demonstrates that when viewed from the road the proposed house appears appropriate in height and scale taking into account the slope of the road. The proposed house will not dominate the street scene and appears as a natural infill development.

The proposal includes a detached single storey garage at the front of the proposed house. There are not many garages located at the front of houses in Ise Vale Avenue as most are located to the side of dwellings. However there are a number of examples of garages in this location most notably the double garage at no.28 immediately adjacent to the proposal. As a consequence, the introduction of a garage in this location will not appear out of character and will not have an adverse impact on the streetscene.

For the reasons detailed above the proposal is considered to be acceptable in relation to its impact upon the site's immediate and wider context and local character. The proposal is therefore, in accordance with Policy 12 of the NPPF and Policy 8 of the JCS.

3. Impact upon neighbours

Policy 12 (Paragraph 127(f)) of the NPPF requires Local Planning Authorities to seek a high standard of amenity for all existing and future occupants of land and buildings. Policy 8 of the JCS requires development not to result in an adverse impact on neighbouring amenity by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

An objection has been received from the adjacent house (28 Ise Vale Avenue) objecting to the proposal on the basis of a loss of light and privacy. No.28 has two ground floor windows in the side elevation serving the lounge facing towards the application site. However there is already a significant loss of light to one of the window because of the existing shed. The other window is partially obscured by the boundary fence. The proposed house will be close to the side elevation of the neighbouring house and there will be a loss of some light and outlook to the side windows in the living room as a consequence. However, the side windows were originally secondary windows with a patio door on the rear elevation which would have provided the main light to the room. Subsequently, a single storey extension has been added to the rear of the house to the other side of the patio doors. Which means that the main source of light to the lounge now comes from 1 side window alone. As a result there will be a loss of some light to the window as a consequence of the proposed dwelling. However, the house was designed originally with patio doors as the main source of light on the rear elevation and the neighbour has at some stage made alterations to the layout resulting in changes to the internal layout. Policies and guidance generally look to protect the amenity of the main elevations

and less so the side elevations as it is accepted that in residential areas side elevations are normally within proximity of neighbouring houses. Where the layout of neighbouring properties have changed, it would be difficult to substantiate a refusal reason on the basis of a loss of light to a side window.

The siting of the proposed dwelling in line no.28 will ensure that no loss of light will result to any windows on the front or rear elevations. The proposed dwelling will be sited 3m away from the side elevation of 26 Ise Vale Avenue separated by the existing detached garage with no resulting loss of amenity.

Concerns have also been raised by the occupiers of no.28 on the basis of a loss of privacy from the use of the proposed ground floor side window and door. The proposed house is at a slightly higher level than the no.28 and whilst any loss of privacy is not likely to be significant the introduction of obscure glazing to all windows and door in the side elevation will help to prevent the perception of a loss of privacy to the neighbouring house. Conditions are proposed to control the obscure glazing in the proposed house.

Due to the close proximity of the adjoining properties a condition is proposed limiting the hours of construction and deliveries.

It is considered that subject to conditions, the proposed scale and siting of the dwelling will minimise any potential amenity impact on its neighbours and that no unacceptable harm to neighbouring amenity to justify refusing the application will result from the proposed dwelling. Disturbance during construction will be controlled by a condition limiting working hours on the application site.

The proposal is therefore considered to be acceptable with regard to its impact upon residential amenity and in accordance with Policy 12 of the NPPF and Policy 8 of the JCS.

4. Highway Safety

Policy 9 of the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy requires new development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, and not to have an adverse impact on the highway network nor prejudice highway safety.

The application provides two suitable off road parking spaces one in the proposed garage the other in the drive to the front with adequate pedestrian visibility splays. The garage plus the rear garden contains sufficient space for the storage of two cycles.

The proposal is therefore considered to be acceptable with regard to its impact the highway and in accordance with Policy 9 of the NPPF and Policy 8 of the JCS.

5. Comments on other points raised by proposal

No other issues raised.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The scheme is in keeping with the character of the area and is considered to have an acceptable impact on residential amenity or highway safety. The scheme therefore complies with Policies 5, 9, 12 and 15 of the National Planning Policy and Policies 8, 9, 11, 29 and 30 of the North Northamptonshire Joint Core Strategy and Saved Policy 35 of the Local Plan for Kettering Borough.

Background Papers

Title of Document:

Date:

Contact Officer:

Nicola Wheatcroft, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: