

BOROUGH OF KETTERING

Committee	Full Planning Committee - 30/03/2010	Item No: 5.7
Report Originator	Louise Haggan-Craig Development Officer	Application No: KET/2010/0049
Wards Affected	William Knibb	
Location	Times Complex, School Lane, Kettering	
Proposal	Full Application: 27 no. one and two bedroom apartments	
Applicant	SCM UK Ltd	

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

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

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

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

2. No development 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: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not commence until parts A to D have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the

nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a

verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part C.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with PPG23.

4. No development 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 development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenities and privacy of the neighbouring properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. Any 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 13 of the North Northamptonshire Core Spatial Strategy.

6. No development shall commence on site until a scheme for ensuring that the construction and glazing to the former commercial units to achieve the noise mitigation standards for residential accommodation is submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme and the scheme shall be completed before any of the units of accommodation are occupied.

REASON: To protect the amenity of occupants of the proposed flats and adjacent residential properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. Prior to the occupation of the dwellings and notwithstanding the details hereby permitted full details of the proposed bin and cycle store for the residential uses including design, materials, location, exact dimensions and openings shall be submitted to and approved in writing by the Local Planning Authority. The bin and cycle stores shall be provided in accordance with approved details prior to the first occupation of the development and shall be permanently retained in that form for the purposes of storing bins and cycles only.

REASON: To ensure adequate amenities are provided for this development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. The parking spaces 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.

9. Before the development hereby permitted is begun, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction/recycling and provision for water efficiency and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

10. No occupation of any of the buildings shall occur until full details/drawings confirming how the development incorporates a scheme of measures to generate 10% of the predicted energy requirement of the development via decentralised renewable and/or low carbon sources, has been submitted to and approved in writing by the Local Planning Authority. As approved, the scheme shall be retained for the lifetime of the development.

REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

11. Prior to the occupation of the dwellings, a scheme detailing the security measures/standards to be incorporated within the development site shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with these approved details.

REASON: To reduce the potential for crime in accordance with policy 13 of the CSS and the adopted SPG 'Planning Out Crime in Northamptonshire'.

12. The development shall not be occupied until visibility splays of 2 metres by 2 metres have been provided at the junction of the access with the public highway, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.9 metres in height above carriageway level.

REASON: In the interests of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

13. Prior to the commencement of development a scheme for the provision of the surface and waste water drainage shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved scheme.

REASON: To prevent pollution of the water environment in accordance with the principles of PPS25.

Notes (if any) :-

- This planning permission is subject to "pre-commencement" conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before ANY development may lawfully commence. Any development commenced in breach of these "pre-commencement" conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.

This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended). You are advised to satisfy yourself that you have all the relevant documentation.

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Planning Policy Statements 1, 3, 6 and 23, Planning Policy Guidance 13 and 15 Policy 2 of The East Midlands Regional Plan, Policies 1, 6, 9, 13 and 14 of the North Northamptonshire Core Spatial Strategy, and Policy 35 of the Local Plan for Kettering Borough. There are no material considerations that indicate against the proposal.

Officers Report

3.0 Information

Relevant Planning History

KET/2007/0347 – 18 flats comprising one and two bedroomed units and commercial uses comprising 3 no A1/A2 or D2 units and a D1 or B1 use – APPROVED

KET/2009/0586 – 27 no. one and two bedroomed apartments - WITHDRAWN

Site Description

This application site commands a corner position along School Lane. The southern side of the site forms the School Lane frontage. This road is a narrow one way street which links the Town Centre with the one way system. Its eastern half is characterised by terraced residential development most of which is designated as a protected housing area under saved policy K16 of the Local Plan for Kettering Borough.

The site is bounded on its western side by a 19th Century factory/warehouse building. At first floor level, its front elevation features four tall gabled windows which have a strong and noticeable visual impact within the street scene. Next to this is the Health Centre which has extant planning permission for residential development and consent to demolish the existing building.

Adjacent to the site is the one way access to a public car park which is located to the rear.

Currently, development on the application site has commenced under a previous permission KET/2007/0347 and is nearing completion. This permission comprises:

- 3 no A1/A2 or D2 units on the ground floor (Shops/Professional services/Assembly and Leisure)
- A dental surgery or other D1 or B1 use (Office) use
- 18 flats – four two bedroom units and fourteen one bedroom flats

The site is located just outside the established shopping boundary as designated within the Local Plan for Kettering Borough and contained within the Town Centre Conservation Area. As part of the Preferred Options Kettering Town Centre Area Action Plan, the site falls within the proposed Socialising and Craft Quarter. The vision for this area within the AAP document clearly states that there is opportunity for a range of residential development.

Proposed Development

This proposal is for the construction of 27 no one and two bedroom apartments.

Any Constraints Affecting The Site

Kettering Town Centre Conservation Area

4.0 Consultation and Customer Impact

Highway Authority

Response received 24th February 2010. No objection.

Northamptonshire County Council – Planning Obligations

Response received 24th February 2010.

This response follows the principle guidance in our planning obligations and framework guidance draft 2008 which follows the principle tests of Circular 05/2005 and is therefore relevant to this planning application.

Total Library Contribution - £3,408.00

Total Fire Contribution - £2,322.00

Anglian Water

Response received 24th February 2010. No objection.

Kettering Borough Council Community Services

Response received 12th February 2010. The required capital contribution towards open space requirements is calculated at £10,254.00.

Kettering Borough Council Environmental Health

Response received 12th February 2010. No objection, but recommend the imposition of conditions for a contaminated land investigation and Noise mitigation measures.

Northamptonshire Police

Response received 4th February 2010. No objection conditions are recommended in relation to security standards and boundary treatment.

Neighbours

No comments received.

5.0 Planning Policy

National Policies

PPS1. Delivering Sustainable Development

PPS3: Housing

PPS4. Planning for Sustainable Economic Growth

PPG13. Transport

PPG15. Planning and the Historic Environment

PPG17. Planning for Open Space, Sport and Recreation

PPS22. Renewable Energy

PPS23. Planning and Pollution Control

PPG24. Planning and Noise

Development Plan Policies

East Midlands Regional Plan

Policy 2. Promoting Better Design

North Northamptonshire Core Spatial Strategy

Policy 1. Strengthening the Network of Settlements

Policy 6. Infrastructure Delivery and Developer Contributions

Policy 7. Housing

Policy 9. Distribution & Location of Development

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Policy 15. Affordable housing

Local Plan

35. Housing: Within Towns

Emerging Policies (Local Development Framework)

The Town Centre Area Action Plan

6.0 Financial/Resource Implications

Planning obligations sought for open space, libraries, fire and rescue and affordable housing.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Planning history
2. Policy
3. Design and Appearance
4. Impact upon the character and appearance of the Conservation Area
5. Residential amenity
6. Access and Parking
7. Planning Obligations
8. Environmental Matters
9. Energy Efficiency and Sustainable Construction

1. Planning History

As described above, the previous permission on this site KET/2007/0347 has been commenced and built out near to its completion. As such the principle of this proposal is acceptable as the scheme submitted utilises the existing building which is partially completed under the previous permission.

2. Policy

The proposed application is situated within the Town Centre of Kettering outside the shopping area. School Lane comprises a mix of uses but is predominantly residential in nature. A development comprising solely residential units complies with emerging policy for this area specifically the Preferred Options Town Centre Area Action Plan which directs residential development within this part of Kettering. In addition, the application accords with national planning objectives contained within PPS1 and PPS3 and development plan policy specifically Policy 9 of the North Northamptonshire Core Spatial Strategy in that it makes an effective and efficient use of land. It

also allows for growth and regeneration of the Town Centre as identified within PPS4. Planning policy also advocates that housing is a key Town Centre use. In policy terms the proposal for 27 residential units is acceptable.

3. Design and Appearance

The architectural design of the proposal is a four storey, modern and simple building which appears to take its reference in terms of roof height and scale from the adjacent premises. However, its overall appearance is very distinct from other buildings within the immediate vicinity due to its minimal design and use of modern materials. As such the building stands in strong contrast to surrounding development. This application comprises residential use only as opposed to the previous permission which included commercial uses on the ground and first floors. This new proposal will, as a result, alter the ground and first floor appearance of the building with respect to the size and design of the windows and a curved, inset feature to the ground floor elevation which faces onto School Lane. Main entrances to two of the proposed ground floor flats have been incorporated into the design of the principle elevation which helps to retain clarity, definition and provide an active frontage to this part of the development when compared to the original design of the extant planning permission. The first, second and third floors of the development will comprise large urban scale windows and doors with balcony rails which also helps to promote active surveillance.

Northamptonshire Police have raised some concerns with respect to the layout of the development specifically the inset ground floor and slight overhang of the first floor above. This concern is noted but the proposed recess measures less than a metre from the main elevation of the building and it is considered that the area provides minimal covering. Therefore any potential noise, disturbance or antisocial behaviour issues could occur regardless of whether or not the ground floor elevation is designed in line with the rest of the building. The problem relates more to the Town Centre location of the site as opposed to a small design feature and could be applied to a number of residential schemes within the Town Centre. In addition to this point a number of security concerns raised by the Police can be overcome by means of a condition. They are not directly objecting to the development and given that the development is partially completed already it is considered prudent in this instance to impose the necessary security condition in order to allow the development to be completed but also alleviate the crime and disorder issues raised.

4. Impact upon the Character and Appearance of the Conservation Area

The application site is contained within the Kettering Town Centre Conservation Area and as such must be assessed against Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. This part of the Act requires that special attention be paid in the exercise of planning functions to the desirability of preserving or enhancing the character and appearance of a conservation area. It is accepted that the modern appearance of the building sits in contrast to the surrounding buildings along School Lane. However, this building is now partially complete and can be built out under extant planning permission KET/2007/0346. The proposed

application in design terms will comprise minor aesthetic alterations when compared to the original application as discussed above and as such will not have an adverse impact upon the existing character and appearance of the immediate area. As such the application is considered to preserve the quality of this part of School Lane and as such accords with the provisions of the Act.

5. Residential Amenity

In terms of neighbouring residential amenity, the only issue raised by the proposal is the degree to which it might have an overbearing impact with respect to overlooking for the garden area of 39 School Lane. The east elevation of the scheme features a number of windows including habitable rooms. However this elevation sits side onto the No.39 and the 15-20 metre separation distance between the proposal and side elevation/garden of this neighbouring property is considered sufficient for no harmful loss of amenity to occur. The imposition of a condition in respect of boundary treatment is also considered necessary in order to help alleviate amenity issues.

Although some of the windows to the ground floor properties are set back from the main elevation of the building due to the inset design feature it is considered that light levels/access to daylight will not be significantly affected as the orientation of this particular elevation is south facing and as such these windows will receive appropriate sunlight and daylight throughout the year. In amenity terms, the application is acceptable and complies with Policy 13 of the North Northamptonshire Core Spatial Strategy.

6. Access and Parking

The proposal provides for 17 dedicated parking spaces for residents of the development. Although this is not a one to one provision, this allocation is far in excess of what the local planning authority could reasonably require of a residential development within the Town Centre. In addition, the public car park which lies directly to the rear of the application site provides further options for visitors and occupiers to park vehicles safely and in close proximity to the development. The development will include 27 cycle spaces and dedicated storage areas which promotes an alternative means of travel and reduces reliance on the private car in accordance with national planning objectives and development plan policy.

The highway authority has raised no objection to the proposed development and the access to the car parking area meets the required visibility standards and provides for acceptable manoeuvring provision. In highway terms the application is acceptable and complies with highway safety standards and Policy 13 of the North Northamptonshire Core Spatial Strategy.

7. Open Space

It is important to ensure that adequate open space, sports pitches and facilities for all are provided to serve all new residential development within the borough. This application seeks to provide 27 residential units within Kettering Town Centre and the 'on site' provision is deemed to be insufficient in this case. PPG17 advises that local authorities should set their own standards of provision for a range of open space requirements. The standards should be

used to ensure that the occupants of new properties have access to sufficient, good quality open space to meet their recreational needs. The requirements for open space calculations are set out within the Open Space Supplementary Planning Document. In this case it has been calculated that the scheme should provide £10,254 towards open space provision/enhancements including:

- Parks and Gardens
- Amenity Green Space
- Provision for Children
- Outdoor Sports
- Community Facilities and
- Indoor Sports Contributions

8. Planning Obligations

There are a number of matters which require covering by means of a Section 106 Legal Agreement. They consist of the provision of affordable housing, Open Space contributions totalling £10,254, Library contributions of £3,408, Fire and Rescue contributions of £2,322 and a 5% monitoring fee based on the total amount. The target of 30% affordable housing has not been met in this instance as the cost to provide this would make the development financially unviable. Given that the development is partially completed and the developer will provide 15% it is considered acceptable in this instance to move forward with the application and get the development completed. A reduction in the provision of affordable housing would not have been acceptable unless it could be evidenced that the full 30% requirement was financially unviable. The information provided in respect of financial viability has been examined assessed as accurate.

9. Environmental Matters

PPS23 suggests that development for a sensitive use such as residential schemes should adopt a precautionary principle in respect of potential contamination issues. This is a new application and although part of the development is already complete, the amenity areas remain undeveloped. Therefore the imposition of a contaminated land investigation condition is considered necessary for mitigation and remediation purposes.

10. Noise

In assessing planning applications, regard must be given to the planning guidance contained within PPG24 – Planning and Noise. The Secretary of State considers housing to be a noise sensitive development and as such this is a material consideration in the assessment of this application. Previously the ground and first floor levels of the development comprised commercial uses as opposed to residential accommodation. As the development is partially complete, it is considered necessary in this instance to ensure that construction and glazing to the former commercial areas achieve the guideline levels set for residential accommodation and as such a condition is recommended to ensure these mitigation measures are achieved for the proposed residential units.

11. Energy Efficiency and Sustainable Construction

Policy 14 of the Core Spatial Strategy states that developments should meet

the highest viable standards of energy efficiency and reduction in carbon emissions. All developments should incorporate techniques of sustainable construction, provide for waste reduction/recycling and water efficiency and recycling. While the application details provide a Sustainable Design checklist it is pertinent to ensure that development complies with development plan policy. It is therefore appropriate to attach a condition requiring further details for implementation.

Furthermore developments involving 10 dwellings or more should demonstrate that at least 10% of the demand for energy will be met on site and renewably and/or from decentralised renewable or low carbon energy supply. A further condition to address this is recommended in line with Policy 14 of the North Northamptonshire Core Spatial Strategy.

Conclusion

In accordance with the requirements of s.38 (6) of the Planning and Compulsory Purchase Act, the proposed development is considered to comply with the policies of the development plan. As discussed above, there are no other material considerations indicating against the proposal. Subject to the signing of the Section 106 legal agreement and imposition of conditions, this application is recommended to Members for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

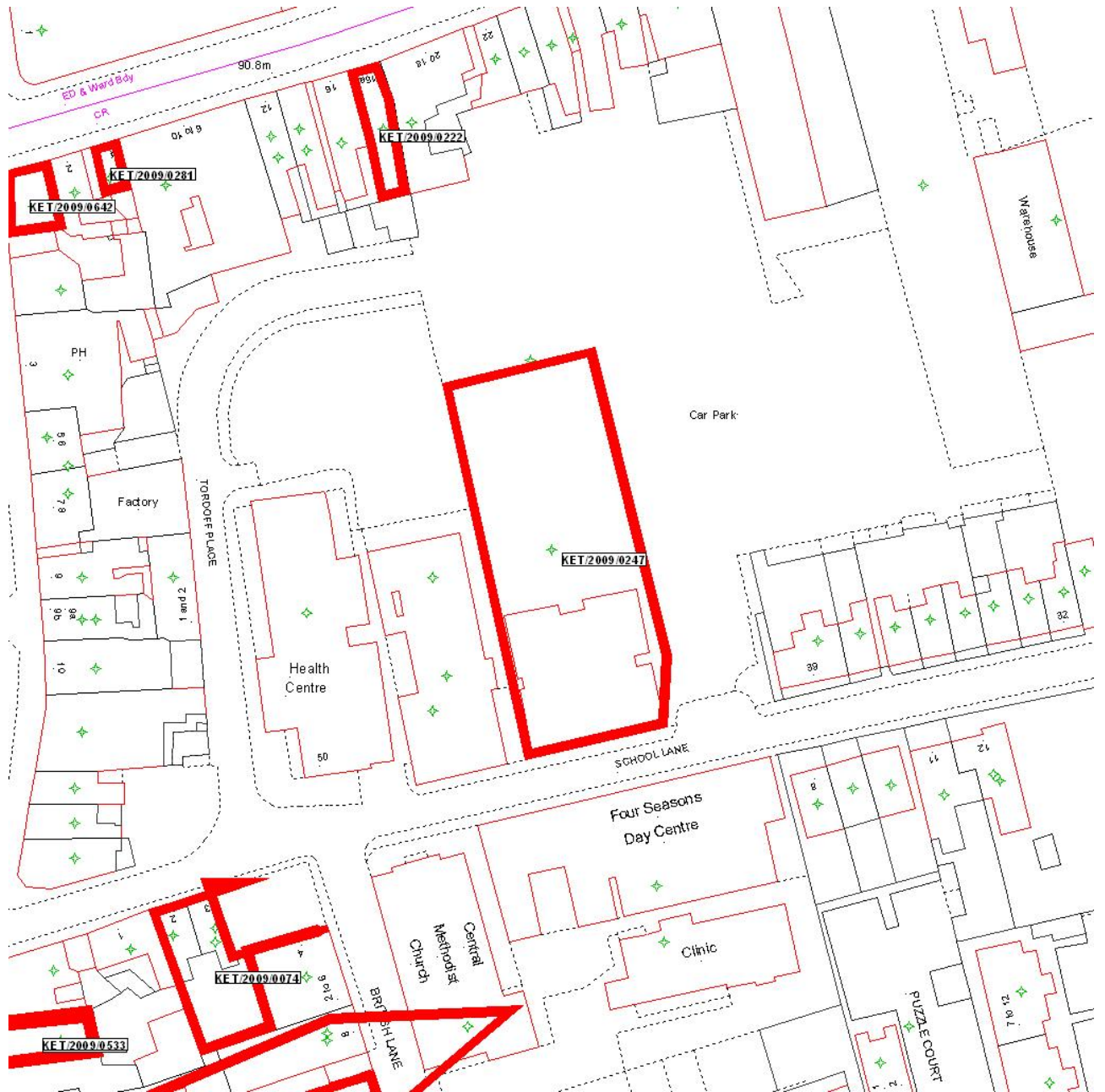
Ref:

Date:

Louise Haggan-Craig, Development Officer on 01536 534316

SITE LOCATION PLAN

Times Complex, School Lane, Kettering
Application No.: KET/2010/0049



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