

BOROUGH OF KETTERING

Committee	Full Planning Committee - 25/01/2012	Item No: 5.2
Report Originator	Tom Shields Development Manager	Application No: KET/2010/0744
Wards Affected	Desborough Loatland	
Location	Former Lawrence Factory Site, Harborough Road, Desborough	
Proposal	Application for Conservation Area Consent: Demolition of existing buildings	
Applicant	Greatline Development Ltd and Tesco Stores 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

Update

1.1 As Members will be aware, this application was due to be heard at the planning committee meeting of the 13th September 2011 and committee papers had been published for that meeting. However, that meeting was cancelled due to the Council receiving a legal challenge in relation to the related planning application KET/2010/0743. In light of the threat of the legal challenge, the Council has taken legal advice. This has led to a revision of the Section 106 Heads of Terms for the planning application which in turn is also relevant to this application for Conservation Area Consent because the revised public benefits need to be considered with regard to the proposed demolition.

1.2 The 13th September committee report included details of S106 Heads of Terms. It recommended that a sum of £480,000 was sought as a contribution for a Community Facility in the town centre. Following legal advice and discussions between the Council and the applicant, no contribution is now being sought towards a Community Facility. The public benefits which need to be considered are set out at sections 7.31 - 7.43 of this report.

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. No development (including any demolition) shall be commenced unless and until a scheme to mitigate any adverse effects to bats, to include a working design, methods statement, and timetable of works, has been submitted to and approved in writing by the Local Planning Authority. The demolition/development shall not be undertaken other than in accordance with the approved scheme.

REASON: In the interests of biodiversity and the protection of protected species and habitats in accordance with PPS9, Policy 29 of the East Midlands Regional Plan 2009 and policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

3. No demolition work shall take place outside the hours of 09:00 to 18:00 Monday to Friday, and 09:00 to 13:00 Saturdays, and at no time on Sundays and public Holidays.

REASON: In the interests of amenity for occupiers of nearby residential properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

4. Prior to the commencement of demolition a scheme for the control of dust and noise from demolition activities shall be submitted to and approved in writing by the Local Planning Authority. Demolition shall not take place other than in accordance with the approved scheme.

REASON: In the interests of amenity for occupiers of nearby residential properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

5. The demolition hereby permitted shall not be commenced unless and until a contract for the carrying out of the building works for the redevelopment of the site has been made, and planning permission has been granted for the redevelopment for which the contract provides, and a copy of that contract has been supplied to the Local Planning Authority.

REASON: In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following demolition of the existing buildings to safeguard the character and appearance of the Conservation Area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy 2008 and PPS5.

Officers Report

3.0 Information

3.1 Relevant Planning History

KET/2010/0743, Full application: Erection of new food store and electricity sub-station, new access arrangements, landscaping and associated works.
Demolition of existing buildings on the site PENDING

KET/2010/0550, Environmental Screening Opinion - 10/09/2010 - NOT EIA development. New screening opinion issued 06.05.2011 – NOT EIA development.

KET/2007/0112, 26 apartments in three blocks. WITHDRAWN

KET/2005/0175, Removal of 4 no. windows and 1 no. door. Addition of 3 no. windows and 1 no. door, APPROVED 12/05/2005 (21a Harborough Rd)

KET/2005/0127, Certificate of Lawfulness for Existing Use: Dwelling house, APPROVED 24/04/2005, (21a Harborough Rd)

KE/04/0506, First Floor Rear Extension, REFUSED 02/08/2004
(21 Harborough Rd)

KE/03/0916, Mixed use development including retail, residential and associated car parking, WITHDRAWN

KE/2001/0811, Outline planning permission for one detached house and separate garage, REFUSED 30/11/2001 (Land adjacent 6 Station Road)

KE/2000/0752, Change of use of existing factory premises to other commercial mixed uses, APPROVED 17/04/2001

KE/2000/0098, Outline for retail development with associated car parking, servicing, access and landscaping, REFUSED 26/10/2000

KE/1992/0545 Conversion of existing garage into games room: erection of conservatory and new double garage (16 Harborough Rd) APPROVED

KE/1992/0670 Revised siting of garage previously approved on KE/92/0545 (16 Harborough Rd) APPROVED 16/11/1992

KE/1987/0643, Replace building damaged by storm, APPROVED 19/08/1987

KE/1987/0077, Installation of 4000 gallon underground diesel tank and associated works and replacement of existing pumps, APPROVED 04/04/1987

KE/1981/0686 Provision of 5000 gallon underground storage tank (Desborough Motors site) APPROVED 23/09/1981

KE/1976/0762 New canopy (Desborough Motors) APPROVED 16/09/1976

KE/1979/1748, Alterations to roof to remove parapet on front and side, APPROVED 26/11/1979 (Factory)

KE/1979/0455 Use of land at Desborough Motors Ltd for the storage and sale of vehicles (Desborough Motors site) 04/06/1979

KE/1978/0449, Bungalow, (Land adj 6 Station Road) REFUSED 25/05/1978

KE/1977/0188 Installation of petrol vending equipment and signs (Desborough Motors site) APPROVED 05/04/1977

KE/1976/0762 erection of canopy (Desborough Motors) APPROVED 16/09/1976

DU/1973/0084 use of land for sale of motor vehicles and erection of toilets (land to north of pub) APPROVED 04/12/1973

DU/1972/0056 factory extension APPROVED 25/10/1972

DU/1971/0015 factory extention: leather store APPROVED 07/04/1971

DU/1968/0052 industrial building for motor vehicle repair and servicing and storage of ancillary facilities (land NW of no. 6) APPROVED 11/12/1968

DU/1966/0032 Motor Repair Workshop (land NW of no. 6) APPROVED 20/10/1966

DU/1961/0036, Manufacturing Plant for horticultural compost, APPROVED 29/09/1961

3.2 Site Description

The site is located between Gladstone Street to the north, New Street to the East, and Harborough Road to the west and lies mostly within the defined Established Shopping Area of Desborough and the adopted Desborough Conservation Area.

The site is approximately 1.44 hectares in area and included within the site are a number of buildings: the redundant and unoccupied Lawrence's Factory building; 6 Station Road, and 15, 17, 19, 21 and 21A Harborough Road. 6 Station Road is currently occupied as a private residence. The three properties 15, 17 and 19 Harborough Road are unoccupied dwellings, and 21 and 21A are dwellings leased from the Council. None of the buildings on site are listed but bordering the site to the south lies the Oak Tree Public House which is a Grade II Listed Building.

3.3 The factory building is set within a substantial site, which once contained a second similar styled and aged factory since demolished. It is constructed in red brick, with dual pitched slate roof, with segmental arched headed windows, fitted with cast iron window frames complete with central opening lights, all

typical of the Victorian period boot and shoe factory vernacular architecture. The cottages 15 to 19 Harborough Road, are of 18th Century origins with later 20th Century alterations.

3.4 Proposed Development

Demolition of the following buildings within the red line area of the application:-

- 1) The Lawrence's Factory building
- 2) 15, 17, 19, 21, and 21A Harborough Road
- 3) 6 Station Road

In the event that Conservation Area Consent and planning permission is granted by the Committee it is the applicants' intention to re-generate the site by provision of a new retail store and car park; environmental and public realm improvements on and off site; and highway improvements. All of these re-development proposals are described and appraised in detail in the associated application for planning permission KET/2010/0743.

3.5 Constraints Affecting The Site

Desborough Conservation Area (see Desborough Conservation Area Appraisal, 30.03.2007, KBC)

Setting of Grade II Listed Building

Classified B Road – Harborough Road

Established Shopping Area

4.0 Consultation and Customer Impact

4.1 (Note: applications KET/2010/0743 for planning permission, and KET/2010/0744 for Conservation Area consent for demolition, were consulted upon jointly. A substantial amount of comments received in response related to both applications, therefore for clarity only those comments which relate more specifically to the application for Conservation Area consent for demolition are summarised below. A full summary of all responses relating to both applications is included in the associated committee report for planning permission KET/2010/0743).

KBC Environmental Health - Noise

No objection

Request conditions regarding hours of demolition/construction work.

4.2 Design Action - North Northamptonshire Joint Planning Unit

(Received 19.01.10) - The factory is very significant to Desborough and the wider CA. The factory and corner houses are not neutral or negative in the CA and their loss is not justified as a condition statement is not included to say they are beyond an economic point of repair. The Heritage Statement points out that the factory is a remnant of other buildings which highlights its importance and is of more value for that reason. The buildings have a high level of significance and the presumption in favour of their retention has not

been overcome. Fail to see how the scheme delivers substantial public benefits or regeneration of the town centre (PPS5 HE9.2). The statement does not address how all reasonable uses of the site have been considered (HE9.2 (i) and the site is large enough to retain the buildings. The Heritage Statement does not address HE9.2 (ii) a to d.

(Received 21.11.11) - The need for significant intervention in the public realm in Desborough has long been recognised and is contained in the UDF and most recently the draft Urban Structures Study. The purpose is 1. improve pedestrian access more direct and convenient for example crossing Harborough Road, 2. to highlight where the town centre is, 3. to improve the quality of experience for the people who live there. The public realm proposals need to be ambitious and extensive and given my experience elsewhere I seriously question whether £400,000 would do any more than tinker with the problems. A similar length of street, recently completed and given awards in Hereford (Widemarsh Street) cost £1.3M. The contributions at present are not sufficient to resolve the problems identified. Not convinced that the proposals address the issues of movement across Harborough Road; and east-west movement should be prioritised. Improving the experience for pedestrians should include high quality paving; unlikely at the cost price the applicant has quoted, and street layout changes and more extensive tree planting. The focus of the proposals is not wide enough, nor is there sufficient funding to deliver a high quality scheme. (Letter received 21/11/11).

4.3 Desborough Town Council

(Received 22/2/11) - No objection, support the application to revitalise the town centre and provide retail choice and more parking.

(Received 27/5/11) - No objection subject to further negotiations to deliver community facility enhancement. Council also ask for confirmation that the materials chosen fully comply with the Rockingham Forest Trust 'Countryside Design Summary' and their 'Building on Tradition' document to ensure the proposed building respects the distinctive character of the market town within the Forest. Materials should blend with neighbouring Northamptonshire stone buildings.

(Received 14/7/11) - No objection subject to: where are the bus shelters are to be provided, improvements to pedestrian access to the south of the site and a safe crossing point between the library and the doctor's surgery, having two pedestrian crossing on Harborough Road will add to build up of traffic at peak times, adequate road safety, linking traffic lights to improve flow of traffic.

(Received 8/8/11) - Support the application, it is evident that no viable alternative has been declared for the factory and retaining it for flats is not cost effective. (Received 18/11/11) – Objection - The Town Council are unhappy with the S106. Request that the public realm money be spent on improving the local area and access between the Doctors Surgery, Library, Co-op and George Public House. The remaining S106 monies should be identified for community use following full community consultation.

4.4 Highways Authority

No objection

Advise that demolition works should be carried out in accordance with a

construction management plan to control hours, dust, loading, routeing, etc and safeguard highway use.

4.5 English Heritage

Objection

- (Received 23.12.10) - recommend refusal as the proposals are contrary to the policy considerations in policies HE9.2 and HE9.3 of PPS5. Demolitions would result in substantial harm to the significance of the Conservation Area
- (Received 7.03.11) - considered that buildings are very often if ever 'beyond repair'. It has not been conclusively demonstrated that the only possible use is supermarket redevelopment, and so questions of viability remain open
- the justification for demolition is that redevelopment will provide a supermarket and that is of public benefit, i.e. the demolition is justified by the demolition. The application does not demonstrate that similar benefit could not be delivered here (or on alternative sites) without causing the harm. For the purposes of PPS5 public benefit should be an inherent aspect of any proposed development rather than as a compensatory measure in the form of payment for works elsewhere
- (Latest updated comments in response to re-consultation on viability information and PPS5 HE9.2 statement):-

4.6 (Received 8/8/11) - The LPA should decide the merits of whether the supermarket is 'substantial public benefit' which outweighs the loss of the factory. It should also be demonstrated that such public benefit cannot be derived without the harm and should include consideration of possible alternative locations. The assessment of viability is fundamentally flawed. The economic viability calculations should have been used to inform the purchase price of the land, but this exercise has been done in reverse; now the land purchase price has been agreed. Thus any building in a Conservation Area or a listed building could be deemed unviable and this severely undermines the protection afforded to such buildings. The feasibility of re-use of the factory has not been adequately examined and is given little weight. We have not seen a design options appraisal which gives a proper examination of ways in which the building could be adapted and extended to accommodate a supermarket.

(Received 25.11.11) – No further comments.

4.7 NCC Archaeology

Objection

- (Received 28.11.11) - the special character of the CA is derived from the appearance, layout and use of the buildings which remain intact providing evidence of how the industry developed. The area has a discernible industrial suburb containing a disused boot and shoe factory and related worker housing. It represents the first planned estate in Desborough
- the applicants' Heritage Statement refers to the Development Brief which was accompanied by an Archaeological Building Assessment produced by Northamptonshire Archaeology which concludes that the building appears

in good condition and could be converted. The Structural Engineers Report is pessimistic regarding reuse but this seems to come from a financial rather than heritage viewpoint

- the applicants' comment that the removal of cottages on New St to create car parking have resulted in a reduction in significance. However, the CA was designated in 2007 and those buildings were not present and as such significance has not been lost
- the removal of the buildings which form the major component of the CA will result in substantial harm to a designated heritage asset and are contrary to PPS5.
- I concur with Brian Hawkins that the loss of the buildings would result in substantial harm and is contrary to HE9.2(i).
- Policy HE9.1 refers to impact of the loss and as an important part of the community, this policy is relevant. The proposal does not result in an enhancement of the setting.
- (Received 16.11.11) - Need to ensure an archaeological condition is included, to record these important, albeit undesignated, buildings within the Conservation Area.

4.8 The Victorian Society

Objection

(Received 17/12/10) - Strongly object to the application. Demolition will cause substantial harm to the character of the Conservation Area.

Northants Bat Group

(Received 12/12/10) - Do not consider that the long-eared bats night-roost is being properly mitigated.

Natural England

No objection

(Received 22/12/10) - Request timing of demolition and site clearance to be conditioned. Mitigation measures regarding bats should also be secured by condition.

4.9 Neighbour/public comments

In response to both applications 301 letters of objection and 343 letters in support were received. The issues raised with regard to this application are summarised below:-

Objections

Pinnacle Engineering Report	No assessment is made for uses other than B1, B2, B8 No development costs or viability information to demonstrate other uses not viable The factory building is not structurally unsound
Benefits of the scheme	Little or no benefits to local residents
There are other	Site should be used for small shops.

<p>uses for the site</p>	<p>Support the plans shown in the Desborough Urban Development Framework The factory was to become the centre point of a mixed-use scheme for which Government funding was received Two mixed-use developers are still available An indoor market with community hall would be better There has been pre-application advice for and alternative scheme which retains the factory Imminent planning application for an alternative scheme which retains the factory There is an alternative option in the medium term which could conserve the heritage on the site A mixed use scheme could get more users into the town centre than a supermarket The application does not relate to purpose for which the site was originally purchased; a mixed use Hampton Brook have shown interest in developing a mixed use scheme for the site, the factory would be given to the DCD trust along with £250,000 for refurbishment works The DCD Trust has met with English Heritage and the Maud Elkington Trust to establish potential funding sources for a redevelopment scheme Site should be used for a free car park.</p>
<p>Loss of protected species</p>	<p>Bats in the factory Demolition is against the law because of the bats. Need a bat survey.</p>
<p>Loss of existing houses</p>	<p>Their loss would be detrimental to the street scene and contrary to policies D7 and 30 21,23 and 25 Harborough Road were written up for local listing by the Desborough Civic Society for the Rockingham Forest Trust Project. The assessment of significance of these buildings is inadequate. Each are 'heritage assets' and HE8 and HE9 of PPS5 apply, but appropriate analysis has not been made.</p>
<p>Historical facts inaccurate</p>	<p>King's Arms Pub - date of 1752 is on the building. Numbers 15-19 are earlier than late Georgian (i.e. 18th Century). Number 21 was in existence before it was bought in the 1840's by the Benjamin Riley family (Georgian town house with unusual brickwork). The factory dates from the 1830's, only the glass-topped additions on the New Street side relate to 1868 conversion from silk to shoe manufacture. The Archaeological Building Assessment of 2007</p>

	<p>misses 50 years of the factory's history. Numbers 23 and 25 were one early Georgian Inn building 'The Cabin of Comfort', the stabling/coach houses are also significant.</p>
Site ownership/legal issues	<p>How can Tesco apply to demolish on Council land? The covenant on the land will stop/delay any development KBC have a conflict of interest No evidence provided that the restrictive covenant can be removed and that the cost of its removal do not make the scheme unviable.</p>
Desborough Civic Society	<p>Should have been contacted for advice</p>
Community Facility	<p>The proposal does not compensate for the loss of potential community facility/heritage centre</p>
Demolition of the factory	<p>Concern regarding the veracity of the Heritage assessment and the proper application of PPS5. The factory is part of the industrial heritage of the town, the presumption should be to keep the building unless the criteria in PPS5 are met. The loss of the factory will remove the defining element of the Conservation Area, its special character and is illogical. No coherent conservation analysis has been presented to demonstrate the view that the loss of the building would not result in 'substantial harm' to the heritage asset (PPS5 HE9). The public benefits of a supermarket are insubstantial and do not compensate for the loss of the factory. The eco-carbon equation always favours refurbishment over redevelopment. The Structural Report mentions water and fire damage but these are not justification for saying the building has 'reached the end of its useful life'. The Desborough Community Development Trust is seeking external funding to make redevelopment viable. Many buildings were demolished in the 70's this proposal would exacerbate the loss of history English Heritage recommended the factory for local listing. The Heritage Statement is weak and only opinion. The building was in use up to 1999 and is repairable. The factory explains the grid of late Victorian streets in the Conservation Area. No real consideration has been given to the re-use of</p>

	<p>the building.</p> <p>The application does not meet PPS5 HE9.2 tests.</p> <p>The factory is the earliest surviving footwear factory in Desborough.</p> <p>Contrary to PPS5 HE7.2, 7.3, 7.4, 9.2 and 9.3.</p> <p>The application appears confused when discussing the level of harm; HE9.4 or HE9.2 tests.</p> <p>The conclusion of 'less than substantial harm' is not adequately justified.</p> <p>The discussion of its setting and impact of its loss on the setting is inadequate.</p> <p>It is not clear what efforts have been made to find a public or charitable organisation to take the site/building.</p> <p>The documents consulted upon in July 2011 give no valid reasons for the loss of the heritage assets, and do not consider all uses.</p> <p>Factory should be put to a general community use.</p>
Loss of existing houses	<p>Their loss would be detrimental to the streetscene and contrary to policies D7 and 30. 21,23 and 25</p> <p>Harborough Road were written up for local listing by the Desborough Civic Society for the Rockingham Forest Trust Project. The assessment of significance of these buildings is inadequate. Each are 'heritage assets' and HE8 and HE9 of PPS5 apply, but appropriate analysis has not been made</p>
Environmental Impact Assessment	<p>The application should have an EIA</p> <p>EIA is required by law.</p> <p>The presence of bats should trigger an EIA.</p>
The previous supermarket application on the site that was refused in 2000	<p>The reasons for refusal of that application are still relevant today, and now carry more weight due to PPS5.</p> <p>The previous refusal is a material consideration</p> <p>15-19 are still outside the town centre boundary</p> <p>This new application is even worse</p>
Atkins Feasibility Study Summary	<p>This is opinion not fact</p> <p>There are other ways of measuring 'value'</p> <p>This was a commercial assessment undertaken before PPS5</p>
The parish poll	<p>The poll showed the majority were in favour of the Magnetic Park supermarket</p> <p>The Council should not act against the wishes of the residents</p> <p>The Parish Council are acting against the Parish Poll</p> <p>99% want the Grange development</p>

4.10 Neighbour/public comments Support

- The factory was previously reviewed by Clive Fletcher of English Heritage who said it had no architectural or social importance, so no listing application was made
- It will regenerate and revive the town
- Without this development the town will continue to look like a bomb site for a further 10 years
- Desborough needs employment
- Regenerate the site
- Site is an eyesore
- Development of a brownfield site should be supported
- Covenant would be lifted
- Will provide a gateway to the town centre
- The idea to build small shops on the site is ridiculous when half the existing shops are empty
- The town looks sad and neglected
- The development will benefit the appearance of the pub next door
- Less than 35% of the electorate supported the Grange development

5.0 Planning Policy

National Policies

PPS5: Planning for the Historic Environment
National Planning Policy Framework (draft)

5.1 Development Plan Policies

East Midlands Regional Plan

Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 27: Regional Priorities for the Historic Environment

North Northamptonshire Core Spatial Strategy

Policy 13: General Sustainable Development Principles

SPGs

Sustainable Design

Other Relevant Documents

Desborough Conservation Area Appraisal, adopted 30.03.2007, KBC
PPS5 Policy HE9.2(ii)b Assessment - Planning Application KET/2010/0743
(GVA, August 2011)

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

- A. Legislative Requirements
- B. Relevant Planning Policy
- C. Impact on Desborough Conservation Area
- D. Residential Amenity
- E. Other matters

A. Legislative Requirements

7.1 A Conservation Area is *'an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'*. The application site lies within the Desborough Conservation Area. The site contains the Lawrence's factory and cottages 15, 17, 19, 21 and 21A Harborough Road which have all been identified in the Conservation Area Appraisal as significant buildings, and so are considered to be heritage assets. Extracts from the Desborough Conservation Area Appraisal document are at Appendix 1.

7.2 Members are reminded that they have statutory duties to discharge in the consideration and determination of this application for Conservation Area Consent. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act (LBCA) imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. This would apply in respect of the setting of the adjacent Oak Tree public house.

7.3 Section 72 (LBCA) imposes a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

7.4 In respect of discharging the above statutory duties Members are advised that in 2010 the Secretary of State for Communities and Local Government issued a national planning policy statement (Planning Policy Statement 5: 'Planning for the Historic Environment') (PPS5) which provides detailed guidance with regard to demolition and development proposals in conservation areas. PPS5 is therefore a policy document of considerable weight and importance in the consideration of this application.

7.5 There is no statutory requirement to have regard to the Development Plan (DP) policies in the determination of applications for Conservation Area Consent, however the Development Plan policies are instrumental in setting out the key and overarching objectives and aspirations of the Council with regard to development proposals affecting Conservation Areas and Listed Buildings. As such, these DP policies are fully reflective and supportive of the

guidance and advice contained within PPS5 and should therefore also be taken into account. Planning policies with most relevance to this application are referred to in the next section.

7.6 The Council has employed a consultant with expertise in historic buildings and conservation to assist and advise officers with regard to the applications for conservation area consent and planning permission. Together with your officer's advice this committee report summarises parts of the consultant advice and conclusions from his full detailed report and comments.

B. Relevant Planning Policy

7.7 **EMRP Policies 26 and 27** state that the historic environment should be understood, conserved and enhanced for its own intrinsic value, promoting sensitive change of the historic environment. In order to do this the Local Planning Authority should identify and assess the significance of specific historic assets and their settings, and should encourage the refurbishment and reuse of disused or under used buildings of some historic or architectural merit and incorporate them sensitively into regeneration schemes.

7.8 **CSS Policy 13** contains a number of objectives for development proposals, in particular (criteria H, I and O) generally support proposals which conserve and enhance the historic landscape, designated built assets and their settings, and which create a strong sense of place by strengthening the distinctive historic and cultural qualities and townscape of the towns through design and landscaping.

7.9 **The CSS and EMRP** policies above reflect the policy guidance in PPS5 which generally seeks to retain and re-use existing buildings where such buildings have a positive value to the Conservation Area and retention and re-use is viable, effectively leaving demolition as a position of 'last resort'.

7.10 **Planning Policy Statement 5: 'Planning for the Historic Environment' (2010)** advises that those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. Wherever possible they should be put to an appropriate and viable use that is consistent with their conservation. Local Planning Authorities should take into account the positive contribution that conservation of heritage assets and the historic environment can generally make and the desirability of making a positive contribution to the character and local distinctiveness of the historic environment.

7.11 Policy HE7.5 of PPS5 advises that the Local Planning Authority should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment.

Policy HE9 advises that there should be a presumption in favour of the conservation of designated heritage assets and, importantly; loss of buildings affecting any designated heritage asset should require clear and convincing justification.

Policy HE9 contains two policy tests; part HE9.2 applies where an application '*will lead to substantial harm to or total loss of significance*' and part HE9.4 applies where '*a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm*'. A detailed appraisal of the application with regard to the policy tests in HE9 follows in section C.

7.12 Policy HE10 relates to development that affects the setting of a designated heritage asset and states '*LPAs should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, LPAs should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.*'

7.13 The Government has issued a draft National Planning Policy Framework which at draft stage has little weight in decision-making for Members. However, in time, if fully implemented, it would replace PPS5. However, the policy position within it with regard to historic assets and Conservation Areas is unchanged in substance and objectives, and where proposals would result in harm or loss of historic assets full justification would be necessary.

C. Impact on Desborough Conservation Area

7.14 Conservation Areas are '*designated heritage assets*' (PPS5). In order to assess any degree of harm from the proposed demolition to the Conservation Area and its setting, and to the setting of the listed Oak Tree public house, it is important to first understand the historic and cultural value of the buildings to the Desborough Conservation Area. The site was agricultural land prior to the opening of the railway in 1857 and the then proposed factories of Benjamin Riley and of Nichols, Evans and Clow. The layout and spatial arrangement of the factory, the streets and subsequently the houses followed and this same historic urban pattern of development forms the Conservation Area as viewed today. It is self evident therefore that the Desborough Conservation Area was created as a direct result of the initial construction of the Lawrence's factory building and later surrounding streets and houses, and of the continuing boot and shoe trade within the town. The Lawrence's factory is the earliest boot and shoe factory in Northamptonshire and has the longest existing single range of a Victorian boot and shoe factory in Northamptonshire.

7.15 The boot and shoe industry has shaped the town including the houses with the detached outbuildings and workshops, as highlighted by number 21 Harborough Road (within the application site), a Georgian townhouse which was owned by four generations of the Riley family. Benjamin Riley formed a

boot and shoe manufacturers in 1868 and subsequently had the factory built next to his house in 1877, this is now the Lawrence's Factory. The factory was taken over by R S Lawrence in 1967.

7.16 The 1886 first edition OS map shows the A6, the factory buildings, 21-25 Harborough Road and the workers cottages and New Street, but at that time Gladstone Street did not exist. This information further reinforces the importance and historic significance of the site and its integrity and importance to the town and this area of the town, which did not exist prior to the construction of the factory.

7.17 The Desborough Conservation Area Appraisal (KBC, 2007) states, under the heading of Definition of Special Interest:-

“The area is a discernible industrial suburb, containing a disused boot and shoe factory site and related worker housing, which represents the first planned estate in Desborough, which was a direct result of the boot and shoe industry.”

“The boot and shoe industry has a strong influence in shaping the character of the area and forming a sense of place. The form and layout of the buildings in this area remain intact, providing documentary evidence as to how the industry developed within a relatively short time.”

“Nos 15, 21, 23 & 25 Harborough Road... This group of buildings are significant due to the fact they represent part of the piecemeal development along Harborough Road..... The building of 21 Harborough Road is attached to three former cottages to the south, now no.15 Harborough Road. The cottages are presumed to be of eighteenth century origin....”

7.18 The Conservation Area is also valued for its setting and there are a number of defining key views (see Appendix 1) which will be affected. Clearly demolition and removal alone of the buildings on site will affect key views into and out of the site but demolition is to be followed by re-development proposals and therefore it is more appropriate to assess changes affecting key views in the context of the proposed re-development as it would stand completed. A detailed assessment on this basis can be found in sections 4 to 6 of the associated planning application report KET/2010/0743.

7.19 The Oak Tree public house is a Grade II Listed Building (and a designated heritage asset defined by PPS5) whose curtilage adjoins the application site. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty to have special regard to the desirability of preserving a listed building or its setting. Clearly demolition of the existing buildings on site alone would alter its setting, but it is more appropriate to assess any impact on its setting in the context of the redevelopment proposals.

7.20 Summary:

The applicants have submitted supporting documentation with their applications including a heritage statement (as revised), structural report and viability information. It is their contention that the buildings on site are not so

significant and that the proposed demolition of them does not result in substantial harm.

7.21 In my view it is clear from both the physical and documentary evidence that there is a direct and unquestionable relationship between the boot and shoe industry, and the Lawrence's factory in particular, and the development of the workers housing within the surrounding streets, which form part of the Desborough Conservation Area. As such, it is considered that the buildings hold a positive value to the Conservation Area (a '*designated heritage asset*') and that substantial harm will result to the Conservation Area from the proposed demolition (It is not considered that the demolition will result in harm to the Grade II listed Oak Tree public house). **As such, the relevant policy test under which both applications should be considered is PPS5 policy HE9.2 (substantial harm/total loss) and not policy HE9.4 (less than substantial harm).**

7.22 The Policy Test - PPS5 HE9.2(i) and (ii)

PPS5 as described previously is an important material consideration which Members will need to take into account in their determination of the applications. It sets out a test at policy HE9.2 with regard to proposals which will lead to substantial harm to designated heritage assets (in this case the Desborough Conservation Area). In order to satisfy the test under policy HE9.2(i) it would require a conclusion from the Committee that the applications demonstrate that substantial harm/loss of significance *is necessary in order to deliver substantial public benefits that outweigh the harm/loss, OR*, under 9.2(ii) that:-

(a) the nature of the heritage asset prevents all reasonable uses of the site;
and

(b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation;
And

(c) conservation through grant-funding or some form of charitable or public ownership is not possible;
and

(d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use.

7.23 Note that **all** of the criteria of HE9.2(ii) (a to d) above are required to be demonstrated in order to satisfy the part (ii) test. The applications and submitted supporting information by the applicants in relation to policy HE 9.2(ii) is commented upon as follows:-

7.24 **Criteria (a)** is not fully justified because the current application fails to demonstrate that the nature of the heritage assets, in this case a large

voluminous rectilinear building over two and three storeys, 15,17, 19, 21, and 21A Harborough Road, and 6 Station Road, cannot be reasonably re-used, or retained in their current use. The Structural Engineers report and Existing Site Buildings report argue that the factory building as built, or extended, is not viable as a retail food store owing to the internal design, floor to ceiling heights and heating and cooling restrictions, yet does not realistically demonstrate any alternatives for re-use.

7.25 It is clear that the physical condition of the factory is in a deteriorated state, which is primarily the result of a continuing lack of regular and routine maintenance and vandalism. The building appears to be in a sound structural condition, with the isolated pockets of fire damage to the timber roof structure and floor structure, being the only significant defects to the structural integrity of the building. The brickwork and masonry structure of the building appears to be in a good condition, which has been borne out by the applicants' brief Engineers Report.

7.26 Within the application documentation the attempt to demonstrate that the re-use of the whole or any part or parts of the building within the retail scheme has been considered is not convincing. It would be possible albeit with a smaller store.

7.27 Within the application documentation there is insufficient evidence to demonstrate that alternative uses have been fully considered for the site other than the retail food store. Since the end user is a retail food store this is to be expected up to a point, however to demonstrate under PPS5 that substantial harm or loss of significance is necessary all alternatives must have been considered for all of the buildings proposed to be demolished and shown to have been considered within the design and feasibility stages. Building conservation prescribes to the adage that the best use for any building for the securing of its long term is that to which it was originally designed. However in the case of the factory building a change of use is necessary owing to the changes in manufacturing processes since the factory was constructed, but consideration must be given to the heritage and significance of the building and its overall potential for alternate uses.

7.28 **Criteria (b)** is not fully justified because the current application fails to demonstrate the lack of a viable use of the factory building or other buildings. Further information on viability was submitted by the applicants on 22 July 2011 which in itself demonstrates that a particular mixed use scheme was not viable in the medium term. The Council's assessment of that viability information (carried out by GVA Grimley) concludes that this is still likely to be the case today in the medium term but it is noted that the site (as a whole site) has only been marketed since 2008 i.e. during the severe downturn in the economy and market.

7.29 **Criteria (c)** is not fully justified because no evidence has been provided to demonstrate that grant funding is or is not currently available to enable the conservation of the buildings in their current form. No evidence has been provided that there are no interested parties, in the form of charitable bodies or

public bodies or other forms of public ownership that have an interest or possible use for the buildings, in their current or altered form. The applications therefore do not meet this criteria. (It is noted that the Desborough Community Development Trust have commented on the applications indicating their interest in acquiring the factory using funding from the Heritage Lottery Fund and the Maud Elkington Charitable Trust although no information has been submitted to the Council indicating if or how likely such funding might be available).

7.30 **Criteria (d)** is not fully justified because the current application does not acknowledge the significance of the heritage assets and the harm that their loss would cause.

7.31 In conclusion; since the application fails to meet all of the criteria at (a) to (d) in HE9.2(ii) above it therefore falls to be assessed solely against paragraph HE9.2(i) - that the harm/loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm/loss.

7.32 In applying the test at HE9.2(i) Members will need to decide the following:-

- (a) whether there is substantial public benefit arising from the planning application; and if so,
- (b) whether the substantial public benefit outweighs the substantial harm (loss of the buildings) to the Conservation Area; and if so,
- (c) whether the substantial harm is necessary in order to deliver the substantial public benefit

7.33 Officer advice on (a) to (c) above:-

(a) whether there is substantial public benefit arising from the planning application:

7.34 It is considered that there is substantial public benefit arising from the proposed demolition and redevelopment of the site via:-

- 7.35 **physical re-generation** of a redundant industrial site, having a poor and deteriorating appearance in a prominent town centre/Conservation Area location, via the provision of a new supermarket building, parking and landscaping

7.36 **environmental enhancements** to the surrounding town centre and Conservation Area. The site is located in the town centre, close to and with pedestrian links to Station Road. The town centre as a whole is accessed principally from High Street (off Harborough Road) and as such the junction at High Street and Station Road would benefit from improvements, as a gateway to the town centre. From that junction, improvements to Station Road would benefit the town centre as a whole, and better unify these two areas as a town centre location. The materials palette should complement

that used on the Tesco site and New Street to visually unify those areas with Station Road and High Street. The Council have estimated the enhancement scheme sought via the S106 obligation will cost approximately £800,000. Overall, the environmental improvements sought by condition and S106 obligations include:-

- new hard and soft landscaping, planters and other improvements to the length of New Street and Station Road and part of High Street
- public art
- improvements to boundary treatment
- seating, marking of parking bays
- a substantial fund for shop front improvements on High Street
- undertaking on and off-site highway improvement works
- provision of a bus shelter and bus boarder on High Street
- provision of crossing points and other improvements to pedestrian links
- provision of pedestrian and cycle infrastructure to the north of the site

A financial contribution towards Fire and Rescue is also sought.

- 7.37 **retention of shopping** spending in Desborough and an increase in viability and vitality of the town centre:-

7.38 the applicant states that the 2011 turnover for convenience retail in Desborough town centre is around £3m and this equates to just 7% of the available expenditure in the catchment area; hence approximately 90% of available expenditure in the catchment area is not being spent in Desborough. The applicant concludes that the proposed store would increase the turnover figure from 7% to over 45%.

7.39 The Council's own independent commissioned research (Roger Tym, 2010-11) also concluded that Desborough town centre is under-performing and in a fragile state, with low levels of pedestrian activity, lack of demand for premises and a poor environmental quality. The Roger Tym letter dated 12.08.11 concludes that the Lawrence's factory site 'offers the most suitable opportunity for improving the vitality and viability of Desborough town centre'.

7.40 Further evidence in the North Northamptonshire Retail Capacity Update (2010) states that the localised retention rate for Rothwell and Desborough is only 11.6%, the lowest in all of North Northamptonshire. The study shows that residents of the Rothwell and Desborough zone shop mostly at Sainsbury's in Market Harborough (25%), then Corby Asda (14%) then Kettering Morrisons (12%) for their main food shopping. The study therefore supports further supermarket provision at Desborough.

- 7.41 **boost to local employment** through creation of 140 jobs in total (full and part time)

(b) whether the substantial public benefit outweighs the substantial harm

(loss of the buildings) to the Conservation Area:

7.42 The impact on the Conservation Area is set out in Section C of the report. It is considered on balance that the substantial public benefit outlined in (a) above would outweigh the *substantial harm to the Conservation Area*.

(c) whether the substantial harm is necessary in order to deliver the substantial public benefit:

7.43 It is considered that there is no other available town centre site which would be of a size suitable for a supermarket development of the size proposed, and there are no other alternative application proposals which would retain the buildings before the Council. As such, it is not therefore possible to deliver the substantial public benefit outlined above from any other town centre site development. Having regard to the physical constraints of the application site itself, such as limited vehicular access, proximity to residential neighbours, and the scale of the proposed supermarket and parking, it is not possible to deliver the proposal (and the related substantial public benefit) without demolishing the existing buildings. The supermarket application from Sainsburys would also not be able to deliver the substantial public benefit outlined above, because that site is not in the town centre and hence is not so closely physically related to the town.

7.44 Summary:

PPS5 constitutes planning policy guidance and is an important consideration which Members should have regard to, along with all other relevant material considerations, in determining the application. The weight that should be given to material considerations is a matter of planning judgement for the decision maker. Since the application fails to fully meet the criteria of the PPS5 HE9.2(ii) test it falls to be considered under the test at HE9.2(i). In order to conclude that it does meet the HE9.2(i) test Members would need to be satisfied that the *“substantial harm is necessary in order to deliver substantial public benefits that outweigh that harm”*. Such a judgement necessarily involves a full consideration of the re-development proposals in the associated planning application.

D. Residential Amenity

7.45 If consent is granted there are likely to be noise and dust issues resulting from the demolition activities and associated movements to and from the site. It would therefore be appropriate, given the close proximity of residential properties to the site, to restrict such activities to specified hours days and in accordance with a control scheme for dust and noise.

E. Other matters

7.46 In order to safeguard any bats that might be within the building prior to demolition a condition requiring assessment and mitigation measures to be

carried out prior to demolition would be necessary.

7.47 This report summarises the proposals, the main issues and material considerations arising from the proposals, relevant planning policies, consultation responses, and all other comments and information received so far as they are material to this application.

Conclusion

7.48 The Lawrence's site has been vacant and unfortunately has deteriorated over a number of years. Previous development proposals and planning permissions for mixed uses as far back as 2001 have not delivered regeneration/re-use of the site and factory and it is officers' view, given the downturn in the current economic climate, that the site is likely to remain unused and will continue to be susceptible to further deterioration.

7.49 It is considered that notwithstanding the deteriorating appearance of the site the buildings still hold historical and cultural significance and still make a positive contribution to the Desborough Conservation Area. As such, their demolition would result in *substantial harm and loss of significance* to the Conservation Area in PPS5 terms.

7.50 It is considered on balance that the proposed demolitions and regeneration of the site, together with the substantial public benefit that such regeneration would bring to the community, would outweigh the *substantial harm/loss of significance*, and that the loss of the buildings is necessary in order to deliver such benefit. Clearly justification for this demolition requires the proposed re-development to actually take place and therefore it would be necessary to impose a condition requiring that no demolition can occur until a contract has been let for the carrying out of the building works for the re-development. This will ensure that re-development of the site is tied to and would follow demolition.

Background Papers

Title of Document:

Date:

Contact Officer:

Tom Shields, Development Manager on 01536 534316

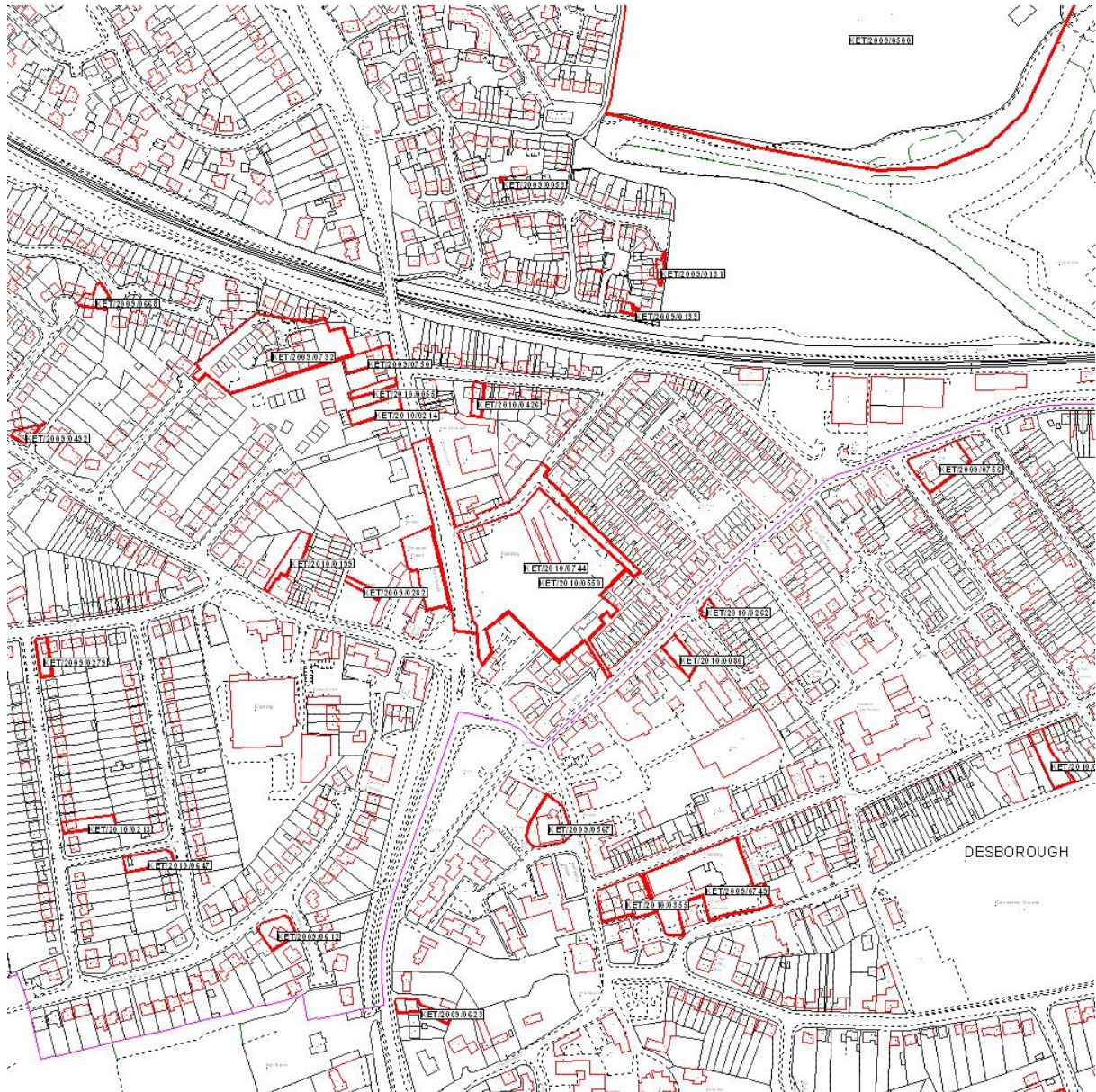
Previous Reports/Minutes

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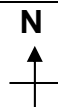
Date:

SITE LOCATION PLAN

Former Lawrence Factory Site, Harbour Road, Desborough
Application No.: KET/2010/0744



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