

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 14/08/2012</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Rebecca Collins Senior Development Officer</b>	<b>Application No: KET/2012/0133</b>
<b>Wards Affected</b>	<b>Burton Latimer</b>	
<b>Location</b>	<b>Working Men's Club, Finedon Street, Burton Latimer</b>	
<b>Proposal</b>	<b>Full Application: Erection of 10 no. dwellings</b>	
<b>Applicant</b>	<b>Lodge Park Ltd</b>	

### **1. PURPOSE OF REPORT**

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

### **2. RECOMMENDATION**

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

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

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

2. The proposed materials stated in the applicant's letter dated 20th June 2012 are not hereby approved. No development shall commence on site until details of the types and colours of all external facing and roofing materials including fascias and soffits 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. Development shall not commence until a drainage strategy including on and off-site works 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 strategy, and the building shall not be occupied or the use commence, whichever is the sooner, until the approved strategy has been fully implemented.

REASON: To ensure a satisfactory development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. The development hereby permitted shall not be commenced until parts a to d have been complied with. If unexpected contamination is found after development has begun, development must 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 condition 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, must 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 must 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,
- archaeological sites and ancient monuments;

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 (or any model procedures revoking and replacing those model procedures with or without modification)'.

#### 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 condition a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 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 condition c.

#### E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed in advance, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

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 NPPF and policy 13 of the Northamptonshire County Structure Plan.

5. All materials obtained from demolition shall be permanently removed from the site within twenty eight days of demolition being commenced.

REASON: In the interests of visual amenity.

6. No vehicles making deliveries to or from the site shall enter or leave the site, and no construction works shall take place, except between the hours of 08:00 and 18:00 hours Mondays to Saturdays. There shall be no deliveries, or construction works, on Sundays or recognised public holidays.

REASON: To minimise noise disturbance to neighbouring residents in the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial

Strategy.

7. No other development shall commence until visibility splays of 2 metres by 2 metres have been provided at the junction of the access road 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.

8. The sustainable construction and energy efficiency measures as outlined in the energy efficiency and sustainable construction statement dated February 2012, shall be carried out prior to first occupation of any of the units hereby permitted.

REASON: To ensure development meets the highest viable standards of resource and energy efficiency and a reduction in carbon emissions in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

9. Prior to the commencement of development, a scheme detailing the security measures/standards to be incorporated within the development, including lighting, vehicular and pedestrian security gates and entry and exit doors 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 Core Spatial Strategy for North Northamptonshire.

10. No development shall take place on site until a scheme for boundary treatment, including the materials to be used, 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 and retained thereafter.

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

11. No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the recording of any items of archaeological interest in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

12. No development shall commence on site until details of the materials to be used in the construction of the hardstanding areas including access and parking spaces, 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.

Notes (if any) :-

- With regards to Condition 9:

All Entry/Exit doors to the units hereby approved shall meet PAS 23/24 2007 or equivalent standard. Windows shall meet BS 7950 standard. All units should be built to attain the ACPO SBD Ltd 'Secured By Design' award.

The applicant is advised to take account of the advice given in emails to the Local Planning Authority from the Crime Prevention Design advisor dated 3 April 2012 and 23 May 2012.

With regards to condition 10:

The proposed boundary scheme shall include a 1 metre high boundary wall, adjacent to the highway and surrounding the site, as shown on the approved plans.

### **Justification for Granting Planning Permission**

The proposal is in accordance with Section 72 of the Planning and Listed Buildings Act 1990 and national and local policies as set out in Policies 2, 6, 7, 8 and 12 of the National Planning Policy Framework, Policies 2 and 27 of The East Midlands Regional Plan, Policies 1, 6, 7, 9, 13 and 14 of the North Northamptonshire Core Spatial Strategy. The proposal is also in accordance with adopted Supplementary Planning Document, Sustainable Design. The issues relating to design and car parking are material planning considerations and, in reaching the decision to approve the proposal, have been carefully weighed against all relevant policy considerations.

## **Officers Report**

### **3.0 Information**

#### **Relevant Planning History**

KET/2006/0900 - Conversion of one dwelling house into two flats  
(APPROVED)

KET/2012/0314 – Application for Conservation Area Consent – Demolition of the Working Mens Club (Committee to determine)

#### **Site Description**

Officer's site inspection was carried out on 11/04/2012.

The application site lies within the Burton Latimer Conservation Area, on Finedon Street, which is primarily a Victorian terrace street with development abutting the pavement, or slightly set back from the pavement with brick boundary walls providing a sense of enclosure in the street scene. Some modern infill development has occurred opposite the development, with a modern block of flats to the west of the application site and some modern red brick detached dwellings to south, these developments are not considered to be in character with the traditional terrace street but do form part of the character of this area at this time.

The application site consists of the former working mens clubs, which was converted from two terraced dwellings. There are some later additions to these properties including bay windows and a parapet. This building is slightly back from the pavement adjoining the highway. The buildings are rendered with white upvc windows and doors. These properties are surrounded by tarmac previously used for car parking. There is a small, 1m high brick wall to the front boundaries of the site and a 2m high concrete block wall to rear. Entrance to the site is currently off Spencer Street.

#### **Proposed Development**

The proposal is for the demolition of the existing building and replacement with 6 houses and 4 flats.

#### **Any Constraints Affecting the Site**

Burton Latimer Conservation Area

### **4.0 Consultation and Customer Impact**

#### **Parish/Town Council**

No objection subject to an increase in parking.

#### **Anglian Water**

No objection subject to a condition to require surface water drainage.

#### **Northamptonshire County Council**

Contributions for libraries and Fire and rescue are sought as follows:

Libraries - £1,6901.00  
Fire and Rescue - £920.00

### **Northamptonshire County Council – Archaeology**

There is potential on site archaeological interest. A condition is necessary to secure an archaeological programme of works as per the NPPF paragraph 141.

### **Highway Authority**

In general terms the layout concept and single point of access off Spencer Street is considered acceptable and the parking provision appears appropriate given its town centre location and availability of other parking opportunities.

To improve pedestrian accessibility it would be appropriate for the applicant to improve footways adjacent to the site and provide new pedestrian dropped kerbs at locations to be agreed along the route to the town centre.

The applicants have submitted a transport assessment which has been considered by the Highways Authority and they report that it is deficient as a stand alone assessment. However, the proposed development is below the standard requiring any assessment and therefore no amendments have been sought on this basis.

### **Northamptonshire Police**

- Frontage parking is preferable to parking behind fences,
- Inadequate car parking can lead to neighbour disputes,
- A security gate to the entrance of the parking court is recommended and the parking court is lit with uniformity levels of no less than 0.25uo,
- All entry/exit doors should meet Pas 23/24 2007 or equivalent standard, windows should meet BS 7950,
- Fence panels should be 1.8m high,
- Rear access gates should be able to be locked,
- Units should be built to ACPO SBD Ltd 'Secure by Design' award,
- The communal gate to the rear between plots 5/6 and 7 is fitted with a digital locking facility or similar and is constructed from metal railings or wooden slats to a minimum height of 1.8m. This will allow anyone present or loitering on the private side to be spotted prior to entry. This area should be illuminated,
- Prefer the use of railings to brick wall to the front boundary to prevent loitering,
- A security condition should be added to mitigate against crime.

### **Community Services**

Contributions required towards parks and gardens, provision for young children, provision for young people, outdoor sports and allotments and community gardens. Total contribution of £1,435.00 and an open community infrastructure contribution of £310.00.

### **Environmental Health**

No objection subject to application of the standard contaminated land

condition.

### **Housing Strategy**

There is an urgent need for more affordable housing in the Borough from applicants on the housing register. There is very limited availability of affordable housing in Burton Latimer. Although there are 457 social rented homes in Burton Latimer, the turnover of these properties is very low the demand for rented housing in Burton Latimer far outstrips supply. Finedon Street will provide a further 10 homes for local households in housing need. It is policy to operate 'local lettings' for any new affordable housing development of more than six units. This approach is encouraged by the Government and ensures that new communities are as sustainable as possible. Priority will be given to applicants who have a local connection to the Borough.

### **Neighbours**

Eight neighbours from Finedon Street, Barlow Court, Rosebery Street, and Mackintosh Court have written in objecting to the proposal for the following reasons:

- There is insufficient car parking for the number of units permitted,
- Additional on-street car parking will impact the time it would take for the emergency services to get to an emergency,
- No provision for construction, including vehicles, workers vehicles of working hours,
- Loss of light to the rear gardens of no. 32 Finedon Street and properties along Rosebery Street, as the proposed buildings are higher and closer to the boundaries of the site than the existing,
- The working mens club is sited as worthy as keeping in the Conservation Appraisal. The damage to the existing is cosmetic and there is a presumption against demolition frontage of the working mens club should be kept due to its location in the Conservation Area,
- No provision for education or health,
- Sewage is at capacity,
- No mention of BREEAM and how this is to be achieved.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policies 6, 7 8 and 12

### **Development Plan Policies**

#### **East Midlands Regional Plan**

Policy 2 – Promoting Better Design

Policy 27 – Regional Priorities for the Historic Environment

#### **North Northamptonshire Core Spatial Strategy**

Policy 1 – Strengthening the Network of Settlements

Policy 6 – Infrastructure Delivery and Developer Contributions



Policy 7 – Delivering Housing  
Policy 9 – Distribution and Location of Development  
Policy 13 – General Sustainable Development Principles  
Policy 14 – Energy Efficiency and Sustainable Construction

**Kettering Borough Local Plan**  
Policy 35 – Housing within Towns

**SPDs**  
Sustainable Design SPD  
Open Space SPD

## **6.0 Financial/Resource Implications**

A Section 106 Obligation is required to secure the use of the units as affordable prior to the issuing of planning permission. The section 106 is not however, intended to require any monetary contributions as requested above. The applicant agreed to an open book approach and has submitted evidence with regards to the financial viability of the scheme, which has been looked at by your Officers and the North Northamptonshire Development Company. It is noted from the financial appraisal as submitted that the operating profit on this project will be very low and that is assuming no abnormal costs arise, and with no contingency amount set aside for such costs, and that consequently there is no further scope for financial contributions.

Given the very limited profit margin expected from the development, the positive contribution of a 100% affordable housing scheme and provided that the 106 Obligation is entered into securing the development as affordable housing, then it is considered that the development is highly sustainable and scores high in meeting planning policy objectives and urgent affordable housing needs and is acceptable without the financial contributions sought and therefore meets policy 6 of the North Northamptonshire Core Spatial Strategy objectives.

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle
2. Character and Appearance of the Conservation Area
3. Amenity
4. Car Parking and Access
5. Sustainable Design
6. Comments on other points raised by proposal

### **1. Principle**

Policy 35 of the Local Plan for Kettering Borough states 'Planning permission will normally be granted for proposals for residential development within the towns, defined by the Town Inset boundaries . . . where the proposal is compatible with other policies and proposals in this Plan'. The development

site lies within the designated Burton Latimer Town Boundary and with the Burton Latimer Conservation Area. Given the nature of this street which is primarily residential and that the site is sited in the Conservation Area Appraisal as a potential development site, then the principle of development is considered acceptable in this instance.

## 2. Character and Appearance of the Conservation Area

The National Planning Policy Framework policy 12, paragraph 133 states 'where a proposed development will lead to . . . total loss of significance of a heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the loss is necessary to achieve substantial public benefits that outweigh that loss'. The Framework goes on to say in paragraph 134 that 'where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal'. This site has been identified as a potential re-development site in the Conservation Area, the Conservation Area Appraisal states, with regards to this site 'to further enhance the area the redevelopment of the car park with a high quality building, which considers surrounding character . . . would help improve the street frontage'. Given the quality of the scheme and the benefits of a 100% affordable housing scheme in Burton Latimer, it is considered that the proposal would enhance the character and appearance of the Conservation Area in this location. Therefore, the loss of the existing terrace properties is justified in this instance.

Section 72 of the Planning and Listed Buildings Act 1990 places a duty on all local planning authorities to have to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.

Finedon Street, falls within the 'industrial core' of the Conservation Area, which comprises of typical Victorian terrace streets, uniform in character and appearance and a typical representation of the boot and shoe industrial growth of this time. The Conservation Appraisal says that this area is 'recognisable by the residential properties which are typical red-brick Victorian terraced houses . . . the appearance of this area is thus very uniform'. The uniform character achieved by terraced houses in this area is created by the vertical emphasis of the terrace properties, thus created by their narrow width and regular patterns of fenestration, as well as the non-fussy detailing and regular ridge and eaves lines.

In the Appraisal the former working mens club is identified as an 'impressive and prominent building but it is currently in a poor state of repair . . . the building is two converted terraces and its status has been lifted by the introduction of the two ground floor bay windows and the raised parapet'. The Appraisal goes on to say that 'the building could be returned to its former glory with a suitable use. To further enhance the area the redevelopment of the car park with a high quality building, which considers the surrounding character as described in this document, would help to improve the street frontage. A design that takes influence from neighbouring terrace properties is more likely to be considered in a positive light'.

The Conservation Area Appraisal states that all new development should achieve a satisfactory relationship with its surroundings, demonstrating a regard for the character of the immediate street scene and the wider Conservation Area. Other key design principles include: new development will reflect building heights; new development will have complimentary roof forms and lines; window openings should respect the proportions of neighbouring buildings; car parking entrances should be carefully designed to minimise impact on street scene.

The Borough Council have sought a number of revisions to the originally submitted scheme to ensure the design of the proposed scheme reflects the over-riding principles common to this part of the Conservation Area. These include ensuring the uniform character of the street scene achieved by terraced houses is protected through continuing the vertical emphasis of the properties, thus created by their narrow width and regular patterns of fenestration, as well as the non-fussy detailing and regular ridge and eaves lines and a sense of enclosure in the street scene.

Although the proposed corner building, does not have the same vertical emphasis, it does serve to address the corner and the proposed brick wall surrounding the site will maintain a sense of enclosure common to the 'industrial core'. Provided boundary treatments are conditioned to ensure the proposal is sensitive to the character and appearance of the Conservation Area then the proposal would enhance this part of the Conservation Area in accordance with Section 72 of the Planning and Listed Buildings Act 1990, policy 12 of the Framework, policies 2 and 27 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

The applicants have suggested the following materials for the development: Concrete roof tiles, clay facing bricks, white UPVC windows, fascia and soffits, black GRP composite front doors and black UPVC rainwater goods. The applicant has stated that many of the properties within the street have re-roofed with concrete roof tiles and replaced windows and doors with UPVC of varying styles and designs. Although, this has been the case in some areas within the Industrial Core, typically the materials in this part of the Conservation Area would have been red brick and welsh slate roofs. The use of white UPVC windows, fascias and soffits is not considered acceptable within the Conservation Area, samples of the proposed bricks have not been provided and therefore the materials as proposed are not considered appropriate and a condition has been imposed.

The demolition of the existing buildings is considered in application reference KET/2012/0134 and has been considered in detail in the recommendation for this application.

### 3. Amenity

Due to the distances from the proposed residential units and the existing dwellings, which are some 29 metres from windows facing the rear elevations

of existing terrace properties off Rosebery Street and approximately 17m from the side elevation of plot 1, the proposal would not have a detrimental impact on the amenity of neighbours to warrant the refusal of this application in accordance with policy 13 of the CSS. The Police have suggested that the proposed parking court should be lit, a proposed scheme must be carefully planned so as not to impact the amenity of neighbours to the rear of the site through disturbance from lighting. As the parking court could be surveyed by the occupiers of the proposed residential properties through the use of hit and miss fencing for example instead of lighting then it is considered appropriate to condition the requirement for the applicant to submit details of a security scheme rather than a lighting scheme.

#### 4. Car parking and access

Despite the Highways Authority raising some issues with the submitted Transport Assessment, as stated, this is not required for a development of this size and therefore no revisions or additional information have been requested at this time. A number of objections have been received to the lack of car parking, eight spaces are proposed for ten units. The applicant's state that the spaces will be one per dwelling and two to be shared by the four flats. Due to the location of the site, close to the town centre and its proposed occupancy as affordable housing where car ownership is often lower than private ownership then this number of spaces is considered appropriate in this instance. Subject to conditions regarding visibility, the proposed access is considered acceptable in accordance with policy 13 of the CSS.

#### 5. Sustainable Design

Policy 14 of the North Northamptonshire Core Spatial Strategy requires development to incorporate techniques of sustainable construction and energy efficiency, as well as provision for waste and water reduction/recycling, and 10% of the demand for energy will be met on-site and renewably and/or from a decentralised renewable or low-carbon energy supply. The application has been submitted with an energy efficiency and sustainable construction statement, which will be condition to ensure compliance with policy 14.

#### 6. Comments on other points raised by proposal

Neighbours have raised concerns with regards to drainage, work of operation for construction and security measures, conditions are proposed to ensure the works do not have an unacceptable impact on the amenity of neighbours.

### **Conclusion**

The proposal is considered to be in accordance with policies 6, 7, 8 and 12 of the National Planning Policy Framework, policies 2 and 27 of the East Midlands Regional Plan, policies 1, 6, 7, 9, 13 and 14 of the North Northamptonshire Core Spatial Strategy and policy 35 of the Local Plan for Kettering Borough. As such the application is recommended for approval in accordance with Section 72 of the Planning and Listed Buildings Act 1990.

**Background Papers**

Title of Document:

Date:

Contact Officer:

Rebecca Collins, Senior Development Officer on 01536  
534316

**Previous Reports/Minutes**

Ref:

Date:

## SITE LOCATION PLAN

Working Men's Club, Finedon Street, Burton Latimer  
Application No.: KET/2012/0133



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