

BOROUGH OF KETTERING

Committee	Full Planning Committee - 09/04/2013	Item No: 5.1
Report Originator	Susan Garbutt Senior Development Officer	Application No: KET/2012/0521
Wards Affected	William Knibb	
Location	Savoy Cinema, Russell Street, Kettering	
Proposal	Outline Application: Demolition of existing building and residential development of one bedroom apartments	
Applicant	Mr N Reynolds	

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. Approval of the details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In order to secure a satisfactory development.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the access, appearance, landscaping, layout and scale of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: In order to secure a satisfactory development

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

5. The development hereby permitted shall be limited to no more than 18 apartments.

REASON: To secure a satisfactory form of development in terms of amenity impact and to respect the character and scale of the surroundings in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. The dwellings hereby permitted shall be a maximum of two and a half storeys in height.

REASON: To ensure the development respects the character of the location in accordance with policy 13 (h), (l) and (o) of the North Northamptonshire Core Spatial Strategy.

7. 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 must not commence 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 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'(or any model

procedures revoking and replacing those model procedures with or without modification.

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 paragraphs 109 and 120-121 of the National Planning Policy Framework and policy 13(L) of the North Northamptonshire Core Spatial Strategy.

8. Prior to the demolition or removal of buildings (or part of a building) the site shall be surveyed for the presence of bats and birds. The survey shall be undertaken by a suitably qualified ecologist. A Report of the survey results, including mitigation measures if appropriate, shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition or removal of buildings (or part of a building). All works of demolition or removal of buildings (or part of a building) and the development of the site shall be carried out in full accordance with the approved Report.

REASON: To ensure the conservation and enhancement of biodiversity in accordance with policy 13(o) of the North Northamptonshire Core Spatial Strategy and policy 11 of the National Planning Policy Framework.

9. Prior to the commencement of development, a scheme for refuse storage and collection facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and prior to first occupation of the building and shall be retained as such thereafter.

REASON: In the interests of general and residential amenity in accordance with policy 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

10. Prior to the commencement of development, a scheme for the provision of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and prior to first occupation of the building and shall be retained as such thereafter.

REASON: In the interests of general amenity and to encourage the use of cycling in accordance with policy 13 (e) and (h) of the North Northamptonshire Core Spatial Strategy.

11. No development shall commence until a surface water/ flood risk assessment has been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the works have been completed in accordance with the approved strategy.

REASON: To prevent environmental and amenity problems arising from flooding in accordance with policy 13 (q) of the North Northamptonshire Core Spatial Strategy.

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

REASON: To preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with policy 13 (l) and (h) of the North Northamptonshire Core Spatial Strategy.

13. 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 amenity in accordance with policy 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

14. 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 (h) of the North Northamptonshire Core Spatial Strategy.

15. 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 and recycling, provision for water efficiency and recycling and demonstrate that at least 10% of the demand for energy will be met on site and renewable and/or from a decentralised renewable or low-carbon energy supply, shall 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 energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

16. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the area and adjoining residential properties in particular in accordance with policy 13 (l) and (h) of the North Northamptonshire Core Spatial Strategy.

17. No development shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied.

REASON: In the interests of visual amenity in accordance with policy 13 (h) of the North Northamptonshire Core Spatial Strategy.

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Paragraph 17 and Sections 4, 6 and 7 of the National Planning Policy Framework, Policies 2, 3, 11 and 14 of The East Midlands Regional Plan, Policies 1, 3, 6, 7, 9, 10, 13, 14 and 15 of the North Northamptonshire Core Spatial Strategy, and Policy 35 of the Local

Plan for Kettering Borough. The proposal is also in accordance with adopted Supplementary Planning Documents Biodiversity and Sustainable Design. There are no material considerations that indicate against the proposal.

Officers Report

3.0 Information

Relevant Planning History

KET/2007/0965 Full application: Three storey affordable housing scheme (23 no. dwellings) with parking and amenity works REFUSED 12/12/2007, APPEAL DISMISSED 14/4/08

KET/2007/0081 New 3 storey affordable housing scheme (23 No. dwellings) with basement car parking and roof terraces REFUSED 24/04/2007, APPEAL DISMISSED 14/4/08

KET/2006/0205 Demolition of cinema and erection of 20 dwellings
WITHDRAWN 15/9/06

EN/03/580 Section 215 Notice ISSUED 5/3/04

KE/2002/0017 Approval of Reserved Matters:21 residential dwelling units and associated car parking APPROVED 9/4/02

KE/01/0914 Renewal of KE/98/0545: Outline for 21 residential dwelling units and associated car parking APPROVED 12/3/02

KE/2001/0814 Erection of 25 apartments (1 bedroom) WITHDRAWN 6/12/01

KE/2001/0452 Erection of 25 apartments (1 bedroom) REFUSED 24/7/01

KE/1998/0545 Outline for 21 residential dwelling units and associated parking APPROVED 12/1/99

KE/1986/0219 storage building for small building firm

Site Description

Officer's site inspection was carried out on 20/09/2012.

The site is located on the south side of Russell Street, to the east of Kettering town centre. Russell Street is a residential street mainly comprised of terraced dwellings, but includes infill development of flats. The site itself is currently occupied by a derelict former cinema which has been fire damaged, approximately 4 storeys tall at the highest point and also a sub-station. The cinema building is brick built. The site fronts Russell Street to the north, a tall double garage to the east, residential properties on St Peter's avenue to the south, and recently built terraced properties (post 2004) and a parking court to the west.

Proposed Development

Outline application (all matters reserved) for demolition of the former cinema and erection of 18 no. 1 bed flats.

The application plans have been revised during the application and reduced from 23 to 18 flats. This was to reduce the bulk and height of the building, and reduce potential overlooking of neighbouring properties.

Any Constraints Affecting the Site

None.

4.0 Consultation and Customer Impact

County Council (29/8/12)

Library contribution of £116 per dwelling, Fire and rescue contribution of £92 per household. Education contribution not required from 1 bed units.

KBC Housing Strategy (29/8/12)

Would welcome the site being brought into use. Would seek 30% affordable housing. There is a high need for 1 bed flats; currently 1300 on the housing register. The need is for social rented accommodation.

NCC Highway Authority (18/9/12)

Object on highway safety grounds. Ramp to the underground parking should be 1:15 not 1:10. Width of the vehicular access required is 4.5m. Pedestrian walkway should be 1.2m wide and separate from the vehicular ramp. Bins should not be stored with bikes. Waste and recycling should be co-ordinated, so 23 bins are not required.

(19/2/13) Concerns over the reduced level of parking provision; 7 spaces for 18 flats, which could give rise to a significant increase in on street parking on Russell St and Gordon St.

Anglian Water (3/9/12)

No assets affected. The Broadholme STW has capacity for these flows. Foul sewerage network has capacity. Request a condition requiring a surface water strategy/flood risk assessment.

KBC Environmental Health (11/9/12)

No objection subject to contaminated land and refuse conditions.

Northamptonshire Police (19/2/13)

No formal objection. Concern that the reduction in parking may cause parking problems. Recommend secured by design standards, specifically entrances, glazing, entry phone system, mail delivery control, boundary treatment, parking gates/shutters, lighting, CCTV, secure cycle parking, self-contained lockable refuse area.

KBC Community Services (10/2/13)

No on site provision required but £1,181 required for enhancing community infrastructure off site (open space £1,045 and community facilities £135). Trigger should be on the occupation of the 5th dwelling.

Neighbours

The initial consultation received the following comments:

- Comments – 1. No rear or side elevations, 2. Social housing requirement, 3. What pre-application advice was sought, 4. Meaning of 'amenity space', 5. Insurance for neighbouring properties during demolition, 6. Is the site vacant.
- Support on the grounds of 1. Redevelopment supported as building is derelict, vandalised and fire damaged, 2. Has its own parking so will not affect the street
- Objections on the grounds of 1. Parking impact of 30 extra cars, 2. Demolition would increase traffic and worsen parking, 3. Noise from demolition, 4. Building is full of asbestos, 5. Too many 1 bed flats, 6. Known drug problem in the other flats on Russell Street, 7. Would prefer town houses to flats, 8. Noise pollution from new flats, 9. 1 bed flats not in keeping with the road, 10. Overlooking of 127 St Peter's Avenue, 11. Hours of construction should be controlled.

The revised plans received the following comments:

- Object on the grounds of: 1. Traffic generated will increase pollution, cause parking problems and increase accidents, 2. 79 Russell St will be overlooked, 3. Would prefer town houses to flats, 4. Prefer the previous design as there are now fewer parking spaces, 5. 1 bed flats will attract criminals and drug users, 6. Design doesn't fit with the Victorian properties around it and is too big and bulky.

5.0 Planning Policy

National Planning Policy Framework

Paragraph 17

Policy 4. Promoting sustainable transport

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

Policy 8. Promoting healthy communities

Development Plan Policies

East Midlands Regional Plan

Policy 2. Promoting better design

Policy 3. Distribution of new development

Policy 11. Development in the Southern Sub-area

Policy 14. Regional priorities for affordable housing

Policy 38. Regional priorities for waste management

Policy 39. Regional priorities for energy reduction and efficiency

Policy 44. Sub-area transport objectives

Policy 45. Regional approach to traffic growth reduction

MKSM SRS Northamptonshire 1

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
Policy 15. Sustainable housing provision

Local Plan

Policy 35, Housing within towns

SPGs

Sustainable Design SPD

Biodiversity SPD

6.0 Financial/Resource Implications

Section 106

- 30% affordable housing
- Library contribution of £116 per dwelling
- Fire and rescue contribution of £92 per household
- £1,181 required for enhancing community infrastructure off site (open space £1,045 and community facilities £135)

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Reserved Matters (Access, Layout, Scale, Appearance, Landscaping)
3. Parking
4. Ecology
5. Energy efficiency and sustainable construction
6. S106 obligations

1. Principle of Development

The site is located in the town of Kettering and is a brownfield site. Policies 1, 7 and 10 of the CSS support housing development in Kettering, and policy 9 prioritises the redevelopment of brownfield sites. The re-use of brownfield sites is also strongly supported in the NPPF.

The site is currently disused and has been for several years. Policy 13(f) requires that development should not lead to the loss of community facilities. Although the site was originally a cinema, the site has no planning history for any other leisure use. The town also has a modern cinema on the edge of town. The loss of this building is therefore considered acceptable.

The site has a planning history of applications for housing development. Although no extant permissions exist, the principle of housing development on the site has previously been accepted. The two most recent applications

(KET/2007/0965 and KET/2007/0081) were both refused on character and appearance and adequacy of amenity space.

The applicant has demonstrated that up to 18 no. 1 bed units can be accommodated on the site. CSS policy 15 requires 30% affordable housing. This can be secured in the S106 obligation. A condition is also necessary to ensure that no more than 18 units are built, as overdevelopment (a greater height and/or units closer to the properties on St Peter's Avenue) would be out of character with the area.

The site has a history of vandalism, anti-social behaviour and fire. Its redevelopment would therefore have positive social and amenity impacts.

It is therefore considered that the principle of residential development on the site is acceptable.

2. Reserved Matters

The application is in outline, with no matters to be considered at this stage. Therefore layout, appearance, access, scale and landscaping will all be considered at a later stage. Comments have been received regarding potential for overlooking from the development to both properties on Russell Street and St Peter's Avenue. The submitted indicative layout shows that the position of the development would be to the north of the plot, away from the gardens of properties on St Peter's Avenue and providing the same relationship to Russell Street as the current building.

The indicative layout also shows that 18 units can be provided in a building of only 2.5 storeys. This would provide a development of an appropriate scale in this part of Russell Street, which is predominantly 2 storey terraces. A maximum height of 2.5 storeys can be secured by condition.

3. Parking

The revised indicative layout shows 7 parking spaces for 18 one bed units. CSS policy 13 requires developments to provide for parking in accordance with adopted standards. There are no currently development plan policies which set local parking standards.

The site is in a sustainable location within walkable distance of the town centre, which has a good level of bus services and a train station. Cycle parking provision can also be secured by condition. It is also likely that one bed units will attract a lower level of car ownership than larger units. In addition, the 30% affordable housing units are also likely to have low levels of car ownership. It is therefore considered that the indicative level of parking shown is not inappropriate in this instance. In fact, if no parking provision on the site were proposed, this would not be inconsistent with the CSS and NPPF. NCC Highways have concerns that on street parking could increase, however no objection has been stated.

4. Ecology

CSS policy 13(o) requires development to conserve and enhance biodiversity. As the development involves the demolition of an existing building, the potential impact on species/habitats has been considered. The adopted biodiversity SPD suggests that bat and bird surveys are conducted before demolition. This can be secured by condition.

5. Energy efficiency and sustainable construction

CSS policy 14(b) applies to this development and requires the development to incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction/recycling and water efficiency/recycling and that 10% of the demand for energy is met on site and renewably.

The applicant has submitted an SPD checklist but as the development is outline, final details cannot be determined at this stage. Therefore compliance with policy 14 can be secured by condition.

6. S106 obligations

CSS policy 6 requires new development to be supported by appropriate infrastructure. Contributions towards libraries, fire and rescue services, and community infrastructure are required, as well as 30% affordable housing provision and can be secured by a S106 obligation.

Conclusion

The proposed development is acceptable in principle and is considered to be in accordance within relevant Development Plan and national policy. There are no material considerations that indicate against the development. The application is recommended for approval subject to the imposition of conditions and a S106 obligation.

Background Papers

Title of Document:

Date:

Contact Officer:

Susan Garbutt, Senior Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

Savoy Cinema, Russell Street, Kettering
Application No.: KET/2012/0521



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