

BOROUGH OF KETTERING

Committee	Full Planning Committee - 07/04/2015	Item No: 5.1
Report Originator	Christina Riley Senior Development Officer	Application No: KET/2014/0591
Wards Affected	St. Peters	
Location	Convent Of Our Lady, Hall Lane, Kettering	
Proposal	Full Application: 68 no. dwellings comprising 10 no. conversions from listed buildings, 56 no. new build and 2 no. refurbishments. Landscaping to include the restoration of the gardens and pond to Bryn Hafod. Highways and drainage works	
Applicant	WR (NI) Property Realisations Limited	

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. Prior to the commencement of works, method statements and specifications of the proposed works to Bryn Hafod and Middlewest and the two cottages shall be submitted to and approved in writing by the Local Planning Authority. The statements and specifications shall include details of door and window repair, new internal plasterwork and plaster repair, new external render and external render repair, floorboard reinstatement and repair, pointing, cleaning, timber repair / replacement, and works to reinstate and repair the roof structure including tiles. The works shall be carried out thereafter in accordance with the approved particulars.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

3. In regard to the Listed Buildings, prior to the installation of new replacement roof materials, at least three samples of the proposed roof material and a sample of the proposed ridge tile, shall be submitted to, and approved in writing by the Local Planning Authority. Samples shall be accompanied with details of source/supplier. The works shall be carried out thereafter in accordance with the approved particulars.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire core spatial Strategy Adopted June 2008.

4. Prior to the commencement of any new brickwork, a sample panel of brickwork shall be constructed on site for the inspection and written approval of the Local Planning Authority. The sample panel should use the proposed walling material, mortar type, bond, coursing and pointing. The panel shall remain on site until the works are completed. The works shall be carried out thereafter in accordance with the approved particulars.

REASON: To protect the character, special interest and significance of the listed building, and in regard to new build to take account of the context in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

5. Prior to the commencement of any new external render, roughcast or pebble dash, a sample panel of the proposed covering shall be carried out on site for the inspection and written approval of the Local Planning Authority. The works shall be carried out thereafter in accordance with the approved particulars.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008

6. Prior to the installation of any new soil stacks, flues, vents, extracts, ductwork, grilles, security alarms, lighting, cameras or other appurtenances the details of these items and the proposed location shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out thereafter in accordance with the approved particulars.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

7. The proposed new rooflights shall be conservation type, have a vertical glazing bar, have a maximum distance between the top and sides of the window and adjacent roof covering of 50mm, have lead flashings and soakers and have no parts

that project above the plane of the roof, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

8. Prior to the removal of any doors or windows, a schedule detailing which items are to be retained or removed from site is to be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out thereafter in accordance with the approved particulars.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

9. Prior to their installation full details of proposed new windows shall be submitted to and approved in writing by the Local Planning Authority. Details shall include window elevation drawings, horizontal and vertical cross sections at a scale of at least 1:5 and details of mouldings, at a scale of at least 1:2. Details shall confirm the finish of the windows, depth of reveal (to face brickwork) and include opening method and sill. The works shall be carried out thereafter in accordance with the approved particulars.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

10. Prior to commencement of works, full details of proposed new doors shall be submitted to, and approved in writing by the Local Planning Authority. Details shall include elevation drawings, horizontal and vertical cross sections at a scale of at least 1:5 and confirm the proposed finish. The works shall be carried out thereafter in accordance with the approved particulars.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

11. All new and disturbed internal and external surfaces shall be made to match the existing in all respects.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

12. 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 dwellings shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

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

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, the layout, contouring and surfacing of all open space areas. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development whichever is the sooner. Any trees or plants which, within a period of 7 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
REASON: To improve the appearance of the site in the interests of visual amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

14. Development shall not commence until there has been submitted to and approved by the Local Planning Authority a scheme in accordance with BS 5837:2012 for the protection (during construction) of trees or tree groups identified for retention, or otherwise protected by a TPO. Thereafter construction shall not take place unless the required protection has been provided and remains on site in a good state of repair.
REASON: To protect the health and stability of the trees to be retained on the site in the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

15. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions below 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 the second condition below has been complied with in relation to that contamination.

a) 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.

b) 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 the currently submitted study, and where remediation is necessary a remediation scheme must be prepared. 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 a.

c) 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.

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 policy 11 of the National Planning Policy Framework.

Officers Report for KET/2014/0591

This application is reported for Committee decision because there are unresolved, material objections to the proposal and the application requires an agreement under s.106. The proposals are also of particular significance relating to a key site within the Borough

3.0 Information

Relevant Planning History

KET/2007/0967 - Part demolition of existing buildings, alteration and conversion of retained premises to comprise 9 houses and a community facility (class D1), erection of 85 new dwellings of houses and flats (including affordable housing) along with associated access, car parking, landscaping and layout of public open space – REFUSED 06/02/2008

KET/2007/1208 - Partial demolition of existing buildings and conversion and alteration of retained listed buildings (Middlewest and Bryn Hafod) to create 7 houses. Refurbishment and extension of two retained cottages – REFUSED 20/02/2008

KET/2008/0824 Application for Listed Building Consent: Demolition of extensions to Bryn Hafod and Middlewest. Remedial work to external elevations. Reinstatement of terrace gardens forming private curtilages. Conversion and extension of Bryn Hafod annex to create 2 no. town houses and retention of existing cottages. APPROVED 26.11.2008

KET/2008/0769 Full Application: Part demolition of existing buildings with alteration and conversion of premises to provide 2 additional dwellings and a community facility (Class D1). Erection of 58 additional dwellings with associated access, car parking, landscaping and public open space. APPROVED 19.12.2008

KET/2011/0760 Renewal of Extant Permission: KET/2008/0769 (Part demolition of existing buildings with alteration and conversion of premises to provide 2 additional dwellings and a community facility (Class D1). Erection of 58 additional dwellings with associated access, car parking, landscaping and public open space. No formal decision. This is expected to be withdrawn or will be finally disposed of.

KET/2011/0761 Replacement of extant consent (Listed Building): KET/2008/0824 (Demolition of extensions to Bryn Hafod and Middlewest. Remedial work to external elevations. Reinstatement of terrace gardens forming private curtilages. Conversion and extension of Bryn Hafod annex to

create 2 no. town houses and retention of existing curtilages. No formal decision. This is expected to be withdrawn or will be finally disposed of.

Site Description

Officer's site inspection was carried out on various dates in December 2014 and January and March 2015.

The site comprises the substantial former dwellings, Bryn Hafod (built for, and lived in, by Charles Wicksteed) and Middlewest, both grade II listed buildings and two associated cottages set within spacious grounds. The gardens include the remains of significant landscaping, some of which was carried out for Wicksteed, including terracing, formal ornamental tree planting, an orchard and pond. Both dwellings have been subject to alterations to enable their use as a convent and school; this included modern extensions, which have now been demolished.

Land levels slope steeply down from west (Hall Lane) to east (Greenfield Avenue), with parts of the site being terraced.

Residential development surrounds the site presenting a variety of properties of varied character and appearance. To the west of the site is Hall Lane, here properties are chalet bungalows, with gable ends facing the road. Greenhill Road with two storey properties is to the south. To the rear (east) is Greenfield Avenue which has a mix of two storey properties and bungalows, all of which are characterised by hipped roofs. Substantial detached dwellings are present along Northampton Road to the north.

To the north of the site is the side of a bungalow and access road which leads to a backland development of three dwellings. These dwellings have a mix of styles, with the front elevation angled to face the site.

Proposed Development

Erection of 56 No. new 2, 3 and 4 bedroom dwellings with associated highways and drainage works. Eight vehicular access points are proposed, with the majority of the site served from the main access. A new private drive is proposed for three new houses adjacent to Bryn Hafod, with a further vehicular access to serve one new dwelling to the south of Bryn Hafod Cottage.

The existing three pedestrian accesses to the site are to be retained.

Renovation and conversion of Middlewest to 4 self-contained apartments and Bryn Hafod into 6 self-contained apartments. The renovation and internal alterations of Middlewest Cottage and Bryn Hafod Cottage as dwellings. More

detail is provided in the accompanying Listed Building Consent report. Demolition of chapel adjacent to Bryn Hafod. Landscaping to include the restoration of the gardens and the pond to Bryn Hafod.

Any Constraints Affecting the Site

Grade II Listed Buildings (Bryn Hafod and Middlewest) plus their respective cottages

Setting of the Grade II Listed Buildings

Tree Preservation Orders

A Road

Nene Valley NIA Boundary

Protected Species

European Protected Species

4.0 Consultation and Customer Impact

Amended plans were the subject of consultation at the time of writing this report. Any new substantive comments will be reported to Committee in the update.

Highway Authority

The Local Highway Authority is able to confirm that the proposed housing development would not have a significant impact on traffic in the area based on the difference between the extant use and the proposed development.

They seek S106 contributions towards junction improvements in/near Kettering Town Centre, widening the footway on the last section of Hall Lane and providing a refuge on Northampton Road to give safer crossing of the road. Northamptonshire Highways would be prepared to consider a compromise figure for the highway improvements rather than seeking £3741 per dwelling.

In terms of the site itself, the road layout is acceptable to Northamptonshire Highways as it accords with discussions held prior to the application being submitted, and appears to cope with the gradient on the site and the position of the accesses onto Hall Lane.

Highways Agency

No objection

Environmental Health

The report submitted with application (reference 42419/001/10046 dated February 2014 by WSP Environmental Limited) is sufficient to discharge parts

A & B of the standard contaminated land condition, it is recommended that parts and D are still applied to ensure that the remediation approved is completed and any unexpected contamination is dealt with.

The asbestos content of the demolition rubble should be assessed further, and if the material is to remain on site for use in the new development, it should not be placed beneath areas of soft cover without the provision of a break layer to prevent mixing (also as described on page 17 of the report).

Community Services

If on-site amenity space is to be transferred to the Council a commuted sum to cover the lands maintenance for 15 years is required.

An off-site contribution of £78, 549 is required, with the split as shown below: -

Public Open Space	£16, 337
Community Facilities	£ 367
Sports Facilities	£61, 844

NCC (Development Management)

Developer contributions are required towards primary and secondary places to accommodate the planned growth of Kettering. A total contribution of £ 460, 314.00 is sought.

A Fire and Rescue contribution of £6,072.00 is sought plus a condition requiring detail and timetable for provision of fire hydrants. A Library contribution of £15,076.00 is also sought.

Broadband - Northamptonshire's vision is for county to be at the leading edge of the global digital economy. To enable this all ducting works should be carried out in co-operation with the installations of standard utility works. Additional is detail of what the works should be compliant with is also included.

NCC (Minerals and Waste)

No objection and have recommended that the proposal should seek to make efficient use of resources in the construction phase and during operation (i.e. when it is occupied)

Primary Care Trust

The surrounding surgeries have sufficient capacity to absorb additional registrations created by the development; therefore no S106 monies are requested.

Northamptonshire Police

No formal objection – suggest the inclusion of a number of informatives which would reduce the likelihood of crime, disorder and anti-social behaviour occurring.

National Grid

Please note that a low pressure main exists within the vicinity of the site and may need to be diverted or isolated at the cost of the applicant.

Anglian Water

Anglian Water has no objection to the development.

Anglian Water confirms that there is sufficient capacity within Broadholme Water Recycling Centre for Waste Water flow for this site and that the Foul Sewerage Treatment system currently has capacity for these flows.

The Surface water strategy/flood risk assessment is acceptable in principle, but any changes in future would need to be agreed by Anglian Water. A condition is requested requiring no hard-standing areas to be constructed until the development has been carried out in accordance with the Surface Water Strategy.

Environment Agency

No objection subject to a condition requiring, prior to erection of a building, full details (including phasing) of mains foul sewage infrastructure on and off site. No dwelling to be occupied until works have been carried out in accordance with the approved scheme.

North Northamptonshire Badgers Group

No objection.

The Wildlife Trust

Object to the destruction of an area of Traditional Orchard, which is a BAP Habitat Priority type.

Despite having received previous ecological advice to the contrary, the application proposes an overall site layout design that requires the total removal of this existing Orchard habitat area; the only habitat type area on the whole site which the Applicant's own ecologists described / evaluated as having a, purely, "High" value in its own right.

The Orchard area has not been adequately surveyed, e.g. the absolute species / variety of the fruit trees present have not been identified and, in addition, I would content that the Orchard habitat has been misrepresented (in

terms of its size / extent / context) in the consultants' Phase 1 Habitat Plan drawing.

Nene Valley Nature Improvement Area - Natural Development Officer

Generally satisfied with how the applicant has managed the site's many constraints. It is appreciated that it was not possible in this case to avoid losing the site's traditional orchard, (a UK BAP habitat) but the proposed mitigation for the loss of the trees, in the Ecological Appraisal is considered unacceptable.

The proposed mitigation implies only that the same types of fruit trees will be planted, and not necessarily grafted from the trees currently on site, which would mean that while most of the individual fruit trees would be lost, genetically identical offspring would be created and incorporated into the site landscaping.

It is strongly recommend that the applicant have the orchard fruit varieties identified, this would determine whether there are any rare or locally distinctive varieties on the site. Consider that the orchard mitigation must reflect the existing orchard composition to be ecologically sound. This would mean either a) grafting all existing orchard trees or including the grafts in the new plantings, or b) identifying the existing varieties and planting specimens of each in the landscaping scheme. Simply planting the same types of fruit is not sufficient. If the fruits are not identified evidence of grafting and plans to use all the grafts should be present in any further details.

Natural England

Application is unlikely to affect any statutorily protected sites or landscapes. The application is in an area that would benefit from Green Infrastructure and may provide opportunities to enhance biodiversity, the LPA should consider securing measures to enhance biodiversity if minded to approve.

The Priority habitat on the site (traditional orchard) should be considered in light of NPPF paragraph 118.

English Heritage

Support removal of 20th century additions as a benefit to revealing significance, impact of works on setting of listed buildings and features of special interest which it possesses must be taken into account.

Sub-division to form multiple dwellings will have some impact on plan form, which will result in a change of character to the buildings and requires careful consideration to minimise harm. Note from Design and Access Statement that a 'light touch' approach to the conversion is proposed e.g. architectural

features of significance are to be retained, repaired and augmented where damaged or lost 'and we are encouraged by this'.

You should be satisfied that the building cannot be retained in a single use and that the proposals meet the tests set out in paragraph 131 and 132 of the NPPF.

The guaranteed completion of proposed restoration works to the listed buildings should be secured by way of a S106 agreement that programmes the works into a development phasing 'appropriately and reasonably.

Agree with those reasons set out as justification for the proposed development,

Ancient Monuments Society

Welcome scheme in principle, listed buildings on site have been under threat for some time and have been the subject of proposals to demolish.

The sense of two substantial villas set in extensive grounds will clearly be compromised by the 56 new dwellings, yet the setting has already been compromised and it is noted that the medium-term views of both houses, will be well safeguarded.

No objection to the removal of the chapel.

Retention and safeguarding of original internal architectural detailing within the Listed Buildings should be conditioned. There should be a requirement that works and repair and conversion on the Listed Buildings be well advanced before any of the new houses are built.

The Victorian Society

Accept sub-division proposed to the Listed buildings and the amount of new development proposed. Welcome the retention of much of Bryn Hafod's garden setting and commend the variety of design in the new build. No objection provided any consent is conditioned so that the new houses cannot be occupied until the historic buildings have been repaired to the satisfaction of the Conservation Officer.

NCC (Archaeology)

No objection subject to:

1. Recording condition for the listed buildings – and:
2. Condition requiring a programme of archaeological works *prior* to the commencement of development.

Neighbours

6 letters were received objecting to the application for the following reasons:

- Social housing where there is none at present is not in keeping with the area
- Loss of privacy
- Plot 53 will be intrusive, overpowering and overshadowing, cause a loss of privacy
- Concerns regarding impact upon the highway junction of Hall Lane and Northampton Road and on Northampton Rd
- Inadequate parking suspect that overspill parking will be on Hall Lane, adding to existing difficulties.
- Are additional houses needed in Kettering
- Noise and disturbance will be horrendous and this will take away my right to a quiet life
- Foul water drainage outfall drawings show incorrect pipe route. Concerned that there could be a build-up of contents 6ft from kitchen window.
- Affordable housing units are not tenure blind
- Ecological Surveys do not appear to have taken birds – in particular Owls – into account.
- Poor design, which does not take into account local vernacular and is not high quality contemporary architecture, and will be harmful to the character and appearance of the area.
- Overdevelopment of site results in the houses being squeezed, and a dominance of vehicles.

4 letters have been received who do not object to the development of the site but wish to make the following comments

- Effect on traffic of additional dwellings has not adequately considered taking into account the 400 dwellings at Westhill, particularly the junction of Hall Lane/Northampton Rd.
- Site Access – first access from Hall Lane into site has not been used for over 25 years, visibility of it, and from it is poor.
- concerned about use of foul water drain in Greenfield Ave & Greenhill Rd, which is in poor condition, the systems do not cope with existing waste, and new dwellings will add to this. The previous application proposed a sewage pumping station and Anglian Water were unwilling to adopt the route through 26/28 Greenfield Ave. Why has this changed?
- ownership and lack of maintenance of existing trees and impact on neighbouring properties.
- Boundary treatment on north should be robust barrier at least 1.8m high.

5.0 **Planning Policy**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate to the contrary.

Under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Local Planning Authority must, when considering whether to grant planning permission for development which affects a listed building or its setting, have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In the application the listed buildings are Bryn Hafod and Bryn Hafod Cottage, Middlewest and Middlewest Cottage.

National Planning Policy Framework:

Policy 6 Delivering a wide choice of high quality homes

Policy 7 Requiring good design

Policy 8 Promoting healthy communities

Policy 10 Meeting the challenge of climate change, flooding and coastal change

Policy 11 Conserving and enhancing the natural environment

Policy 12 Conserving and enhancing the historic environment

Local:

Saved Local Plan policy

Policy 35 Housing: Within towns

Core Strategy policy

1 (Strengthening the network of settlements)

5 (Green Infrastructure)

6 (Infrastructure delivery and developer contributions)

7 (Delivering housing)

9 (Distribution and location of development)

10 (Distribution of housing)

13 (General sustainable development principles)

14 (Energy efficiency and sustainable construction)

15 (Sustainable Housing Provision)

Supplementary Planning Guidance:

Sustainable Design SPD

Open Space SPD

6.0 Financial/Resource Implications

Section 106 agreement required securing: -

- The present and future upkeep and protection of the listed buildings/heritage assets on site up to the time that an approved planning application and listed building consent is implemented in full
- The restoration and conversion of the listed buildings in full, to a timescale to be agreed, or by the occupation of agreed percentage on the new dwellings on site, whichever is the sooner
- Management of the open space on site
- Provision for and monitoring of a residential travel plan

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development;
2. Heritage Assets;
3. Design;
4. Amenity;
5. Highways and Parking;
6. Contaminated Land;
7. Ecological Matters
8. Flood Risk;
9. Crime and Disorder;
10. Sustainable Design and Construction
11. Developer Contributions

1. Principle of Development

Policy 6 of the National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Development proposals that accord with the Development Plan should be approved. Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy focus housing developments within the growth town of Kettering. The application site is located within the town

boundary of Kettering, (as defined by policy 35 of the Local Plan), and is in a sustainable location close to the town centre and public transport links. As such the principle of development is considered to be acceptable in terms of both national and local policy.

The residential development of the site has also been accepted in previous planning applications and a formerly adopted Development Brief. The principle of development, subject to all other material considerations detailed below, is therefore firmly established.

2. Heritage Assets

This is considered in full in the accompanying listed building consent report under reference KET/2014/0592, which concludes as follows: -

In conclusion, it is considered that in accordance with Paragraph 134 of the NPPF the public benefits of the conversion, and development within the setting of the listed buildings, which will ensure the long-term viable use of the listed buildings outweigh the less than substantial, but still considerable, harm caused to the significance of the setting of the buildings and the buildings themselves.

The proposal will however, only be considered to be acceptable if the viability assessment proves the financial need for the conversion to flats and the new dwellings. This need for funds *and* the use of those funds to restore the listed buildings is considered to outweigh the harm caused.

Subject to the findings of the viability assessment and in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Listed Building Consent should therefore be granted with the imposition of appropriate conditions.

Archaeology

Policy 13 (o) of the North Northamptonshire Core Spatial Strategy requires that developments conserve and enhance the historic landscape designated built environment assets. In addition paragraph 141 of the NPPF requires developers to record and advance understanding of the significance of any heritage asset.

The Archaeological Officer at NCC has been consulted and has advised that the county Historic Environment Record indicates a number of finds of Roman date, especially to the west of Hall Lane. Undated linear cropmarks are indicated to the south of the site, though these have now been built over. An

archaeological evaluation identified a linear feature by geophysical survey, but no survey was found in trenching. There is the potential for remains of archaeological interest to survive on the site, although this is reduced by landscaping and other more recent activity on the site.

NCC Archaeology considers that the report on the buildings is thorough, but needs to be issued in a format appropriate for it to be entered into the Historic Environment Record.

Subject to conditions requiring an amended Historic Buildings Report and a programme of archaeological work (prior to the commencement of works on the site) it is considered that the proposal will accord with paragraph 141 of the NPPF. The application is therefore acceptable in this respect.

3. Design

The NPPF emphasises the importance of high quality design (Core planning principle paragraph 17). Section 7 Requiring Good Design states that planning decisions should aim to ensure that developments 'establish a strong sense of place', 'respond to local character', and 'reflect the identity of local surroundings and materials' (para 58). Policy 13(h) and (o) of the North Northamptonshire Core Spatial Strategy requires new development to be of a high standard of design which respects and enhances the character of its surroundings as well as conserving and enhancing built assets and their surroundings.

For the reasons outlined in section 2 above, the layout of the scheme is considered to respects the setting of both Bryn Hafod and Middlewest.

The layout is also considered to be acceptable in design terms. The gradient within the site, (as well as the impact upon the listed buildings and their settings), has dictated much of the layout. The sharp turns to the road will slow traffic on the slope of the site, and also result in a more formal and traditional street pattern than the modern cul-de-sac. The majority of the houses are parallel to the road and present active frontages to most public elevations, again reflecting a more traditional relationship with the street and creating additional surveillance of the street. Many garages have been set back from the front of the house, thus allowing the 5.5m set back required by Northamptonshire Highways, whilst at the same time creating a stronger street frontage.

The design of the new dwellings is unquestionably contemporary, which is in direct contrast to the historic context of the site. This is considered to be a valid approach, which will allow people to differentiate between the old and

new on the site. However quality of materials and detailing is high and appropriate to the context. Indeed the applicants have put forward a design based on a quality that is considered economically viable.

Whilst the proposed dwellings do have a modern design, as detailed below, this design has been informed by, and takes many references from the listed buildings on site.

Bryn Hafod was built in the late 1890's, Middlewest in the early part of the 20th century. The buildings have different architectural styles, but do share some characteristics. Features which are common to both Bryn Hafod and Middlewest have been used in the design of the new dwellings, including:

- The use of linked detached and terraced units to group dwellings together, reflecting the subdivided facade of Bryn Hafod and Middlewest;
- The vertical emphasis and proportions of windows openings, metal window frames and stone surrounds
- Steeply sloping red/brown tiled roofs
- Red brick and render pick up on the materials used in both existing buildings
- a strong theme of gable frontages in line with Bryn Hafod

The use of these more traditional features in a modern design should ensure that the new dwellings will complement the listed buildings, not detract from them. At the same time it brings new design to the area, rather than being a pastiche development which blindly copies what is already on site.

It is considered that the proposal represents the use of high quality modern design which makes careful and considered use of common features on the listed buildings to ensure that the development responds to its location within the setting of listed buildings and local character and history. In this respect the application is therefore considered to be in accordance with section 7 of the NPPF and policy 13 of the NNCSS.

To ensure that the proposed new dwellings will respect the character and overall quality of the site, conditions will be imposed which require the submission of detail relating to materials, windows, doors, eaves, verge, cill and lintel etc.

4. Amenity

The NPPF emphasises the importance of development which secures a good standard of amenity for all existing and future occupants of land and buildings

(Core planning principle paragraph 17). Policy 13 (l) of the North Northamptonshire Core Spatial Strategy requires that developments do not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The development would result in increased activity given that the site has been vacant for some time, however compared with the previous use on the site as a school, this would not result in such detriment to neighbouring amenity as to warrant refusal of the application on noise grounds.

Open space on the site exploits existing trees and garden features to create 'Focal Spaces'. This includes the use of trees thought to once have been part of Middlewest's northern boundary, coupled with swales to produce a more open and 'green' aspect than is usual along the east-west access road. Towards the southern end of the site, as a result of the retention of parts of the former garden and pond to Bryn Hafod, a park which is available to local residents, has been created.

Within the site distances between the new properties are considered sufficient to minimise any overshadowing or overbearing effect, and windows have been sited to minimise any potential for adverse impact in terms of overlooking. It is therefore considered that the proposed layout results in satisfactory living conditions for the new residential properties.

The site slopes downwards from west to east. As a result of the difference in levels between proposed and existing dwellings the original plans were overbearing and led to overlooking of some properties on Greenhill Road and Greenfield Avenue.

The applicants have submitted amended plans as a result of these concerns. At the time of writing this report the plans are subject to consultation. Any new consultation responses will be reported in the Committee update.

Steps taken to overcome concerns include: -

- house types along the boundary with Greenfield Avenue and in the south-western corner of the site (plots 53 -56) have been redesigned to reduce the number of habitable rooms that will overlook the rear gardens of these properties;
- the height of the rear projection to plots 24 – 28 has been reduced by 2m and a hipped rather than gabled roof is proposed, thus moving the reduced height further away from existing dwellings on Greenfield Avenue. Where possible finished ground floor levels have reduced;

- new dwellings have been moved back within the site to increase separation and, where possible, ground levels reduced,
- in the south-western corner ground levels have been reduced, and hipped rather than gabled roofs now face existing dwellings

The effect of all these changes has minimised the potential for the new dwellings to be overbearing and cause significant adverse overlooking of neighbouring existing properties. It is recommended that some additional planting takes along the boundary between the site and No. 18 – 22 Greenfield Avenue to reduce the visual impact of the new dwellings.

The amendments outlined above, additional planting and the separation distance between proposed and existing dwellings, means that the amenity impacts on existing dwellings as a result of this proposal are considered to be acceptable.

It is considered that the impact on residential amenity of both existing and future residents is acceptable. In this respect the application is therefore considered to be in accordance with Core Planning Principle paragraph 17 of the NPPF and policy 13(l) of the NNCSS.

5. Parking and Highway Matters

Policy 13(d) and (n) of the NNCSS requires that developments have a satisfactory means of access and provide for parking, serving and manoeuvring in accordance with adopted standards and do not have an adverse impact on the highway network.

Development of the site will result in increased activity, given that it has been vacant for some time. This traffic generation must be considered against the existing planning use of the site, which the Council considers to be as a school. This use could be re-established, without the need for planning permission, and would generate significant trips and traffic movements to and from the site, particularly at peak morning and evening times.

The Local Highway Authority, based on the difference between the extant use and the proposed development has confirmed that the proposed housing development would not have a significant impact on traffic in the area.

Eight vehicular access points are proposed, six existing accesses and two new. All access points are from Hall Lane. The majority of the site (43 new dwellings and the six flats proposed by the conversion of Bryn Hafod) will be served by one access which is broadly in the location of an existing access to the south of Middlewest. This and all existing accesses will be upgraded to

comply with current standards, conditions are proposed accordingly. A new vehicular access is also proposed to serve a private drive for three new houses adjacent to Bryn Hafod, and a further vehicular access to serve one new dwelling to the south of Bryn Hafod Cottage.

The existing three pedestrian accesses to the site are to be kept and upgraded where necessary. The decorative brick arch to the pedestrian access point which leads to the main entrance of Bryn Hafod will be retained.

The road layout within the site is acceptable to Northamptonshire Highways, and appears to cope with the gradient on the site and the position of the accesses onto Hall Lane.

Only two plots (No. 4 and 5) have a single parking space, with the remaining new dwellings all having at least two car parking spaces. Parking is mainly within the curtilages of the relevant dwelling, with some dwellings served by designated parking bays or small courtyards.

Middlewest has six parking spaces, plus a new single garage which will be built within its grounds. Parking for the other apartments is in small parking courtyards next to the buildings. In total the apartments in Middlewest have seven parking spaces for four units, with the largest apartment having three spaces, the other three beds having two spaces and the two bed apartments have one space. Parking in Bryn Hafod is within an existing single garage (accessed from Hall Lane) and a small parking courtyard. Bryn Hafod has a total of ten spaces, for six apartments, the three bed apartments have been allocated two spaces each and two bed apartments have one space each.

It is considered that the level of parking provision provided will meet realistic parking needs, while at the same time recognising the proximity of the site to Kettering town centre and its associated services and public transport links.

Cycle storage will either be in secure covered storage areas in rear gardens or within garages. Shared covered cycle storage facilities will be provided in the parking court for the apartments in Middlewest and within an existing outbuilding for the apartments in Bryn Hafod. Details of cycle storage facilities will need to be required by condition.

The development is considered to be acceptable in terms of access, road layout and parking and complies with policy 13(d) of the NNCSS.

6. Contaminated Land

Policy 13 of the NNCSS seeks to ensure development will not cause risk to

ground waters or degrade soil. It also seeks to protect neighbouring amenity in terms of pollution. Environmental Health have been consulted on the application and have no object to the proposal subject to conditions to ensure that remediation is completed and any unexpected contamination is dealt with appropriately.

Additional assessment of the demolition rubble is recommended, to ensure that any material which remains on site for use in the new development is dealt with appropriately.

It is considered that these matters can be conditioned. The application complies with policy 13 of the NNCSS, and is therefore, considered to be acceptable in this respect.

7. Ecology and Wildlife

The Local Planning Authority has a legal duty under the Wildlife and Countryside Act 1981, as amended, the Natural Environment and Rural Communities Act 2006 (NERC Act), the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010), and the Protection of Badgers Act 1992 to ensure the protection and enhancement of wildlife. NPPF policy 11, paragraph 118, requires Local Planning Authorities to aim to conserve and enhance biodiversity by permitting development only where significant harm can be avoided. Policy 5 of the North Northamptonshire Core Spatial Strategy requires new development to enhance local Green Infrastructure and policy 13(o) of the North Northamptonshire Core Spatial Strategy requires new development to conserve and enhance landscape character and biodiversity.

The Biodiversity Supplementary Planning Document refers to the Northamptonshire Biodiversity Action Plan (2008) (NBAP) to identify priorities for action and give guidance on conserving and reversing the loss of habitats and species in relation to new development. The Northamptonshire Biodiversity Action Plan identifies local BAP priority species for vary rare or declining species with significance to Northamptonshire.

An Ecological Appraisal, Bat Report and Arboricultural Report of the site were submitted with the application. Whilst the proposal appears to be generally acceptable in terms of the impact on biodiversity, objections have been expressed in relation to the loss of the orchard and proposed mitigation for its loss.

The loss of traditional orchards and thus traditional species of apples (and other orchard fruits) is of concern in the UK, hence the additional of traditional orchards to the UK Biodiversity Action Plan in 2007.

In this case the planning system can do nothing to prevent the loss of the orchard, which is not protected by a Tree Preservation Order (TPO), although other trees on the site are. During the assessment of this application, the value of the orchard and the possibility of placing a TPO on it has been considered. National Planning Practice Guidance (NPPG) makes clear that it is the amenity value of a tree, including 'The extent to which the trees can be seen by the public' and the particular importance of an individual tree, or group of trees which is key to making an order. The guidance states that 'other factors, such as importance to nature conservation These factors alone would not warrant making an Order.'

Due to the number of larger trees around the boundary (many of which are more ornamental and considered to be part of the original gardens) there are no views from public vantage points where it is possible for a lay person to identify that a particular tree forms part of the orchard. With this, and the NPP Guidance outlined above, in mind, it is not considered that it is feasible to place a TPO on the orchard. The TPO is the only form of protection that the planning system can give to trees, and thus, it is not possible to refuse the application due to the loss of the orchard. It should also be noted that the felling of these trees does not constitute development which requires planning permission, and thus they could be cut down without any consent from the Local Planning Authority.

Paragraph 118 of the NPPF makes clear that where significant harm to biodiversity cannot be mitigated, or, as a last resort, compensated for, planning permission should be refused. Proposed mitigation within the Ecological Appraisal refers to grafting from existing trees 'where possible'. It is considered that even if the mitigation measures are conditioned, this wording does not create sufficient surety that grafting will take place. A separate condition requiring that the details of grafting is approved will be required to give this additional security and ensure the application complies with the relevant policies.

In order to ensure that important trees are not damaged during construction a number of conditions will need to be attached in order to ensure their retention and protection.

The Bat Report identifies that Bats use some of the buildings and trees on the site and proposes mitigation measures, e.g. 15 bat boxes on existing trees, bat access tiles on the listed buildings. These measures will be conditioned.

Other mitigation proposed includes 15 bird boxes (to compensate for loss of vegetation), the use of native species and wildflower planting along existing hedgerows. These mitigation measures are considered to be acceptable and

will be conditioned to ensure that they are carried out.

Notwithstanding the submitted information, a comprehensive landscaping scheme detailing species, size and location is required for approval. A management plan for the open space will also be necessary as the Council is not being asked to adopt the land. These matters will be dealt with by condition.

Subject to the imposition of conditions as outlined above the application is considered to comply with policy 11 of the NPPF and policies 5 and 13(o) of the NNCSS.

8. Flood Risk

Section 10 of the NPPF requires development to ensure that flood risk is not increased elsewhere as a result of the development. Policy 13(q) of the NNCSS requires development not to increase the risk of flooding on site or elsewhere, where possible incorporate Sustainable Drainage Systems and lead to a reduction in flood risk.

Anglian Water has confirmed that foul drainage from the site falls within the catchment of Broadholme Water Recycling Centre, which will have available capacity for these flows. They have also confirmed that the sewerage system at present has capacity for the flows generated by the development. Anglian Water has also confirmed that the surface water strategy/flood risk assessment is acceptable in principle. The FRA (May 2014) states that the surface water discharge location may need to be changed. If the location were to change Anglian Water would need to confirm that a change would be acceptable and not cause an unacceptable risk to flooding. They therefore request that the Surface Water Strategy is conditioned and any alterations be subject to further consultation. This issue can be dealt with by a condition.

The Environment Agency has no objection to the proposal subject to the imposition of a condition requiring the submission of details, including phasing, of foul sewage infrastructure.

Local residents have queried why the 2008 applications were served by a pumping station, and this proposal is not. Clarification of these points is being sought and will be provided in Committee Update. It should be noted however, that neither Anglian Water or the Environment Agency have objected to the means of removing sewage from the site, and it is not therefore, considered that a refusal due to the lack of a pumping station on site, would be sustainable at appeal.

Subject to the imposition of conditions as outlined above the application is considered to comply with policy 10 of the NPPF and policy 13(q) of the NNCSS.

9. Sustainable Design and Construction

Policy 8 of the NPPF, and policies 13(m) and 14(b) of the NNCSS and Policy 30 of the Northamptonshire Minerals and Waste Local Plan (NMWLP) requires development to meet the highest possible standards of resource and energy efficiency and reduction in carbon emissions. Development proposals should; utilise the efficient use of resources in both the construction phase and its operation, incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and provide for water efficiency and water recycling. A condition is therefore recommended to ensure that a sustainable construction plan is submitted prior to development commencing and that the development is carried out in accordance with the approved details.

Subject to the imposition of the relevant conditions the application is considered to comply with policy 8 of the NPPF, policy 30 of the (NMWLP) and policy 13(m) and 14(b) of the NNCSS.

10. Crime and Disorder

Section 7 of the NPPF requires development to be designed to create safe environments where crime and disorder, and the fear of crime do not undermine quality of life. Policy 13(b) of the NNCSS requires development to seek to design out anti-social behaviour and crime and reduce the fear of crime.

The scheme has been designed to present active frontages to public areas including highways and open space and this will provide a good level of natural surveillance acting as a deterrent to crime and anti-social behaviour.

The scheme avoids the use of access alleyways to the rear of properties and offers clear distinction between public and private space. A condition will require the submission of boundary treatments and landscaping within the site and will further improve this relationship and improve security.

Northamptonshire Police have no objection, but have suggested the inclusion of a number of informatives which would reduce the likelihood of crime, disorder and anti-social behaviour occurring. These include recommendations in relation to boundary treatment and any lighting scheme. These recommendations will be attached to any planning permission as an informative note.

The design and layout of the development is such that the application is considered to comply with policy 7 of the NPPF and policy 13(b) of the NNCSS.

11. Developer Contributions

Developer obligations can be secured by legal agreement under S106 of the Town and Country Planning Act in order to overcome inadequacies in local infrastructure and services that would otherwise result in the refusal of planning permission.

The application was accompanied by a viability report which has indicated that there are substantial costs associated with the restoration of the listed buildings, and that these costs cannot be met by the sale of the flats. The new dwellings are therefore, needed to fund the restoration of the listed buildings, which limits the amount of money available for a S106 agreement. These costs, coupled with the high costs associated with an exemplar development scheme, (required due to the location within the setting of the listed buildings), would make the development unviable if any S106 contributions or affordable housing is required.

The Viability Report has been considered by our Viability expert who has requested some additional information, which we expect to receive soon. This information will be assessed and the findings reported to Committee.

Initial discussions with our Viability expert appear to confirm that the sale of the flats within the Listed Buildings would not recover the total cost of the restoration/conversion works. Discussions also indicate that beyond a high quality development scheme and the restoration and continued maintenance of the Listed Building's and gardens and Travel Plan, no other funds are available for S106 contributions.

The NPPF (paragraph 173 and 205) is clear that development 'should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened' and that any S106 contribution's should be 'sufficiently flexible' to prevent development from taking place.

Should the outstanding viability work confirm;

- i) that the new dwellings are needed to fund the work to the listed buildings, and;
- ii) due to the costs associated with the development no S106 monies are available for the usual contributions;

It is considered that the public benefits of the restoration of the buildings to an optimum viable use (i.e. as dwellings) outweighs the less than substantial harm that the development will cause to the setting of the listed buildings.

The inability of the development to afford to contribute towards public facilities is regrettable, however in light of the evidence presented, and due to the significant costs associated with the high quality, expert renovation of the listed buildings and the exemplar development within the grounds it is recommended that in this instance *only*, the normal S106 contributions are waived.

It should be noted that any application to which seeks to reduce either the quality of the restoration works proposed for the listed buildings, or the design of the new housing development will be subject to a new viability assessment. Development which does not meet the extremely high standards set in this application is unlikely to be considered favourably, or have the S106 requirements reduced.

The development within the setting of the listed buildings is only acceptable because it is needed to fund their restoration. A S106 agreement is therefore required to prevent the new houses being built whilst nothing happens to the listed buildings. The agreement will also set out a maintenance agreement to prevent the conditions of the listed buildings further deteriorating before the restoration works start.

Conclusion

In conclusion it is considered that less than substantial, but still considerable harm caused to the significance of setting of the listed building by the new development is outweighed by the public benefit of using funding from the new houses to repair and restore the listed buildings.

The development within the setting of the listed buildings will only be considered to be acceptable if the viability assessment proves that the new dwellings are needed to fund their restoration. This need for funds *and* the use of those funds to restore the listed buildings is considered to outweigh the harm caused to the significance of the listed buildings by development within their setting.

In other respects the proposed development accords with both national and local planning policy and there are no other material planning matters which indicate against the proposal;

As such, subject to the findings of the Viability Report, conditions and a legal agreement securing funding for the restoration works to the listed buildings,

the development should be granted planning permission.

Background Papers

Title of Document:

Date:

Contact Officer:

Christina Riley, Senior Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date: