

BOROUGH OF KETTERING

Committee	Full Planning Committee - 21/04/2016	Item No: 5.1
Report Originator	Richard Marlow Senior Development Officer	Application No: KET/2015/0756
Wards Affected	William Knibb	
Location	Former Factory Site, Carey Street, Kettering	
Proposal	Full Application: Redevelopment of land for supported housing scheme, involving the erection of 42 no. one bedroom apartments for young adults	
Applicant	Seagrave Developments Ltd	

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

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

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

2. No development shall 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: Finished Floor Levels are necessary prior to commencement to preserve the character of the area and protect the privacy of the occupiers of adjoining properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Prior to first occupation of the development 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 shall be submitted to and approved by the Local Planning Authority. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. No gates shall be erected on site until full details have been submitted to and approved in writing by the Local Planning Authority. The gates shall be installed as approved and retained thereafter.

REASON: In the interest of the visual amenity of the area in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. 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: Details of materials are necessary prior to the commencement of development in the interests of visual amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

6. The development hereby approved shall not be occupied until details of a scheme for the storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented as prior to first occupation and shall be retained as approved thereafter.

REASON: Refuse details are necessary prior to the commencement of development in the interests of general amenity and to ensure that no obstruction is caused on the adjoining highway in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

7. 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: Details of materials are necessary prior to the commencement of development in the interests of the visual amenities of the area in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

8. The development shall not be carried out other than in accordance with the amended Flood Risk Assessment - Flood Risk Assessment for Proposed Residential Development at Carey Street, Kettering, Prepared by BCAL Consulting, document reference number 5433R001B FRA dated January 2016 received by the Local Planning Authority on 25th February 2016.

REASON: To ensure that the development has appropriate surface water drainage and does not increase flood risk in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

9. Prior to first occupation of the development all garden and landscaped areas shown on the approved plans shall have a capping layer of soil (top and/or sub soils) (as outlined in report ref. STM3285A-G01 dated October 2015) (to a minimum depth of 600mm in private residential gardens and 300mm in general landscaped areas) and a verification report that demonstrates that the required depth of cover has been achieved shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall include a topographic survey or a visual inspection at numerous points across the site supported by photographic evidence and details of the supplier and confirmation of the source(s) and total quantity of imported soil material. The soil should be free from asbestos, metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils

and otherwise comply with the requirements of BS 3882:2007 - Specification for topsoil and requirements for use. Occupation of the development will only be permitted on approval of the verification report.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with policy 11 of the NPPF.

10. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors.

REASON: In the interest of residential amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

11. The development shall not be carried out other than in accordance with the Sustainability Appraisal and Energy Statement prepared by A. J. Cleaver Consulting Ltd dated September 2015 and received by the Local Planning Authority on 15th September 2015.

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

12. Notwithstanding the provisions of the Town and Country Planning Use Classes Order or changes of use allowed under permitted development, the units hereby approved shall only be used for Supported Housing as described in the application proposal.

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

Officers Report for KET/2015/0756

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

None relevant.

Site Description

Officer's site inspection was carried out on 12/10/2015 and 26/10/2015.

The application site is located on the western side of Carey Street in Kettering. To the south of the site is Mill Road Park which is an open space with a children's play area. The access to the park is gated and is accessed from Carey Street via a footpath which connects up to further residential areas to the south of the site. To the north and west of site are existing commercial and industrial uses. To the east is a further play area with skateboard ramp. Further east are residential properties. To the North East of the application site is a Grade II* Listed Building, the Church of St Mary.

The site comprises a derelict factory that was partially gutted by fire in 2010. The building has now been demolished and fenced off.

Proposed Development

This proposal seeks planning permission for a three storey building containing 42 x1 bed apartments with some of these rooms adapted for the disabled, together with associated vehicular access, parking provision and landscaping. This would involve a change of use of the site from commercial to residential. The building would also include offices, a meeting reception area, a social meeting area, a mobility scooter and cycle store. There would be external bin and recycling stores, landscape areas including a garden/amenity area and 21 parking bays (4 of these are disabled bays).

The proposed apartments are to accommodate a supported housing scheme for young adults (under 65s) with learning and/ or physical disabilities wishing to live an independent lifestyle in a rented property. It is understood that the facility would be taken over by Orbit Homes once completed.

Any Constraints Affecting The Site

Grade II* Listed Building to the north east of the site.

4.0 Consultation and Customer Impact

KBC Housing

Support the scheme. They commented that:

'.....Officers have been in dialogue with the land owner over a number of years where various options have been attempted to be brought forward and for one reason or another have failed. The land owner has been pro-active in securing the entire site in order to bring forward a development which is much needed in the Borough...This scheme would be for young adults (under 65s) with learning and

or/physical disabilities. It would be aimed at people who are either currently in residential care or living in housing unsuitable for their needs. The idea would be an independent-type living scheme where customers have their own front door however care would be in place to meet their individual needs along with a safety net of 24-hour on-site support should it be required.

Our keyways housing register currently has a number of households registered who have indicated that they have a learning disability, physical disability or mental health problems and also those who are receiving some form of support. This is just those who have indicated as such on their application form and there may be others on Keyways who fit this criteria. 15 applicants have a learning disability and of those 8 receive some form of support and 7 also have mobility issues. We have 32 applicants who have indicated they have mental health issues. Olympus Care have looked at need they are aware of and have identified 25 customers who live in Kettering and the surrounding area who are currently in housing that does not meet their needs and who would have a better quality of life living in a scheme like this proposal. We and Olympus Care have been talking to Northants County Council Commissioning and Care Management to identify customers and to promote this style of living. There is a continual stream of young people referred to Adult Services that require supported living. Most of them are placed with private providers who provide both the accommodation and the care and support as a package. These placements are often very high cost therefore a scheme such as this would achieve some savings.

Viability of the development has been tricky and Orbit plan to use significant internal subsidy to fund this scheme alongside a current bid for grant funding of approx. £1.3m under the Homes and Communities Agency's Affordable Homes Programme.

Provision of supported housing such as this assists with our Housing Strategy 2015-20 strategic aim to 'help people to live independently'. We are striving to work closer with the health service to reduce the strain on their services and provide better living standards for those who are vulnerable and/or disabled'.

Highway Authority

Initially had concerns regarding the low number of car, servicing and cycle parking and the sustainability of the site. Further information was requested to include details of local bus services as well as addressing the concerns. Amendments were made and NCC Highways re-consulted. Highways have confirmed that they have no objection to the scheme.

KBC Community Services

Comment that there is no onsite provision required for community infrastructure. However a total off site contribution of £7,000 will be required for community infrastructure at Mill Road Park, Kettering. There is one specific project to develop access to the park and the value of the project is £35,000. The project is to sustain this public open space in the medium/ long term with regards to access to St Marys School which is a widely used facility by the local community for a variety of events. The current access to the park from the school is inadequate and therefore an opening between the park and school needs to be created. At this stage there is no full site plan or project specification. As the school has growth plans this access

scheme will follow in approx. 3+ years.

Northants Police

Had concerns regarding the initial layout and detail. Concerns included boundary treatment detail, defensible space to the frontage of the development, the location of the main entrance, mail delivery arrangements and security. Amendments were sought by Officers to address these concerns.

NCC Lead Local Flood Authority

Initially objected as a satisfactory FRA had not been submitted.

The applicant has submitted further information and the LLFA now has no objections.

Anglian Water

No objections. Recommends an informative regarding Anglian Water assets.

Historic England

Requested further information.

The applicant submitted further information in the form of a Heritage Impact Assessment and Historic England re-consulted. They commented that the LPA should weigh the public benefits that would be delivered through the proposed development against the harm to the significance of the grade II* Church of St Mary.

KBC Environmental Health

No objection subject to conditions regarding garden and landscaped areas having a capping layer of soil and working hours for construction sites and an informative regarding acoustic insulation.

Neighbours

One objection has been received from a neighbouring resident. Their concerns are regarding:

- Potential noise and disturbance
- Increase in anti-social behaviour
- Increase in traffic and footfall

One letter of support has also been received.

5.0 Planning Policy

National Planning Policy Framework

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

Policy 11. Conserving and enhancing the natural environment

Development Plan Policies

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 & Location of Development

Policy 10. Distribution of Housing

Policy 11. Distribution of Jobs

Policy 12. Conserving and Enhancing the Historic Environment

Policy 13. General Sustainable Development Principles

Policy 14. Energy Efficiency and Sustainable Construction

Policy 15. Sustainable Housing Provision

Local Plan

35. Housing: Within Towns

39. Housing: Affordable Housing

SPGs

Open Space SPD

Sustainable Design SPD

Emerging Policies (Local Development Framework)

Joint Core Strategy Review (JCS)

Site Specific Proposals LDD (SSP LLD)

Other

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 Financial/Resource Implications

None.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. The Principle of Development
2. Character and Appearance
3. Residential Amenity
4. Parking and Highway Safety
5. Contaminated Land
6. Landscaping
7. Sustainable Construction and Energy Efficiency
8. Flood Risk and Drainage
9. Crime and Disorder
10. Affordable Housing
11. Developer Contributions

1. The Principle of Development

Para. 49 of the National Planning Policy Framework states that applications for housing should be considered in the context of a presumption in favour of sustainable development. The application site is located within the town boundary of Kettering, as defined by policy 35 of the Local Plan and is previously developed land, formerly accommodating a former 'Boot and Shoe' factory built in 1901. Policies 1, 9 and 10 of the North Northamptonshire Core Spatial Strategy direct development to existing urban areas and indicate that Kettering is a 'Growth Town' and, therefore, should provide a focal point for development.

With regard to the proposed change of use of the land, para. 51 of the NPPF states that LPAs should normally approve planning applications for change to residential use and any associated development from commercial buildings where there is an identified need for additional housing in that area, provided that there are no strong economic reasons why such development would be inappropriate. Policy 11 (b) of the CSS requires existing employment areas to be safeguarded for employment unless it can be demonstrated that an alternative use would not be detrimental to the overall supply and quality of employment land within the surrounding area and/or would resolve existing conflicts between land uses. The applicant has submitted a statement stating that the site has been derelict for a long time and was partly destroyed by fire in 2010. There has been no known interest to resuscitate the employment use or any demonstrable evidence of active interest in the site principally due to the fire damaged building (now demolished). The application site is located in relatively close proximity to the Kettering town centre boundary and is considered to be in a sustainable location.

Para. 132 of policy 12 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Para. 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that no viable use of the asset can be found in the medium term through appropriate marketing that will enable its conservation or that the harm or loss is outweighed by the benefit of bringing the site back into use. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that LPAs have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest. The former warehouse building has been demolished and therefore any redevelopment of the site needs to be of a high quality and preserve the setting of the church.

The proposed development is consistent with the provisions in the NPPF and the main thrust of the Core Strategy which seeks to direct new development to urban areas and utilise brownfield sites for further housing provisions. In the circumstances, the proposed development on this site is acceptable in principle with the appropriateness of the proposed scheme subject to consideration of further matters, discussed below.

2. Character and Appearance

The proposed building comprises 42 x1 bed apartments within a three storey building. The layout follows the plot road frontage with a small set back to accommodate low level hedging and landscaping. There are two access points into the site, a vehicular one to the south and a pedestrian access to the north. To the rear of the site is a parking area for 21 spaces (4 of these are disabled bays), bins stores and a garden/ amenity area with a further service access. The site would be bound by fencing and gates as shown on the submitted layout plan.

The proposed refuse stores are to be located in discreet locations away from the public realm. Scooter and cycle stores to serve the apartments are also located away from the public realm within the main building for security and visual amenity purposes. Further detail of the design and materials of the proposed bin stores can be conditioned.

The character of the building is simple and functional which is manifested externally in the brick construction with rendered recesses, and the position and amount of fenestration. It is considered that the interspersed recessed frontage in blocks breaks up the visual monotony and bulk. The use of a hipped roof of a consistent height is considered to lessen the bulk and scale of the building, and with the existing floor level of the site lower than that of the road, the lower ground level of the building further reduces the scale, bulk and visual impact of the proposal.

The surrounding streets are characterised by terraced dwellings which directly abut the highway with a traditional street layout. The proposed development is slightly above the prevailing density in the vicinity but the design minimises any harm to the character of the surrounding residential streets. There is no prevalent common architectural theme in the area although the proposed building picks on the characteristic features of the directly opposite neighbouring buildings in terms of fenestration and materials.

To the north east of the application site is Church of St Mary a Grade II* listed building which sits on much higher ground than the application site. English Heritage has been consulted with the proposal and commented that the LPA should weigh the public benefits that would be delivered through the proposed development against the harm to the significance of the church. The Heritage Impact Assessment concludes that key views of the church from the north and west will be unaffected whilst views from the south will be affected, though softened by planting along the southern boundary of the site and existing mature trees on Carey Street. Views from the church towards the site would be highly impacted though the site would be beneficial in masking the existing view of industrial units. The development proposal would lead to less than substantial harm to the significance of the designated heritage asset and in accordance with paragraph 134 of the NPPF the public benefit of the proposal would outweigh any harm.

3. Residential Amenity

The site is bound to the north and west by commercial units, to the south by playing fields and to the east, Carey Street followed by further play areas and a small residential terrace. It is not considered that the proposed development would have any adverse impact on the residential amenity of occupiers of adjacent dwellings in

terms of overlooking, overshadowing or overbearing impact given the distance between them and difference in floor levels. The proposed communal garden area is at the rear of the application building away from existing residential properties. It is considered that the proposal conforms to policy 13 (l) of the CSS which requires new development to not result in an unacceptable impact on the amenities of neighbouring properties.

A Noise Assessment report has been submitted by the applicant and concludes that with the use of double glazed windows the noise levels should be limited from the application building.

The provision of housing on this site will increase traffic movements and activity, however the land use is compatible with the surrounding properties and the impact of these additional movements would not result in such detriment as would warrant refusal of the application.

4. Parking and Highway Safety

The application proposes one vehicular access from Carey Street. This approach is considered acceptable in principle, as is the general design of the access points and circulation routes within the site. A number of amended layouts have been submitted during the application process and the Highways Authority is now satisfied that the amended layout provides for good access and circulation with good road widths and visibility. The parking provision within the development is below the requisite standards. However, regard should be paid to the intended occupiers who are mostly unlikely to be car owners. The sub-standard parking provision is compensated for with cycle and mobility scooter storage areas. Revisions were made to the parking spaces and the Highway Authority has confirmed that it has no objection to the updated plans.

The parking provision on site is considered acceptable given the intended occupiers of the apartments; however a restricted occupancy condition is required to ensure that the apartments relate to the proposed use, in the interests of highway safety and parking provision. Market housing would generate a different consideration to ensure parking provision would be adequate.

The proposed development therefore conforms to policy 13 (d) and (n) of the CSS which requires new development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, and not to have an adverse impact on the highway network nor prejudice highway safety.

5. Contaminated Land

Due to the underlying geology present throughout Northamptonshire, levels of naturally occurring contaminants found throughout the borough frequently exceed the levels at which the risk to human health is considered acceptable for residential land use. The applicants provided a ground investigation report which KBC Environmental Health have reviewed and found acceptable subject to conditions regarding garden/ landscaped areas and capping soils/ layers and working hours and an informative regarding noise between apartments. As such the proposed development will conform to paragraphs 109 and 121 of the NPPF which requires development to enhance the local environment by remediating and mitigating

contaminated land ensuring it complies with Part IIA of the Environmental Protection Act 1990.

6. Landscaping

The applicants provided a layout plan indicating landscaped areas and boundary treatment. To the front of the site would be 450mm high brick wall (brick to match the main building) with 850mm high black painted iron hoop top railings. To the north side adjacent the commercial buildings the boundary treatment would be a 2m high close boarded fence. To the rear of the site the site would utilise the existing boundary wall and to the southern side it indicates a black steel barbican fence to the public open space. The vehicle access would have 1.6m high gates and it is proposed to site a pedestrian gate to the north side of the vehicle gates. Details of these gates can be secured by condition.

The location of the proposed planting and landscaping is considered acceptable however further detail is required regarding the detail of the soft and hard landscaping and the surface treatments within the site. A condition is proposed to secure this detail. As such, the proposal will accord with policy 13 (h) and (o) of the CSS.

7. Sustainable Construction and Energy Efficiency

Policy 14 of the CSS requires that new development meets the highest viable standards of resource and energy efficiency and reduction in carbon emissions. Schemes are required to incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and water efficiency and be in accordance with the requirements of the North Northamptonshire Sustainable Design SPD.

A Sustainability Appraisal and Energy Statement has been submitted by the applicant which discusses how the proposal will meet a 10% improvement over building control requirements. This can be secured by way of condition and is included in the recommendation.

8. Flood Risk and Drainage

The application site lies in Flood Zone 1; the area least at risk from flooding. A Flood Risk Assessment was submitted and the Local Lead Flood Risk commented that there was insufficient information available to comment on the acceptability of the proposed surface water drainage scheme. The applicant has submitted further information and the LLFA now has no objection to the scheme.

9. Crime and Disorder

Due to the proximity of the site to the town centre and the potential vulnerability of some of the future occupiers, crime prevention measures are required. Boundary treatments have been amended, the building set back from the road in order to provide a defensible landscaped strip, a northern pedestrian entrance added to the front elevation and the service entrance to the rear made more secure. The applicant has confirmed that the building perimeter and entrances will be covered by 24 hour video surveillance, monitored by staff on site. Furthermore each individual apartment will have a colour video door entry system and each tenant has a proximity fob (card entry) which is also linked to the nurse call system. It is

important to ensure that these measures are in place at this stage rather than fitted retrospectively to make sure that they work with the design and layout of the scheme. As such, the proposal will conform to policy 13 (b) of the CSS.

10. Affordable Housing

The application to develop a supported housing scheme on this derelict site is one which KBC Housing strongly supports. They comment that the development is much needed in the Borough. This scheme would be for young adults (under 65s) with learning and or/ physical disabilities and would be aimed at people who are either currently in residential care or living in housing unsuitable for their needs. The apartments would provide an independent-type living scheme where customers have their own front door however care would be in place to meet their individual needs along with a safety net of 24-hour on-site support should it be required.

There is a strong need to support sites that continue to deliver a higher number of affordable homes and in this case 100% affordable. Provision of supported housing such as this assists with the KBC Housing Strategy 2015-20 strategic aim to 'help people to live independently'. KBC are striving to work closer with the health service to reduce the strain on their services and provide better living standards for those who are vulnerable and/ or disabled.

To conclude, the comments provided by KBC Housing justifies that is an overriding need for this type of supported affordable housing to meet local housing needs and the scheme will have significant public benefit.

11. Developer Contributions

Planning obligations, also known as Section 106 agreements are private agreements made between local authorities and developers and can be attached to a planning permission to make acceptable development which would otherwise be unacceptable in planning terms.

CSS policy 15 requires a proportion of major residential development to be set aside and managed for social housing. Such an obligation is unnecessary in this instance given that the proposed development would be rented accommodation in its entirety and aimed at a special needs group thus helping in meeting the Borough's housing needs.

As mentioned earlier in this report, the viability of the development has been tricky and Orbit plan to use significant internal subsidy to fund this scheme alongside a current bid for grant funding of approx. £1.3m under the Homes and Communities Agency's Affordable Homes Programme. Of all the consultees only one requested a sum of money to be secured via a S.106 – KBC Community Services. They requested a total off site contribution of £7,000 for community infrastructure at Mill Road Park, Kettering. This is a specific project to develop access to the park, the value of the project is £35,000 and the project is to sustain this public open space in the medium/ long term with regards to access to St Marys School which is a widely used facility by the local community for a variety of events. The current access to the park from the school is inadequate and therefore an opening between the park and school needs to be created. At this stage there is no full site plan or project specification and as the school has growth plans this access scheme will follow in

approx. 3+ years.

In this case it is considered that this contribution is not required to mitigate the impacts of development. It is considered that the proposed conditions would mitigate the impacts of the development and ensure that it is acceptable, and a S.106 agreement is not required for this application.

Conclusion

Subject to the imposition of the recommended planning conditions there are no material planning considerations which would outweigh the policies in the Development Plan. The application is therefore recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Nicola Thompson, on 01536 534316

Previous Reports/Minutes

Ref:

Date: