

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 19/06/2012</b>	<b>Item No: 5.2</b>
<b>Report Originator</b>	<b>Michael Boniface Development Officer</b>	<b>Application No: KET/2011/0405</b>
<b>Wards Affected</b>	<b>Northfield</b>	
<b>Location</b>	<b>Dryden Street &amp; Field Street (land at junction of), Kettering</b>	
<b>Proposal</b>	<b>Full Application: Partial demolition of existing building. Development of 44 affordable homes</b>	
<b>Applicant</b>	<b>Nottingham Community Housing &amp; Lindum</b>	

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

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

### **2. RECOMMENDATION**

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

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

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

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

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

3. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. No development shall take place until a specification and details of all proposed

windows and doors have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

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 within each phase of the development (as defined in the document 'Method Statement for Phasing the Project dated 1st March 2012) shall be completed before the buildings within the corresponding phase are first occupied.

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

6. Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not commence until parts A - D have been complied with. If unexpected contamination is found after development has begun, development shall 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 part D has been complied with in relation to that contamination.

A. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment

must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part B, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part C.

REASON (common to all): 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.

7. No development shall take place until a Surface Water Drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. No infiltration of surface water into the ground shall take place until the approved scheme has demonstrated that no resultant unacceptable risks result to controlled waters. The scheme shall be fully implemented in accordance with the approved details prior to occupation of any dwelling hereby approved.

REASON: To prevent an increased risk of flooding to the site and surrounding area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. No development shall commence until details of a scheme for the provision, phasing, monitoring and maintenance of foul water drainage has been submitted to and approved in writing by the Local Planning Authority. There shall be no occupation of any dwelling within a phase until the scheme is carried out and operational in accordance with the details so approved in relation to that phase.

REASON: To ensure appropriate drainage and avoid risks to human health in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

9. Prior to the commencement of the development, full details of lockable bin and cycle storage facilities including their design, materials, location, exact dimensions and openings shall be submitted to and approved in writing by the local planning authority. The bin and cycle stores shall be provided in accordance with the approved details prior to the first occupation of the development and shall be permanently retained in that form for the purposes of storing bins and cycles only.  
REASON: To ensure adequate amenities are provided for this development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

10. Prior to the commencement of development, a scheme detailing the security measures/standards to be incorporated within the development with reference to the ACPO 'Secured By Design' scheme shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with these approved details.  
REASON: To reduce the potential for crime in accordance with policy 13 of the Core Spatial Strategy for North Northamptonshire.

11. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme indicating the positions, design, materials and type of screen walls and fences to be erected within each phase of the scheme. No dwelling shall be occupied within a phase until the scheme has been fully implemented for that phase in accordance with the approved details.  
REASON: In the interests of the privacy of the occupiers of adjoining residential properties in the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. 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 and ecological interest of the site in the interests of visual amenity and biodiversity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

13. Before the development hereby permitted is begun, a scheme for generating 10% of the predicted energy requirement for each phase of the development from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans and elevation drawings detailing the design and appearance of the equipment proposed along with their proposed siting. The approved scheme shall be implemented before the relevant phase of the development is first occupied and shall remain operational for the lifetime of the development.  
REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

14. No development shall take place other than in accordance with the submitted 'Energy Efficiency and Sustainable Construction' report received by the Local Planning Authority on 18th July 2011.

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

15. No development shall take place other than in accordance with the submitted Ecological Baseline Assessment (11-0582 3506 D03 R) received by the Local Planning Authority on 27th June 2011 and Bat Survey Report (11-1391 3506 D03 R) received by the Local Planning Authority on 8th September 2011.

REASON: In the interests of ecology in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

16. No development shall take place unless and until a full a programme of archaeological work has been implemented in accordance with a written scheme of investigation which shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that features of archaeological interest are properly examined and recorded in accordance with policy Part 12 of the NPPF.

17. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall demonstrate how impacts upon neighbouring amenity for occupants of phase 1 are to be minimised during construction of phase 2. The development shall not be carried out other than in accordance with the approved plan.

REASON: To protect residential amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

18. No dwelling within phase 1 of the development shall be occupied until all buildings to be demolished within the site have been so demolished.

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

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

REASON: In the interests of the amenity of occupants of neighbouring properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

20. No development shall take place on site until details of the width, alignment, gradient, sight lines and type of construction proposed for the roads, footways and accesses, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting and the method of disposing of surface water, and details of a programme for the making up of the roads and footways have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby permitted is commenced, or the buildings occupied, whichever is the sooner.

REASON: To ensure that the roads are constructed to a satisfactory standard in

accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

21. The development hereby permitted shall not be occupied, or the use commence, whichever is the sooner until the existing vehicular accesses from the site to Field Street and Dryden Street have been permanently closed and the highway reinstated in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

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

22. No development shall take place until details of a continuous footway between Field Street and the footway shown to the rear of Block K have been submitted to and approved in writing by the Local Planning Authority. The footway shall be completed in accordance with these approved details prior to occupation of any dwelling hereby approved.

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

23. No windows or doors shall be hung so as to allow opening over the public highway.

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

24. No development shall take place until a detailed specification and drawings of all windows and doors to be retained, repaired or replaced within the existing buildings 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 specification.

REASON: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

25. No works (including demolition) shall commence on site until there has been submitted to and approved in writing by the Local Planning Authority, a full detailed survey, including measured drawings and photographs, of all buildings and their architectural features in accordance with a scheme of recording, the scope, content and extent of which shall first have been approved by the Local Planning Authority.

REASON: To allow for the recording of the history of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

26. No works of alteration or demolition shall commence on site until the contract for carrying out phase 1 of redevelopment of the site has been made, planning permission has been granted for the redevelopment for which the contract provides and the redevelopment shall be commenced within 3 months of the commencement of the demolition.

REASON: To avoid the demolition of a significant non-designated heritage asset without justification and to protect the character and appearance of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- This planning permission is subject to "pre-commencement" conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before ANY development may lawfully commence. Any development commenced in breach of these "pre-commencement" conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.

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

The proposal is in accordance with national and local policies as set out in Parts 4, 6, 7, 8, 10, 11 and 12 of the National Planning Policy Framework, Policy 2 of The East Midlands Regional Plan, Policies 1, 6, 7, 9, 10, 13, 14 and 15 of the North Northamptonshire Core Spatial Strategy and Policy 35 of the Local Plan for Kettering Borough. The proposal is also in accordance with adopted Supplementary Planning Document 'Kettering Town Centre Area Action Plan'. The issues relating to parking provision, highway congestion, loss of buildings and developer contributions are material planning considerations and, in reaching the decision to approve the proposal, have been carefully weighed against all relevant policy considerations.



## **Officers Report**

### **3.0 Information**

#### **Relevant Planning History**

None.

#### **Site Description**

The site comprises disused factory buildings on the corner of Dryden Street and Field Street which have fallen into a state of disrepair. Prominent four storey buildings stand on the frontage of Field Street and the junction with Dryden Street which drop down to two stories on the Dryden Street frontage and within the site. The surrounding area presents a strong Victorian street pattern of terraced streets with buildings fronting the highway. Land levels are consistent both within and immediately surrounding the site.

#### **Proposed Development**

The application proposes demolition of the four storey buildings fronting Field Street, modern buildings and extensions within the site and partial demolition of the two storey buildings fronting Dryden Street. The remaining buildings are to be converted into 14 apartments and two houses. 28no. two and three storey houses would be provided across the remainder of the site. All 44 dwellings are to be provided as affordable housing.

#### **Any Constraints Affecting The Site**

Grade II listed building adjacent – The Old School House

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

#### **Environmental Health**

No objection subject to conditions requiring a contaminated land investigation, details of refuse storage and collection facilities and requiring details of any external illumination.

#### **Highway Authority**

No objection. The number of parking spaces proposed is relatively low and the spaces should remain unallocated. The properties should also be secured as affordable housing and not sold privately. It is noted that there is no continuous footway from Field Street to the rear of Block K and this would seem possible. It is unclear how bins would be collected. Conditions should be used to require closure of redundant accesses and secure appropriate highway construction.

#### **Primary Care Trust**

The existing practices within Kettering have sufficient capacity to absorb the potential patient numbers from the development.

#### **Northants Bat Group**

No objection provided the recommendations contained within the ecology report are followed.

**Northamptonshire Police**

No objection subject to the inclusion of conditions/informative notes which require appropriate security and crime prevention measures.

**Community Services**

Contributions towards open space, community and sports infrastructure should be secured.

**Anglian Water**

No objection. Sufficient capacity exists within existing infrastructure for foul and wastewater disposal. A condition should secure details of a scheme for the disposal of surface water.

**Environment Agency**

No objection subject to the imposition of conditions requiring a contamination assessment and investigation of potential ground water bodies in the vicinity of the site. No infiltration of surface water drainage should be permitted unless it is demonstrated that no risk to controlled waters exists. Any unexpected contamination must be reported and mitigated. A scheme of foul water drainage should be provided.

**The Wildlife Trust**

No objection subject to the conclusions and recommendations set out in the ecological assessments being secured. An appropriate landscaping scheme should be secured and further investigation should be carried out in regards to the plant species, Fumitory discovered within the site which could be included on the Rare Plant Register.

**NCC Archaeological Advisor**

No objection. The scheme involves partial demolition of the buildings which were originally constructed for the Co-operative society, which was once a strong movement in Kettering. A condition should require a programme of archaeological works/building recording.

**NCC Key Services**

Contributions towards libraries, Fire and Rescue Service and education should be secured. A fire hydrant is also required within the development and funding should be secured for this.

**Neighbours**

10 letters of objection for the following reasons:

- On-street parking and congestion.
- Insufficient parking provision.
- Access for large vehicles.
- Loss of attractive factory buildings.

## **5.0 Planning Policy and Legislation**

Section 38(b) Planning & Compulsory Purchase Act 2004 requires that applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **National Planning Policy Framework**

Part 4 – Promoting sustainable transport

Part 6 – Delivering a wide choice of high quality homes

Part 7 – Requiring good design

Part 8 – Promoting healthy communities

Part 10 – Meeting the challenge of climate change, flooding and coastal change

Part 11 – Conserving and enhancing the natural environment

Part 12 – Conserving and enhancing the historic environment

### **Development Plan Policies**

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

2 – Promoting Better Design

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

1 – Strengthening the Network of Settlements

6 – Infrastructure Delivery and Developer Contributions

7 – Delivering housing

9 – Distribution & Location of Development

10 – Distribution of Housing

13 – General Sustainable Development Principles

14 – Energy Efficiency and Sustainable Construction

15 – Sustainable Housing Provision

#### **Local Plan**

35 – Housing: Within Towns

#### **Kettering Town Centre Area Action Plan**

1 – Regeneration Priorities

6 – Residential

8 – Parking

12 – Heritage Conservation & Archaeology

13 – Open Space, Green Infrastructure and Biodiversity

15 – The Shopping Quarter

#### **Supplementary Planning Documents**

Open Space (September 2008)

Sustainable Design (February 2009)

Biodiversity (July 2011)

## **6.0 Financial/Resource Implications**

- Section 106 required to secure affordable housing.
- Other Developer Obligations to be waived.

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development;
2. Housing Mix and Tenure;
3. Proposed Demolition of Disused Factory Buildings
4. Design, Character and Appearance;
5. Impact on Listed Buildings;
6. Residential Amenity;
7. Environmental Matters and Drainage;
8. Highways and Parking;
9. Ecology, Trees and Landscaping;
10. Crime and Disorder;
11. Sustainable Design and Construction;
12. Developer Obligations;
13. Phasing.

### **1. Principle of Development**

Part 6 of the National Planning Policy Framework (NPPF) encourages use of land within existing settlements where future occupants can benefit from established amenities and public transport. Policy 9 of the CSS states that priority will be given to previously developed land and that this should provide for at least 30% of the overall housing requirements for North Northamptonshire. The site is previously developed and is currently unused, accommodating former factory buildings. The development would therefore make efficient use of a Brownfield site on the edge of the town centre.

The Core Spatial Strategy (CSS) defines Kettering as a 'Growth Town', a primary focus for development; as such, the town is considered an appropriate location for the proposed development and this is further strengthened by policy 35 of the adopted local plan which supports the provision of housing within towns.

Policy 13 of the North Northamptonshire Core Spatial Strategy is supportive of development subject to a number of general sustainable development criteria, including that the proposals do not result in adverse impact upon neighbouring properties or the highway network and that schemes present a good standard of design.

The proposed development falls within The Shopping Quarter defined within the Kettering Town Centre Area Action Plan. This area contains most of the primary shopping streets within the town and it is envisaged that any development proposals should reinforce the retail focus of the area.

Residential development will also be supported where it can support these aims and town centre prosperity. The site now subject of this application is in fact designated (SHQ7) for residential development within the plan and the proposed scheme is therefore consistent with the objectives of the Development Plan.

## 2. Housing Mix and Tenure

The scheme proposes 100% affordable housing comprising:

- 8no. 4 bed houses
- 5no. 3 bed houses
- 15no. 2 bed houses
- 2no. 1 bed houses
- 10no. 2 bed apartments
- 4no. 1 bed apartments.

The submitted information suggests a tenure split of 36 units for rent (82%) and 8 units for shared ownership (18%). The Council's housing team has confirmed that these types of property are much needed in Kettering as identified within the Housing Market Assessment for the area. The strongest need is for properties for social rent and the proposed tenure split is therefore favourable.

## 3. The Proposed Demolition of Disused Factory Buildings

Para 135 of the NPPF states that the effect of an application on the significance of a non designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of the harm or loss and the significance of the heritage asset.

### Information from the submitted Archaeological desk based assessment (Adba) has been examined

The buildings subject to the development proposals are (non-designated) heritage assets. Based on the findings of the archaeological assessment the site and buildings are significant at the regional level but unlikely to be of national significance although it is noted that the submitted *Archaeological Desk Based Assessment (June 2011, (ABDA)* is not a comprehensive research document which examines this. Nevertheless, the ADBA is objective and appears even handed. Section 13 of the assessment concludes:

*'The Kettering Co-operative clothing factory represents a significant element of the modern history of Kettering, both as part of the its industrial past and as part of the social heritage of the co-operative movement which was unusually vigorous in 19<sup>th</sup> and early 20<sup>th</sup> century Kettering, to the extent that the town elected and returned a co-operative member to Parliament between 1918and1922'*

Section 12 of the assessment concludes:

*'the most significant feature of the site are the standing buildings, particularly those forming the two street frontages.*

It adds to our understanding in that it identifies a likely build date for the large Field Street extension of between 1910 and 1920, with the buildings on the site reaching their full extent by 1967 (based on OS map evidence).

The buildings would certainly appear to meet the definition set out in the Glossary (Annex 2) of the NPPF, particularly in light of the ADBAs conclusions.

Despite the submission there remained concerns that a lack of understanding of the potential impact of the proposals on the site's significance, remained. For example, the archaeological report does not differentiate between the significance of the site's constituent buildings and spaces in terms of date, function, architectural merit or contribution to local character.

Accordingly, Officers asked for and received an assessment by an independent heritage advisor who has described the existing buildings in the following way:

*"The current Dryden street frontage is robust and rugged, conveying an uncompromisingly industrial / commercial feel to the south side of Dryden Street. Any redevelopment of this frontage should aim to retain the architectural quality of this façade. Moving to an openly domestic character would harm the mixed appearance and variety that currently contributes to the street's specific character*

*On Field Street there is a similar quality but achieved in a completely different way through the impressive glazed mass of the steel frame structure, this time subtly embellished with a modern interpretation of the classical floral drop motif to each of the main pilasters. A dentilled frieze, reminiscent of cogged teeth found in machinery, crowns the composition. This is punctuated by plain discs to either side of the slender bays that break forward at each end of the extension and recur above the transom light of the doors, this time accompanied with a centrally placed protruding lozenge motif.*

*By means of this complex interplay of height, mass, materials and quiet adornment, the potentially mundane becomes monumental, perhaps even spectacular. But the extension does not stand by itself. There is a complex inter-relationship with other similarly scaled and detailed buildings that creates an unusually intense industrial character, but one in which housing and smaller shops and commercial premises are interleaved in only a very small area. This creates an unusually remarkable late C19th landscape of considerable swagger for a town the size of Kettering at that period"*

The loss of a significant positive element that contributes so fundamentally to the sense of occasion imparted to Field Street is loss that cannot be recovered once granted, and the heritage approach would be to see it as an option of last resort. Policy 14 part i of the North Northants Core Spatial Strategy (2008) has

the policy objective of strengthening distinctive historic and cultural townscapes which is of relevance in this case.

However, it is recognised that that the applicants have had ongoing discussions with Officers over a long period and had at the time of a pre application submission in 2010 proposed retention of the early 20th century factory extension, along with a 4 storey 19th century element at the corner of Field Street and Dryden Street. Subsequently a further evaluation of what could be retained and what was proposed to be removed was undertaken by the applicants, resulting in the current proposals.

The applicants approach to putting forward which buildings to keep and which to seek to redevelop was influenced by:

- acknowledging that the site is not within a conservation area, and noting that the existing buildings are not listed nor on any formal "local list", though the existence of the listed Old School House on land adjacent to the site was recognised.
- the proposed Housing Association provider (and indeed the form of affordable housing for this site) was changed from the original, because of cut backs in the financial allocations to RSLs:
- a judgement that the proposed scheme "only just works in financial terms"
- though originally intending to retain the former factory building, the applicant's advisors stated that "renovation costs were always going to be high" (because of the nature of the building, large window openings etc);
- Retention of the former factory extension "would mean it would have to be refurbished as flats at the expense of a considerable number of houses" The Housing Association have confirmed in a letter dated 6th June 2012 that "in the current economic climate and under current funding regime it would not be viable to develop these flats and our Board would not sanction such a development"
- Recognition of advice from KBCs Housing Options team that "the overriding need in the Borough is for family housing
- "In order to progress the scheme, we have had to proceed on the basis of two phases, the first of which includes the redevelopment of the concrete framed building, and if affordable housing is to be provided it cannot be retained" (Agent's letter dated 6 June 2012)

It is also recognised that the vacant buildings and the site require a new use. The buildings may be obsolete for commercial purposes and residential re-use in this area is appropriate retaining most (if not all) of the existing buildings.

Weighing the loss of the buildings proposed for demolition:

The risk that potentially valuable buildings might be harmed or destroyed as a result of planning permission being granted is set against the context of wider planning considerations, particularly in terms of housing need, and any possible mitigating steps to limit the extent and nature of harm. The wider housing need is recognised and the argument that flats or apartments (best

suited as a use for the former factory) are not being favoured as they were a few years ago is understood. It is reasonable to conclude that the economic drivers that were behind the conversion to apartments in the neighbouring Orient House up to 2008 are different.

The RSL provider in this case stating clearly that they would not sanction a conversion to flats, is believable.

I conclude that the Council is now in possession of sufficient information on the heritage aspect to make a judgement as required by the NPPF.

It is noted that the applicant's representative has agreed to a condition to cover recording of the heritage asset prior to demolition. Also, as the applicant's have indicated that demolition of the factory is intended as one of the first actions, and recognising that there could be a scenario where demolition happens but the remainder of the development might be delayed or changed the proposed demolition to be conditioned to the signing of a contract for implementing an approved scheme.

The case for resisting demolition would be based on the loss of the historic townscape is as stated above, Policy 14 of the Core Spatial Strategy and the loss of the existing buildings identified for demolition remains a regret in heritage terms. However, having weighed all the above information, on balance, it is concluded that the proposals to remove the non designated heritage assets in this instance can be supported.

#### 4. Design, Character and Appearance

Prominent four storey buildings stand on the frontage of Field Street and the junction with Dryden Street which drop down to two stories on the Dryden Street frontage and within the site. The principal buildings date from late 19<sup>th</sup> Century/early 20<sup>th</sup> Century with significant modern extensions to the rear. The surrounding area presents a strong Victorian street pattern of terraced streets with buildings fronting the highway.

The scheme is mindful that parts of the existing buildings present architectural quality and historic interest through their reference to Kettering's strong industrial heritage and this is noted in the Archaeological Desk Based Study accompanying the application. As such, the scheme seeks to retain the prominent four storey building which stands on the corner of Field Street and Dryden Street which would be converted as part of the development. A further two storey red brick building is to be retained on the Dryden Street frontage and it is considered that retention of the parts of most merit will help to maintain the character of the area and its historic references whilst allowing the remainder of the site to be developed for much needed affordable housing.

A great deal of attention has been given to the detailed design of the properties which seek to reflect the established Victorian character of the residential properties surrounding the site. Field Street is characterised by three storey terraced properties set back behind a small front garden and the proposed properties on this frontage would therefore present a similar scale and would



be sited to maintain the established building line of the adjacent dwellings. The buildings themselves seek to reflect the detailed design features evident in surrounding buildings such as substantial chimney stacks, arched window heads and stone cills, sash windows and horizontal banding.

Dryden Street presents a more restrained character comprising two storey terraced dwellings directly abutting the highway boundary. Again, the proposed design response seeks to maintain this character with a suitable two storey infill development between the two industrial buildings to be retained. Whilst some of the Victorian design features are again incorporated within the proposed buildings such as window arrangement and style and stone lintels, less detail is incorporated in line with opposing buildings and to ensure that the new buildings do not compete with the high quality and sometimes intricate design features of the adjoining Victorian industrial buildings.

Whilst the frontage buildings have very much sought to maintain the traditional Victorian street pattern of the area, the site is very large and demolition of the modern buildings to the rear provides an opportunity for further development. A single vehicular access point is proposed from Field Street which would provide access to a public square/court yard. A shared surface would be used to encourage use by both pedestrians and drivers and this communal space could perform a dual function as a pleasant open space as well as parking and manoeuvring facilities. The surface materials should be secured by condition to ensure an appropriate visual appearance. The courtyard also allows for further residential properties to surround its South and East perimeter creating a sense of enclosure and creating a unique environment for future residents. The buildings would present a similar design and appearance to the properties proposed on the frontages of the site and would maintain appropriate reference to the character of the area, despite the somewhat unorthodox layout for a Victorian area. The court yard and surrounding buildings would in the most part be screened by the street fronting properties and it is considered that the proposed design represents an imaginative and unique design approach which would allow efficient and effective re-use of this Brownfield site.

The design and siting of the buildings have clearly taken their inspiration from a detailed assessment of the surrounding development and this is demonstrated in the applicants Design and Access Statement. Appropriate materials will be key to securing a high quality finish and ensuring that the buildings truly reflect the character of their surroundings. A condition should be used to secure the submission of samples for later approval.

#### 5. Impact on Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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”.

The Old School House stands directly adjacent to the site on Dryden Street

and is curtilage listed by virtue of its association with the Grade II listed building fronting Rockingham Road. The buildings relationship with the principal listed building has been severed somewhat by the provision of a large car park associated with Sainsbury's supermarket however the building retains its listed status and is of merit within the street scene. The industrial building directly adjacent to the property is to be retained as part of the scheme and little impact will therefore result to the setting of The Old School House.

## 6. Residential Amenity

The site currently accommodates substantial factory buildings and whilst these are currently vacant, permission for industrial use remains extant. The proposed

residential use is likely to be less intensive and more compatible with the surrounding residential land use.

The replacement buildings are of a much smaller scale, height and mass compared with parts of the large industrial buildings which would be demolished. Impacts to neighbouring properties are therefore likely to be positive, with increased amounts of light and less dominance.

Buildings fronting Dryden Street and Field Street would present a typical front to front relationship with properties on the opposing side of the street and this is considered appropriate. A back to back distance of approximately 20m would be retained between proposed residential properties within the site and those on Field Street Avenue and this is sufficient to avoid unacceptable levels of overlooking or loss of privacy. Likewise, properties to the east boundary would have views of the commercial car park associated with The Old School House and the adjacent supermarket car park only and no impact on residential amenity would therefore result.

One window opposes the site within the gable end of 52 Field Street however this is a secondary window only and no significant loss of light or other adverse impact would therefore result.

Each of the new build houses would benefit from private gardens whilst all occupants of the development would benefit from the communal space provided within the newly created square resulting in good levels of amenity.

## 7. Environmental Matters and Drainage

A detailed contaminated land assessment is required to identify any contamination resulting from the existing industrial land use and ensure that this is appropriately remediated prior to the introduction of a sensitive residential land use. The desk based study provided with the application recognises this and whilst no significant potential sources of contamination are identified, a full assessment should be secured by condition.

The Environment Agency have also considered the desk based assessment and in addition to the requirement for a full contaminated land assessment, raise concerns regarding the potential for contamination of water bodies,

particularly as the buildings stand on an existing aquifer. If a continuous groundwater body is encountered ground water samples should be tested for potential contaminants. No surface water drainage should be allowed until appropriate testing has been carried out to demonstrate that no risk of contamination exists. A scheme of foul water drainage along with phasing, management and maintenance should also be required.

Conditions should also be used to secure appropriate refuse storage and collection facilities and to prevent the installation of external lighting without prior approval of the LPA in the interests of neighbouring amenity.

#### 8. Highways and Parking

The application is accompanied by a Transport Statement which concludes that the traffic movements associated with the proposed development would be less than that which could be generated by the extant industrial use on the site. Furthermore, movements are likely to involve private motor cars as opposed to the large delivery and service vehicles associated with the existing use. It is therefore considered that the proposed development would result in a positive impact on the highway network and the Highway Authority is satisfied that the development can be accommodated.

Some concern has been raised regarding adequacy of the parking provision proposed. 37 spaces are proposed for the 44 dwellings however it must be acknowledged that the site is located on the edge of Kettering town centre, a highly sustainable location. Part 4 of the NPPF makes it clear that Local Planning Authorities should support development which can make use of sustainable modes of transport. In this case, the site is within walking and cycling distance of the town centre, its wide range of employment, amenities and facilities including public transport hubs such as the bus terminal and railway station. The Highway Authority has suggested that the need for parking would be reduced if the dwellings are secured as affordable housing; this is to be achieved through a S106 agreement. The proposed parking provision is therefore considered to be proportionate to the scale, nature and location of the development.

The proposed layout and highway design provides for acceptable vehicular access and manoeuvring space subject to conditions requiring the closure of redundant accesses, appropriate drainage and the use of inward opening doors and windows where properties directly abut the highway boundary. It is noted that no continuous footway is provided to the side and rear of Block K which could result in conflict between pedestrians and vehicular traffic. The footway can however be accommodated and this should be secured by way of condition.

#### 9. Ecology, Trees and Landscaping

The site is dominated by buildings and hard standings and the submitted Ecological Assessment identifies that the site is of low ecological value. The report makes a number of recommendations for mitigation of potential impacts

and ecological enhancement including a strategy to deal with nesting birds, introduction of wildlife boxes and appropriate native planting. A condition should be used to ensure that the development is carried out in accordance with these proposed measures.

The report also identifies that the buildings provide potential habitat for bats and a Bat Survey has subsequently been carried out. No evidence of bats utilising the buildings is identified although it is known and indeed confirmed by surveys that bats are present in the local area. As the buildings present potential habitat, the report again suggests a range of recommendations including removal of ridge and hip tiles by hand. These measures should also be secured by condition.

#### 10. Crime and Disorder

Crime prevention should be fundamental to the design of the development and the scheme should seek to achieve the ACPO 'Secured By Design' award to minimise the likelihood of crime and disorder. A condition is therefore suggested requiring a scheme of security standards/measures to be incorporated within the development.

#### 11. Sustainable Design and Construction

Policy 14 of the Core Spatial Strategy requires that development meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. Schemes should demonstrate techniques of sustainable construction and energy efficiency, provision for waste recycling/reduction and provision for water efficiency and water recycling.

The applicant has submitted an 'Energy Efficiency and Sustainable Construction' report which states that the development will achieve Code for Sustainable Homes Level 3 which is consistent with Building Regulations.

No provision is made for achieving 10% of the demand for energy through renewable of low carbon sources as required by policy 14. Further details would therefore need to be secured by way of conditions to ensure compliance with policy 14 of the CSS.

#### 12. Developer Obligations

The proposed development generates a need for the following Developer Obligations:

- 100% affordable housing
- Open Space, Community and Sports facilities - £38,583.00
- Libraries - £2,679.00
- Fire and Rescue Service - £4,048.00
- Fire Hydrant - £802.00
- Education - £31,518.00
- 5% Monitoring Fee.

These obligations are usually secured through a legal agreement under S106 of the Town and Country Planning Act 1990 in order to mitigate the impacts of

the development on local infrastructure. Officers have sought to secure these obligations however the applicant, an affordable housing provider, has submitted a Viability Assessment which demonstrates that the scheme would not be financially viable if these contributions are required and no financial contributions are therefore offered.

Usually in such circumstances, the Council should refuse planning permission on grounds that the development would result in an unacceptable adverse impact on local infrastructure which would be incapable of supporting the scheme. It is however a material consideration that this scheme would provide 100% affordable housing in line with the local housing need identified by the Council. The Housing Market Assessment for Kettering establishes a significant need for the type of housing proposed and this represents an opportunity to provide a high quality scheme which effectively re-uses a redundant Brownfield site. It is therefore suggested that financial contributions should be waived in this instance, subject to a legal agreement which secures the dwellings for the purposes of affordable housing in perpetuity.

### 13. Phasing

The application proposes to bring the development forward in 2 phases as funding is not identified for the entire scheme at the present time. It is suggested that Blocks G, H, J and K would be developed first, with the remaining blocks following at a later time. This is not an ideal approach to the scheme as it is likely to result in occupants within the first phase having to endure significant building works in close proximity and could leave the remaining phase undeveloped for some time. It is therefore considered essential to attach conditions to any planning permission granted which requires a Construction Management Plan to minimise adverse impacts to neighbouring properties. It is also considered necessary to require demolition of all buildings within the site which are not being retained as the living environment for occupants of phase 1 would clearly be unacceptable in such close proximity to the existing large industrial structures. Subject to these conditions, the development could be brought forward successfully.

### Conclusion

The proposed development accords with both national and local planning policy. The levels of parking provision, highway congestion and loss of existing buildings are material planning considerations but do not outweigh the benefits of the scheme. Failure to provide Developer Obligations will result in some detriment to local infrastructure capacity however the identified need to provide affordable housing is considered to outweigh these adverse impacts in this instance. The application should therefore be approved.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

#### **Previous Reports/Minutes**

Ref:

Date:

Michael Boniface, Development Officer on 01536 534316



# SITE LOCATION PLAN

Dryden Street & Field Street (land at junction of), Kettering  
Application No.: KET/2011/0405



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