

BOROUGH OF KETTERING

Committee	Full Planning Committee - 01/07/2014	Item No: 5.1
Report Originator	Alison Riches Development Officer	Application No: KET/2014/0098
Wards Affected	St. Michaels and Wicksteed	
Location	116 London Road, Kettering	
Proposal	Outline Application: Erection of 3 no. 2 storey detached dwellings, and 4 no. 2 storey semi-detached dwellings	
Applicant	Mr P Bannell	

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 REFUSED for the following reason(s):-

1. 116 London Road has significance as a non-designated heritage asset and the existing dwellinghouse benefits from a history that relates strongly to that of Kettering through its association with the Dryland family. By virtue of the loss of the dwellinghouse and its gardens, the proposed scheme would adversely and unjustifiably impact on the character and appearance of the surrounding area. As such, this is contrary to Section 12 of the National Planning Policy Framework which requires the significance of a non-designated heritage asset to be taken into account. It is also contrary to policy 13 of the North Northamptonshire Core Spatial Strategy which requires new development to conserve and enhance distinctive historic elements within the townscape.

2. The application fails to provide sufficient survey information in respect of the presence or otherwise of bats at the application site necessary for a comprehensive evaluation of the proposal. As such, this is contrary to policy 13 of the North Northamptonshire Core Spatial Strategy which requires new development to conserve and enhance the biodiversity of the environment.

Officers Report for KET/2014/0098

This application is reported for Committee decision because there are unresolved material objections to the proposal, and the proposal is a contentious application which, in the opinion of the Head of Development Services, is a matter for the decision of the Committee.

3.0 Information

Relevant Planning History

KET/2012/0452

- TPO.
- T1 Wellingtonia - fell.
- **Withdrawn** 07/01/2013.
- Tree removal granted by KET/2009/0728.

KET/2012/0449

- TPO.
- T1 Cedar - 20% crown reduction.
- **Approved** 03/09/2012.

KET/2010/0695

- Full.
- 3 no. dwellings.
- **Approved** 13/12/2010.
- Pre-commencement conditions discharged. Planning permission implemented.

KET/2009/0728

- Full.
- Conversion to 4 no. flats including two storey side and rear extensions, plus parking and storage facilities.
- **Approved** 24/03/2010.
- Removal of TPO tree, T1 Wellingtonia permitted subject to approval of replacement tree.
- Pre-commencement conditions discharged. Planning permission implemented.

KET/2008/0226

- Outline.
- Demolition of existing house; erection of 2 no. three storey houses; 2 no. two storey semi-detached houses; 3 no. two storey detached houses.
- Access, landscaping and layout considered. Appearance and scale reserved for later reserved matters application(s).
- **Refused** 23/09/2008. **Appeal dismissed** 12/06/2009.
- Article 4 direction issued 05/05/2009.
- TPO 2008 No.5 for 1 no. Wellingtonia and 1 no. Cedar issued 02/06/2009.

KE/02/1009

- Outline.
- Housing development.
- 6 no. dwellings – 3 pairs of semi-detached dwellings.
- Plots 1 and 2 - three storeys, plots 3 to 6 - 2 two-storeys.
- Access and siting considered.
- **Approved** 04/08/2003.
- Not implemented. Planning permission lapsed.

KE/01/0939

- Outline.
- Demolish existing house and garages for housing development.
- 7 no. detached dwellings.
- **Refused** 20/03/2002. Appeal withdrawn.

KE/90/0729

- Full.
- Block of garages for existing dwelling.
- **Approved** 09/10/1990.

Site Description

Officer's site inspection was carried out on 28/03/2014.

The application site is located in a predominantly residential area on London Road to the southeast of Kettering town centre. London Road, formerly the A6, is one of the main approach roads to and from Kettering.

The prevailing character in this area is for large higher status detached and semi-detached, two and two and a half storey, Victorian and Edwardian houses in London Road, set back from the highway edge in large plots of land, with lower status, higher density, two-storey terraced housing on the spur roads leading from London Road. The buildings located on the corner plots historically address the corners and reflect the higher status of the properties in London Road.

The area is indicative of Kettering's suburban expansion during the Nineteenth century following the growth of the shoe and textile industries in the town, and the construction of large villas on the arterial routes (including Rockingham Road and Headlands) was illustrative of Kettering's wealth during this industrial period with the middle classes building their properties where they would be admired by all on their way into the town.

The application property is set back within a large plot of land and is a large detached step-fronted red brick two-storey suburban villa, with a projecting two-storey element containing a ground floor bay window and porch with surviving original door and tiles. The property was originally built in 1886 by local architect J T Blackwell (of Blackwell, Storry and Scott) for Dr John Winter Dryland, a Kettering social reformer and medical doctor.

A two-storey extension was added to the north elevation in 1905 to provide a waiting room and a first floor extension was added to the rear (west) elevation to provide additional living space. The rear of the building has been much altered and is not visible within the public realm. Save for the replacement of windows and roofing materials, the building retains its character when viewed from the public realm.

In recognition of its contribution to the local character, in 2009 the existing dwellinghouse was afforded protection under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995, as amended, (the GPDO).

The dwellinghouse is shielded from public view by a Victorian red brick front boundary wall approximately 1.8 metres in height, inside which is a large area of front garden containing a parking area and extensive planting in the form of trees and hedges in excess of 3 metres in height. The boundary wall extends into the site along the side boundaries but is replaced with 1.8 metre high wooden panel fencing past the house as it extends into the rear garden.

There is a driveway to the north end of the site which extends past the north elevation of the dwellinghouse finishing at a detached red brick treble garage with a pitched roof which was built in the 1990s.

The rear garden contains two small ponds and an amount of established planting which has not been maintained. There is a TPO tree, a Wellingtonia, at the north end of the site, close to the front boundary.

To the north of the application site is a large two and a half storey semi-detached dwellinghouse with a separate garage, to the south is a large two and a half storey detached dwellinghouse, which has been converted into 8 no. flats, and to the west is Gabriel Court, fronting onto Hawthorn Road, a residential care home for the elderly whose plot extends to the rear of the application site and which has a single storey element close to the rear (west) boundary of the application site.

Proposed Development

The proposal is for Outline planning permission for the demolition of the existing dwellinghouse and garage on site and the construction of 7 no. dwellinghouses, access and associated parking. The reserved matters of access, appearance, layout and style are under consideration with landscaping only to be considered under a later reserved matters application.

The 7 no. dwellinghouses will comprise:

- Units 1 and 2 - 2 no. two storey 4 bed semi-detached dwellinghouses with rooms in the roof, each with 2 no. parking spaces.
- Units 3 and 4 - 2 no. two storey 4 bed semi-detached dwellinghouses with rooms in the roof, each with 2 no. parking spaces.
- Units 5, 6 and 7 - 3 no. two storey 3 bed detached dwellinghouses with

rooms in the roof, each with a single garage and parking space.

Due to concerns raised regarding the possible presence of protected wildlife species at the site, highway and design issues a Phase 1 Habitat Survey was provided and amended plans in relation to the design of Units 1 and 2 and the access and parking layout at the site.

Any Constraints Affecting the Site

A Road

Tree Preservation Orders

Article 4 direction

4.0 Consultation and Customer Impact

Environmental Health

- No objection.
- Request conditions regarding contaminated land, construction method statement

Highway Authority

Initial Consultation 05/03/2014

- Number of dwellings off a private drive exceeds the maximum number of 5.
- To promote this layout, the access would need to comply with adoptable standards i.e. the width would be a minimum of 4.8 metres with a 1.8 metre footway on one side and a 1 metre service strip on the other, correctly drained and at an acceptable gradient.
- The access needs to approach London Road at 90° for the initial 10 metres – this is not shown to comply on the submitted drawing.
- Not sufficient convenient on-site parking for the dwellings, much of which is remote from the houses.
- Inadequate turning on site.

Reconsultation 16/05/2014

- Content to have 2 no. houses against London Road and 5 no. to the rear due to utilities provision rather than vehicle access requirements.
- 2 no. houses on London Road will be serviced by utilities directly meaning that the other 5 no. will not place and unacceptable burden on supply infrastructure, so parking for the 2 no. front units can be around the back as proposed.
- Shared access is also compliant with our standing advice requirements and the only issue would appear to be as to its gradient and how the drainage would work in ensuring no surface water drainage would be permitted to flow onto the highway.

Northants County Council Archaeology

- County Historic Environment Record indicates the possible site of an

Iron Age settlement to the south, known from a find of pottery. Its full extent is therefore not known.

- Request condition for an archaeological programme of works.

The Wildlife Trust

- Phase 1 Habitat Survey provided.
- Further survey work required for Bats in line with the recommendations in the 'Daytime Bat Survey' prior to recommendation.
- Condition all recommendations in 'Preliminary Ecological Assessment'.

Neighbours

Initial Consultation 05/03/2014

3 letters of objection received:

Character and Appearance

- House is subject to a conservation order for listed buildings.
- Beauty and integrity of this old historic building should be protected as it benefits from a history that strongly relates to that of Kettering through its association with the Dryland family.
- Policy 13 of the North Northamptonshire Core Spatial Strategy indicates development should conserve and enhance distinctive historic elements within the landscape and packing in so many proposed dwellings would ruin all the surrounding area. One of the points used when the 2008 application was refused.
- The proposal would have a detrimental impact on the character of the surrounding area, creating discontinuity as so many properties have been built over 100 years ago and would not sit with the addition of so many of these modern properties proposed.
- Peaceful, tranquil area in the heart of an urban setting.
- Area established for over a hundred years. Appalled at the prospect of losing this part of the town's history to a commercial housing development.
- No wish to see an area of peace and calm replaced by unnecessary modern buildings.
- This location not a necessity. Alternative sites for this development.

Residential Amenity

- Public utilities plan for so many dwellings in the area another huge concern from a past application that was refused.
- Insufficient outside amenity space for the proposed dwellings.
- Lack of privacy as the proposals will be so high they'll look into our garden and home as we have glass along the back of our house.
- Rest home backs onto the site which would also be greatly affected with regards to privacy and noise.
- Construction of 7 houses at the bottom of my garden will significantly detract for the quality of life for local residents.
- Loss of privacy, increase in noise levels and traffic flow due to this development.

Access and Parking

- Difficult to see how access to the site could be delivered without damage to these trees or the house.
- Current pressures on London Road in terms of traffic, especially in mornings and evenings. This would add to congestion with vehicles trying to leave and enter the site.
- Amount of traffic to and from the proposed development with the access onto London Road, would increase the risk of accidents being so close to Broadway and Hawthorn Road – per Highways comments on KE/01/0939.
- Overcrowded road network and lack of parking in this area of Kettering.
- Insufficient parking spaces included in the proposal, causing additional problems.
- Access to and from the development on London Road within the short area containing Broadway and Hawthorn Road will mean added traffic problems on an already busy major route through town.

Wildlife

- Due to intensively built environment in Kettering, wildlife has become dependent on garden habitats.
- Largest garden in this habitat. Its destruction would have a deleterious impact on the integrity of the wildlife in the surrounding area.
- The site supports several protected species of national importance afforded protection under UK law.
- Heron and Doves around the property and gardens alongside many other birds.
- Mature pond on the proposed land containing frogs and newts.
- Good ecological balance of nature in a built up area which would be destroyed by the development.

Trees

- Two of the trees are subject to preservation orders which reinforces the importance of maintaining the site in its current integrity.

6 letters of support received:

- With schools and shops nearby this area is ideal for families and housing and is in great demand.
- Some hideous local planning errors, the flats on the corner of London Road and Roundhill Road being a prime example.
- Development in keeping with the area and will accommodate much needed within walking distance of the town centre.
- Consider adequate parking in your plans so the new site will not make the current problems worse.
- Cannot understand why so many problems obtaining permission when you are offering a Brownfield site which is at present wasted land and seems to have been blocked. 5,000 dwellings have been approved on local farm land, despite public opinion against it.
- See no practical objections to this and feel it will enhance the area, while

- also giving much needed housing.
- See no reason and would have no objection to this being granted.

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 12. Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1. Strengthening the Network of Settlements

Policy 9. Distribution & Location of Development

Policy 10. Distribution of Housing

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Local Plan

35. Housing: Within towns

Supplementary Planning Documents

Sustainable Design SPD

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. Heritage, Character and Appearance
3. Residential Amenity
4. Tree Protection
5. Access, Parking and Highway Safety
6. Wildlife and Ecology
7. Contaminated Land
8. Sustainable Construction and Energy Efficiency

1. The Principle of Development

The application site is in an established residential area to the southeast of Kettering town centre, within the town boundary of Kettering, as defined by

Policy 35 of the Local Plan for Kettering Borough. Policy 35 is supportive of proposals for residential development in principle.

Paragraph 49 of the National Planning Policy Framework states that applications for housing should be considered in the context of the presumption in favour of sustainable development.

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', providing a focal point for residential development.

Policy 13 of the North Northamptonshire Core Spatial Strategy is supportive of new development provided there is no adverse impact on character and appearance, residential amenity and the highway network.

Planning permission has previously been granted on site for residential development and most recently for 3 no. new dwellinghouses and associated parking at the west end of the site under reference KET/2010/0695 and for alterations, extensions and conversion to 4 no. flats of the existing dwellinghouse under reference KET/2009/0729.

The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

2. Heritage, Character and Appearance

Section 12, paragraph 135, of the National Planning Policy Framework (NPPF) states that the effect or an application on the significance of a non-designated heritage asset should be taken into account.

Whilst the dwellinghouse is not in a Conservation Area and is not statutorily listed but due to its local historical and architectural importance has been subject to a direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995, as amended, (the GPDO) since 5th May 2009.

Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires new development to reflect, respect and enhance the character of its surroundings.

The application site comprises a large detached two storey dwellinghouse set back from the highway edge in a large plot of land on a main arterial route into Kettering.

The Article 4(1) direction restricts development granted planning permission by Classes in Schedule 2 of the GPDO.

The permitted development in Schedule 2 of the GPDO affected by the Article 4 Direction is:

Part 1

Class A – The insertion of new window or door openings on the north, south or

east elevations and the demolition of chimneys.

Classes B and C – Alterations or extensions to the roof of the dwellinghouse.

Class D – The erection of extensions or porches/canopies or any associated feature or fitting on the north, south or east elevations.

Class H – The installation of a microwave antenna on the north, south or east elevations.

Part 2

Class A – The erection, construction, maintenance, improvement or alteration of any means of enclosure between the front elevation of the property and the public highway.

Class C – The painting of the exterior of the property on the north, south or east elevations.

Part 31

Class A – The demolition of the dwellinghouse

Class B – The demolition of any means of enclosure situated between the front elevation of the dwellinghouse and the public highway.

The Article 4(1) direction was served to protect the property due to its local importance in terms of the contribution to the street scene, its importance in the character of the historic street patterns, its social history both architecturally and in terms of the community, and the survival of an important local architect's work. The restrictions were placed on the north, south and east elevations as these were the least altered and most important in terms of the character of the street scene. The direction also prevented demolition. The restrictions were considered reasonable to enable the proper planning of the area and protect its amenity given the importance of the building.

In terms of the justification for the Article 4(1) direction, the dwellinghouse on site is indicative of Kettering's suburban expansion during the nineteenth century following the growth of the shoe and textile industries in the town. It is a substantial detached suburban late Victorian/Edwardian villa which fronts London Road, one of the main arterial routes in and out of the town centre. The construction of large villas on these routes (including Rockingham Road and Headlands) was illustrative of Kettering's wealth during this period with the middle classes building their properties where they would be admired by all on their way into the town. Therefore this form of development is an outstanding example of the Victorian suburban character of Kettering. In recent years this character has been eroded by development which has resulted in the demolition of these properties and their replacement with higher density developments.

The building itself is a tangible link to the social, and therefore, architectural history of the town. Dr John Winter Dryland who had the house built in 1886

was a social reformer within Kettering. He was instrumental in replacing the Parish system of Local Government with a more efficient Local Government Board. In 1871 he also founded a water company which supplied purer, healthier water to Kettering. He was Medical Officer of Health to the Local Government Board as well as Medical Officer to Midlands Railway, the Post Office and the Fire Brigade in the town. He also set up the isolation hospital on Rockingham Road and was the inspector to the poor house. Workhouse Lane was renamed Dryland Street in his honour.

The dwellinghouse was built at the time when he had done much of his work and the assumption is that it was constructed to demonstrate his status within the town. On its construction it functioned as a home with his surgery being on the High Street. However, in 1905 Dr Leslie Winter Dryland (his son) extended the property to include a waiting room and surgery, thus making the property part of Kettering's community history as a Doctors surgery.

The architects of the property, Blackwell, Storry and Scott (although it is likely that Scott had not joined the partnership at this time) were an important architects practice within the town second only to Gotch, Saunders and Surrige. As with Gotch they were highly influential in bringing the classic villa style to the town producing some important buildings within the town including the vicarage to St Andrews Church and the Nat West Bank on the High Street.

In terms of the character and appearance of the area, the dwellinghouse on site is largely obscured from roadside vantage points by unmanaged tree and shrub growth which results in a relatively muted presence in the built landscape. Despite this the dwellinghouse still retains and conveys a conspicuous indication of social position and by virtue of being detached with a sizeable rear garden the dwellinghouse compares well with the more conspicuous, taller and more highly ornamental semi-detached houses between Broadway and Hawthorn Road. In the surrounding area, properties opposite the application site and in the side streets leading west from London Road are less high-status and become formed into terraced rows where the intensive urban grain of the built form along the street side is relieved by the collection of gardens at the back of these houses.

The good quality front boundary wall at the application site is also indicative of the larger, grander, higher status housing in this and other parts of the town which also contributes positively to the local built environment. The overgrown shrubs at the front are a temporary circumstance that obscures the building but which by being removed or thinned would act to restore or enhance the dwellinghouse's contribution to the street which it overlooks.

In terms of this application it is considered that both the original and amended proposals have a relatively modest floor area, particularly for Units 1 to 4 which does not sit comfortably with the form and scale of neighbouring properties.

The revised scheme, which is the one now subject to consideration, gives rise to issues of character and appearance of the proposals in relation to surrounding development and the wider street scene.

The proposals for Units 1 to 4 do not provide development of sufficient merit to justify the loss of the existing property in that they do not create a strong sense of place by strengthening the distinctive historic and cultural qualities and the form and appearance of the surrounding area.

Demolition and redevelopment in the gardens would cause substantial harm to the local asset itself and would harm the systematic pattern of the Victorian layout by inserting a series of structures into the existing plot where there is only one at present indicating a principle to gain maximum development from the plot rather than reacting to the context and its constraints.

Although it could be argued that there is a public benefit from the creation of a number of new homes, the number is not so great as to outweigh the harm caused by the demolition of the existing dwellinghouse and the accompanying erosion of local character that it causes.

Extant planning permission already exists under two planning consents for a total of 7 no. residential units at the site. A scheme to add two-storey extensions to the north and west elevations and to convert the existing dwellinghouse into 4 no. 2 bedroom apartments was granted planning permission under reference KET2009/0728 and a scheme for 3 no. detached dwellinghouses was granted planning permission under reference KET/2010/0695. These dwellinghouses are in the same location as Units 5 to 7 of the submitted scheme. It is considered that siting dwellinghouses in this location will not be visible in the public realm and will therefore not have an adverse impact on the character and appearance of the existing dwellinghouse within the street scene, or on surrounding development.

These two planning permissions were granted in response to extensive pre-application discussion following the refusal of Outline planning permission, under reference KET/2008/0226, and subsequent dismissal at appeal for 7 no. dwellinghouses in virtually the same locations within the site as the current scheme. This also led to the serving of the Article 4(1) direction on the property.

Although no elevations and details were provided for the outline the Planning Inspector, in dismissing the appeal, opined that the context against which new development in the immediate area should be assessed against is the interesting mix and range of styles of the Victorian properties in the area which vary from terraced and semi-detached dwellings to the larger detached buildings fronting London Road. The Inspector also opined that the tandem form of the layout would be an uncharacteristic feature in the immediate area. As the proposed layout provides dwellinghouses in almost identical locations within the site, the applicants cannot be seen to have addressed this issue. The final conclusion of the Inspector was that the 2008 proposal failed to show adequate regard for the form and character of the immediate area and to demonstrate that the development would strengthen rather than detract from the qualities of the townscape and the cohesive nature of this area of Victorian housing.

Policy 13 of the North Northamptonshire Core Spatial Strategy was the relevant Development Plan policy at the time of the appeal and remains relevant. As well as requiring new development to be of a high standard of design, respecting and enhancing the character of its surroundings, the policy also requires new development to create a strong sense of place by strengthening distinctive historic and cultural qualities and townscapes.

As such, the proposed scheme does fails to strengthen the distinctive historic and cultural qualities of this part of Kettering, fails to show adequate regard to the form and character of development and fails to offer public benefit to outweigh the harm caused to local character and historic built environment by the loss of a property of historical and architectural value.

The proposal cannot therefore be supported and the scheme is to be recommended for refusal.

Notwithstanding the above, the proposed scheme is discussed under the following material considerations:

3. Residential Amenity

Policy 13(l) of the North Northamptonshire Core Spatial Strategy requires new development not to result in an unacceptable impact on the amenities of neighbouring properties.

Notwithstanding the character and appearance argument, the proposals are for a pair of semi-detached two storey dwellinghouses at the front of the site, a pair of semi-detached two storey dwellinghouses in the middle of the site and 3 no. detached two storey dwellinghouses at the back of the site.

Objections have been received regarding public utilities, insufficient outside amenity space, lack of privacy due to the height of the proposals, the effect on the care home at 17-23 Broadway (known as Gabriel Court), quality of life for local residents, increase in noise levels and traffic flow. Each issue raised is dealt with in turn:

Public Utilities

An objection was raised in terms of the public utilities serving the site. The Highway Authority have no objection to having 2 no. dwellinghouses facing London Road and 5 no. dwellinghouses to the rear, as the 2 no. dwellinghouses on London Road would be serviced by utilities directly from London Road which would therefore not place an unacceptable burden on the supply infrastructure. The 5 house limit off a private drive relates to the utility requirement within the site as opposed to the vehicle access requirements.

As there is no Highways objection, it is considered the utility details and drainage plans can be addressed by the imposition of a condition requiring details to be submitted and approved.

Amenity Space

An objection has been raised as to the lack of amenity space for each of the proposed dwellinghouses.

The amended plans submitted show rear amenity space for each proposed dwellinghouse of at least 10 metres, when measured from the rear elevation of each property.

Development has already been approved under reference KET/2010/0695 for 3 no. dwellinghouses in the locations of Units 5, 6 and 7 of the submitted scheme.

When considering what has already been granted against the submitted proposals, the additional 4 dwellinghouses are of a comparable size, scale and density to Units 5, 6 and 7 and have a similar amount of rear amenity space. This is therefore considered to be acceptable and will not result in a loss of amenity to future occupiers.

Lack of Privacy/Overlooking/Overbearing

In conjunction with the size of the rear amenity space, objections have been received as to a loss of privacy to both future occupiers and surrounding neighbours in terms of overlooking, and being overbearing due to the height of the proposals.

Units 1 and 2 of the submitted scheme reflect the height of the existing dwellinghouse on site with an eaves height of 6.725 metres and a maximum height of 8.85 metres which is lower than both properties either side at No.114 London Road and Victoria Court. Victoria Court has an eaves height of 8.6 metres and a maximum height of 10.4 metres, nearest to the application site and No.114 London Road has an eaves height of 7 metres and a maximum height of 10 metres, nearest to the application site. As such, the proposed dwellinghouses at Units 1 and 2 are considered not to be overbearing on surrounding development.

Although the rear plot for Unit 2 is an irregular shape, it would be unreasonable to remove permitted development rights for rear extensions for Unit 1 as granted by Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended, due to the fact that any rear extensions above single storey fall outside the remit of Class A, and single storey extensions have height limitations imposed by the proximity of the site boundary with Unit 2.

Units 3 and 4 are set in the middle of the application site and have an eaves height of 6.45 metres and a maximum height of 8.775 metres. As these two dwellinghouses are located in the middle of the site and set away from the northern site boundary by the site access road, and from the southern site boundary by the 10 metre long rear amenity space, it is considered that there will be no overlooking of surrounding development at No.114 London Road and Victoria Court.

Units 5, 6 and 7 are at the rear of the site and have an eaves height of 6.715 metres and maximum height of 8.36 metres.

Unit 5 has a blank flank elevation facing the rear boundaries of Nos. 9, 11 and 13 Broadway to the north and Unit 7 has a blank flank elevation facing the rear boundary of No.28 Hawthorn Road to the south and the side (north) boundary of Victoria Court to the east in London Road. No windows are proposed in the flank elevations at first floor level and each dwellinghouse is set away from its side boundary with the neighbouring properties by at least 1 metre. Unit 6 is set between Units 5 and 7 and will have no impact on loss of privacy or the overlooking of surrounding development due to the 10 metre rear plot depth between the proposed dwellinghouse and Gabriel Court to the west. To prevent any possibility of future overlooking, a condition is to be imposed preventing openings at first floor level in the north elevation of Unit 5 and the south elevation of Unit 7.

Planning permission has already been granted under reference KET/2010/0695 for 3 no. dwellinghouses in the locations of Units 5, 6 and 7 of the submitted scheme. The planning permission is still extant which means the proposals can be built out at anytime. It is considered that the current proposals address more satisfactorily the issue of any overlooking by Units 5 and 7 than the previously approved scheme as no openings are proposed at first floor level or in the roof slope facing the neighbouring properties as opposed to the approved scheme which has two no. obscure glazed windows at first floor level facing in the elevations facing the neighbouring properties.

Gabriel Court

Gabriel Court is a Residential Care Home located at 17-23 Broadway. A large single storey element of the Care Home extends the width of the rear (west) boundary of the application site. Currently there is extensive planting within the boundary edge adjacent to Gabriel Court, which due to it being single storey is currently not visible from the application site. The rear gardens of Units 5, 6 and 7 will abut the west boundary and as such, the occupiers of these units will not cause any adverse amenity impacts to the occupiers of the Care Home and the occupiers of the care home will not cause any undue amenity issues to future occupiers of Units 5, 6 and 7.

Although Landscaping is the only reserved matter not dealt with under the current application, a condition is to be imposed requiring the submission of a landscaping scheme and boundary treatment for approval to ensure there is adequate screening at the boundary edge.

General Noise and Noise from Traffic

Objections have been raised to an increase in noise by the proposal in terms of the use of the site once established for residential purposes and increased traffic flow within the site.

In terms of the noise from traffic, the proposed access into the site is not changed from the current access and it is considered to be of sufficient distance from the two existing properties either side to lead to no adverse noise

impacts.

The onsite access road is closest to the dwellinghouse to the north at No.114 London Road however at its closest point with the north boundary, No.114 London Road has a long single garage which together with the existing brick boundary wall in excess of 1.5 metres high, will reduce any sound impacts. Given the relationship between the proposed access and adjacent buildings together with the existing boundary treatment, it is considered that any resultant noise to be generated by the proposal will not have a demonstrable impact on neighbouring occupants. A condition is to be imposed to secure a satisfactory surface treatment for the proposed access in order to further reduce any resultant noise generated from vehicular traffic.

With respect to the noise concerns and objections relating to the use of the site once established for residential purposes. It is considered the separation distances between the new dwellinghouses and existing surrounding development will give rise to no adverse impact on the living conditions of neighbours caused by normal residential vehicle movements from and within the site.

Planning permission has previously been granted 7 residential units at the site with associated parking - 3 no. dwellinghouses at the rear of the site under reference KET/2010/0695 and for the conversion of the existing dwellinghouse to 4 no. flats under reference KET/2009/0728.

Both of these proposals have been considered acceptable in terms of amenity, noise and traffic movement, and as these planning permissions are extant they can therefore be built out at any time.

It is considered therefore that the proposal for 6 no. dwellinghouses on site with associated parking will not give rise to levels of noise from traffic or general residential use, over and above acceptable levels or in excess of the schemes resulting in 7 no. residential units already granted planning permission.

Other Issues

Loss of light. Due to the path of the sun in relation to the location and orientation of the proposed dwellinghouses within the site, and their relationship with surrounding properties and the length of the rear gardens, there will be no loss of sunlight or daylight to either the neighbouring occupiers or future occupiers of the onsite development as a result of the proposal.

Conclusion

Subject to conditions preventing openings at first floor level in Units 5 and 7, the landscaping of the site and surfacing of the access road, there are considered to be no adverse impacts on the amenity of surrounding neighbours and future occupiers which is in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. Tree Protection

Notwithstanding the character and appearance argument, two of the trees on

site are subject to a Tree Preservation Order. Both trees are in the front garden. T1 is a large Cedar to the northeast of the existing dwellinghouse and T2 is a Wellingtonia to the southeast of the existing dwellinghouse.

Planning permission granted under reference KET/2009/0728 for the conversion of the dwellinghouse and two storey rear and side (north) extensions to provide 4 no. flats, allowed the removal of the Wellingtonia, and it's replacement with a heavy standard native tree, in order to create a new vehicular access at the southeast end of the site. The new access was to provide access to the rear of the site to facilitate a development of 3 no. dwellinghouses at the bottom of the rear garden which was granted planning permission by KET/2010/0695.

The applicant has discharged all pre-commencement conditions for each planning permission and has commenced the development for each, therefore lawfully allowing for the removal of the Wellingtonia in relation to KET/2009/0728.

As KET/2009/0728 has commenced the Wellingtonia can be removed from the site without the need to apply under the Tree Preservation Order, and therefore it is not possible to add a condition for its future retention.

5. Access, Parking and Highway Safety

Policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy 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.

Policy 4 of the National Planning Policy Framework (NPPF) requires local parking standards for residential development to take into account the accessibility of the development the type, mix and use of the development, the availability of and opportunities for public transport, local car ownership levels and the overall need to reduce the use of high-emission vehicles.

Notwithstanding the character and appearance argument, the application site is less than 1 kilometre from Kettering Town Centre and is on a main arterial route into the town centre. There is a regular bus service to and from the town centre and the site is within walking distance of the train and bus stations.

The initial site layout contained a large parking/manoeuvring area in front of Units 6 and 7, which gave rise to an excess of parking spaces for these dwellings, Units 3 and 4 had insufficient parking for each dwellinghouse and the parking area had a poor relationship with each dwelling. The parking for Units 1 and 2 consisted of tandem parking with a poor relationship with these units also.

The Highway Authority objected to the initial layout as it did not comply with their adopted 'Local Highway Authority Standing Advice' (April 2013) in that the number of dwellings off a private exceeded the maximum of 5, the access did not approach London Road at 90° for the initial 10 metres and there was not

sufficient convenient on-site parking for each dwellinghouse, much of which was remote from the properties with inadequate turning.

Objections were also received from surrounding neighbours stating that the proposal would lead to added traffic problems on a busy major route through town, especially mornings and evenings, would add to congestion in the area with vehicles trying to leave and enter the site, and would lead to an increase in the risk of accidents being so close to the junctions with Broadway and Hawthorn Road. Further objections were raised regarding the issue of a lack of parking in this area of Kettering.

Amended plans were received to address the Highway Authority issues raised which amended the access to the site to provide a 90° approach from London Road and also served to move the access route away from the TPO Wellingtonia tree at the northeast corner of the site. The internal road way was also amended to remove the turning head within the site and the parking for each dwellinghouse was rationalised to increase the number of parking spaces for Units 3 and 4 and to reduce them for Units 6 and 7.

The Highways Authority accepted the amended plans and confirmed there was no objection to having 2 no. dwellinghouses against London Road and 5 no. dwellinghouses to the rear, as the 2 no. dwellinghouses on London Road would be serviced by utilities directly and not place an unacceptable burden on the supply infrastructure. The 5 house limit off a private drive relates to the utility requirement as opposed to the vehicle access requirements, in compliance with the adopted 'Local Highway Authority Standing Advice' (April 2013).

In relation to the other objections raised, the Highways Authority had no concerns that the additional traffic generated by the proposal would cause congestion, increase the traffic generation in London Road, or lead to an increase in the likelihood of accidents.

Although details of the gradient of the access and how surface water drainage is to be dealt with to prevent flow onto the highway were not been submitted, these details can be requested and controlled by condition.

It is therefore considered that, subject to the imposition of conditions regarding the access gradient and surface water drainage, the proposal complies with policy 4 of the NPPF in that there is adequate on-site parking provided for the type, mix and use of development, local car ownership levels and the accessibility of the development and policy 13 of the North Northamptonshire Core Spatial Strategy in that the access and parking arrangements would not result in an adverse impact on the highway network nor prejudice highway safety.

6. Wildlife and Ecology

Policy 13 (o) of the North Northamptonshire Core Spatial Strategy requires new development to conserve and enhance the biodiversity of the environment.

An objection has been received which states that there are likely to be protected species at the application site. Notwithstanding the consultation response, at the time of the site visit the large plot contained two ponds, as well as large trees and long established planting. The garden had not been highly maintained.

A Phase 1 Habitat Survey was requested and as a result of consultation with the Wildlife Trust, further day and night time surveys were to be carried out to establish whether there were bats at the site.

This further survey work and consultation response is expected to be available before Committee. Accordingly, a summary of the outcome will be provided in the Committee Update. In the meantime, refusal reason 2 is recognition of the present position.

7. Contaminated Land

Due to the underlying geology present throughout Northamptonshire, levels of naturally occurring arsenic, vanadium and chromium found throughout the borough frequently exceed the levels at which the risk from arsenic, vanadium and chromium to human health is considered acceptable for residential land use. To prevent any unacceptable risk to human health to future occupiers of the site, further investigation on site will be necessary to assess the extent of contamination which will then inform a remediation scheme.

This further investigation/remediation scheme can be satisfactorily secured by condition in the interests of human health, property and the wider environment in accordance with 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.

8. Sustainable Construction and Energy Efficiency

Policy 14(b) of the North Northamptonshire Core Spatial Strategy states that development should meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. All developments should 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.

Other than the completion of the Sustainable Design SPD checklist and general information provided in the submitted Design and Access Statement, no information has been submitted to adequately demonstrate that the development is sustainable in respect of construction, materials, waste management and energy and water efficiency. The provision of these details can be secured by condition.

Conclusion

The harm caused to the local character and historic built environment by the demolition of the dwellinghouse on site which has local historic and architectural value, and its replacement with a more intensive development which pays insufficient attention to the character of the surrounding area, outweighs the other material planning considerations, and is contrary to policies in the Development Plan and is therefore recommended for refusal.

Background Papers

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: