

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 02/06/2015</b>	<b>Item No: 5.6</b>
<b>Report Originator</b>	<b>Andrew Smith Senior Development Officer</b>	<b>Application No: KET/2015/0349</b>
<b>Wards Affected</b>	<b>All Saints</b>	
<b>Location</b>	<b>Countrywide Surveyors Car Park, St Andrews Street, Kettering</b>	
<b>Proposal</b>	<b>Full Application: 9 no. dwellings</b>	
<b>Applicant</b>	<b>Mr Damon Hughes Certain Security Ltd,</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 the following Condition(s):-

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

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

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details referenced as follows: KET/2015/0349/6; 758/P1A; 758/P2B; 758/P3A; 758/P4A; 758/P5B; 758/P6A; 758/P7; 758/P8A; 758/P9A; 758/P10A; 758/P11; 758/P12; 758/P13; 758/P14.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

#### A. Site Characterisation

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

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

(ii) an assessment of the potential risks to:

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

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 (or any model procedures revoking and replacing those model procedures with or without modification)'.

## B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (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 condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

**REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy 13 of the Core Spatial Strategy.

4. No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To secure the provision of archaeological investigation and recording, to comply with Government advice in the National Planning Policy Framework.

5. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used for the dwellings and street boundary treatments, 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.

6. No development shall commence on site until details of the types and colours of all 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.

7. 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 to the parking court shall be completed before any dwelling is first occupied.

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

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, the layout, contouring and surfacing of all open space areas. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development whichever is the sooner. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

9. 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 protect the privacy of the occupiers of adjoining properties in accordance with policies 13 of the North Northamptonshire Core Spatial Strategy.

10. Prior to occupation of the development a scheme detailing the installation of a new fire hydrant within 100metres of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of a dwelling.

REASON: In the interests of maintaining public safety and securing a high quality development, in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

11. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the south elevation or roof plane of the plot H7.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A, B or D of Part 1 of Schedule 2 of the Order shall be constructed on the application site.

REASON: To protect the visual amenity of the area and the amenity and privacy of the occupiers of neighbouring property, in accordance with Policy 13 of the Core Spatial Strategy.

13. The development hereby permitted shall not be carried out other than in accordance with the submitted Design and Access Statement (KET/2015/0349/5), and Sustainable Design and Energy Statement (KET/2015/0349/3).

REASON: In the interests of sustainable development in accordance with Policy 14 of the North Northamptonshire Core Spatial Strategy.

14. The boundary treatments, cycle storage and refuse arrangements shall not be carried out other than in accordance with the approved plans referenced 758/P1A, 758/P6A, 758/P8A, 758/P14.

REASON: In the interests of sustainable development and general amenity in accordance with Policies 13 and 14 of the North Northamptonshire Core Spatial Strategy.

## **Officers Report for KET/2015/0349**

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

### **Information**

#### **Relevant Planning History**

KE.76.919 – Car park – approved

KE.89.656 – Outline – 3 storey development – approved

KE.93.88 – Retail unit with ancillary storage and office – approved

KET/2012/0231 – Erection of 9no. houses – approved

#### **Site Description**

Officer's site inspection was carried out on 12<sup>th</sup> May 2015. The site is a surface car park in the town centre. It is currently a tarmac surface with red brick wall boundary treatments. The site is currently underutilised, scruffy in appearance and makes a negative contribution to the setting of the Conservation Area in which it partially falls.

Surrounding development is high density mixed use including a prominent run of terraced dwellings to Eden St. The topography is flat.

#### **Proposed Development**

Erection of 9 no. houses; Development of open car park to provide 9 x 3 bedroom family homes, private gardens and a parking court for 9 cars. The scheme represents a re-submission of a previously approved application at the site (KET/2012/0231), the time limit for commencement of which is 21<sup>st</sup> June 2015. Permitting this application would therefore allow a further 3 years for the applicant to implement this consent.

#### **Any Constraints Affecting the Site**

Kettering Conservation Area

### **Consultation and Customer Impact**

The consultation period commenced on 6<sup>th</sup> May 2015 and is due to expire on 29<sup>th</sup> May 2015. Any further comments received shall be reported by way of the Committee Update.

#### **Highway Authority**

No comments received. In respect to KET/2012/0231 - no objection subject to access to parking court conforming to guidelines.

### **Northamptonshire County Council Archaeology**

No comments received. In respect to KET/2012/0231 - no objection subject to the imposition of a condition in relation to an archaeological programme of works.

### **Kettering Borough Council Environmental Health**

No comments received. In respect to KET/2012/0231 - no objection subject to the imposition of standard pre-commencement conditions concerning contaminated land.

### **Northamptonshire Fire & Rescue Service**

No comments received. In respect to KET/2012/0231 - the development would require the provision of a new fire hydrant due to a lack of hydrant provision in the area.

### **Neighbours**

Notification letters were sent out to close proximity neighbours. 2no. responses have been received to-date and can be summarised as follows:

*27 St. Andrews Street* – Objection. The buildings will be built a few metres from existing houses and will result in noise. There is a shortage of car parking spaces in the area.

*21 Montagu Street* – Objection. Concerns due to limited car parking being proposed to serve the development. One car parking space per dwelling is not considered to be enough and is likely to cause new residents to park inappropriately.

### **Planning Policy**

#### **National Planning Policy Framework**

Paragraph 17 – Core planning principles

Section 1 – Building a strong, competitive economy

Section 7 – Requiring good design

Section 10 – Meeting the challenge of climate change

Section 12 – Conserving and enhancing the historic environment



## **North Northamptonshire Core Spatial Strategy**

Policy 1 - Strengthening the Network of Settlements

### **Policy 6 - Planning for Sustainable Economic Growth**

Policy 9 - Location of Housing

Policy 10 - Distribution of Housing

Policy 13 – General Sustainable Development Principles

Policy 14 - Energy Efficiency and Sustainable Construction

Policy 15 – Sustainable Housing Provision

## **Kettering Town Centre Area Action Plan (AAP)**

Policy 1 - Regeneration Priorities

Policy 2 - Urban Quarters, Urban Codes and Development Principles

Policy 6 - Residential

Policy 12 - Heritage, Conservation and Archaeology

Policy 15 - The Shopping Quarter

Policy 25 - Implementation and Phasing

## **Supplementary Planning Guidance**

North Northamptonshire Sustainable Design SPD

Kettering Town Centre Urban Codes Supplementary Planning Document (SPD)

## **Financial/Resource Implications**

None

## **Planning Considerations**

The key issues for consideration in this application are:

1. Principle of development
2. Density, type and size
3. Design and layout
4. Impact on Conservation Area
5. Residential amenity / impact upon neighbours
6. Access, highways and car parking
7. Sustainable construction and design
8. Designing out crime
9. Landscaping
10. Archaeology
11. Refuse storage and collection
12. Fire and Rescue Service

### **1. Principle of development**

Section 6 of the National Planning Policy Framework (NPPF) encourages Local Planning Authorities to take a positive approach to proposals for residential development, which should be considered in the context of the presumption in favour of sustainable development. Section 2 of the NPPF recognises residential use as an important supporting town centre use, with paragraph 23 stating that residential development can play an important role in ensuring the vitality of centres which should be encouraged on appropriate sites. Paragraph 17 of the NPPF encourages the reuse of brownfield land.

The site falls within Kettering town centre and is allocated for residential redevelopment in Policy 6 (Residential) of the Kettering Town Centre Area Action Plan (hereafter AAP). This policy recognises that, whilst the site (site SHQ3) falls within the Shopping Quarter of the AAP (where regeneration is to be focussed on retail development); the characteristics of this site lend it best to residential development. The proposed development of 9 dwellings is also in accordance with the AAP principles to make more efficient use of finite town centre land (recognising that surface car parking is an inefficient use of land) and to increase the town centre residential population in order to support its facilities, services and

shops.

The proposal is also in accordance with sub-regional policy. Policies 1 and 9 of the Core Spatial Strategy (CSS) direct development to existing urban areas and indicate that Kettering is a 'Growth Town'. Policy 10 of the CSS establishes that Kettering will provide a focal point for residential development and sets targets for delivering housing.

Residential development of this previously developed land would help to achieve the delivery of around 1,000 residential dwellings in the town centre by 2021 (as outlined in Policy 1 of the AAP) as well as the requirement of CSS Policy 9 to deliver 30% of new housing on brownfield land.

In June 2012 under reference KET/2012/0231 full planning permission for an identical scheme on the same site was approved. The principle of the proposed residential redevelopment of the site is, therefore, well established. The matters raised by the objections received were set out in the previously approved application and are further set out below. There is no material change in circumstances or policy to warrant refusal of this application.

## 2. Density, type and size

The application proposes 9 no. 3 bedroom family homes on a site of approximately 0.12ha would result in a density of around 75dph. This density is high. However, the AAP recognises that densities will generally be high within the town centre, reflecting the existing urban nature of the area and the need for efficient use of land. Policy 6 (Residential) of the AAP makes provision for a flexible variety of densities depending on the characteristics and design requirements of each site. CSS Policy 15 (Sustainable Housing Provision) states that high densities will be appropriate on sites closest to centres, in close proximity to services and amenities, well served by public transport and with good pedestrian and cycle accessibility. The application site meets these requirements.

The proposed density is also considered to be appropriate to the surrounding character of the area. Adjoining Eden Street and surrounding streets which stretch away to the east are characterised by high density terraces typical of traditional Kettering streets. The density of Eden Street has been calculated at around 75dph. The Kettering Town Centre Urban Codes Supplementary Planning Document (SPD) recognises this and recommends medium to high (40dph – 75dph to 75-125dph) densities in this character area. The proposed density is, therefore, considered appropriate to the site, its location and the surrounding mix of uses, character and townscape.

Policy 6 (Residential) of the AAP seeks a vibrant, mixed and sustainable community and provision of a balanced and varied mix of dwelling types and sizes across the Plan Area, in accordance with the findings of the 2008 Housing Market

Assessment. The AAP encourages the development of houses, in particular family homes, and schemes which comprise traditional forms, such as terraces or townhouses. An important aim of the AAP is to diversify the recent proliferation of schemes comprising wholly of small flats as it is recognised that there has been a recent unbalanced over-provision of flats which have failed to meet a significant need for houses.

The 9 proposed 3 bedroom dwellings suitable for families, arranged in a traditional terrace form, clearly accords with the objectives outlined above. The accompanying Design and Access Statement outlines how the proposal would result in 9 relatively spacious (92m<sup>2</sup> floorspace), family-sized homes, with private gardens. The type and size of dwellings proposed are therefore welcomed.

### 3. Design and layout

Policy 13 of the CSS requires new development to raise standards – to be of a high standard of design and architecture; to respect and enhance the character of its surroundings; and to create a strong sense of place by strengthening distinctive historic qualities and townscape through its design. Policy 2 of the Kettering Town Centre AAP states that regeneration will be design-led and comprise developments of high quality that are distinctive to Kettering. It goes on to require that development will have appropriate building forms, proportionate heights, active frontages; be appropriate to its context; and preserve or enhance heritage and character.

It is considered that the proposed design meets these policy requirements and it is clear that the scheme has been carefully designed with its context and the character of Kettering in mind. The proposal is considered to be a high quality one which would enhance the local area and the Conservation Area. The design meets the requirements stipulated in the Kettering Town Centre Urban Codes SPD for this quarter in that it: introduces new high quality infill development; incorporates a traditional architectural approach; responds to the existing character of the immediate area; creates a common linear building line with a small setback; creates continuity of frontage; brings definition to Eden Street and St. Andrews Street; is of 2-3 storeys; follows existing roofscape and pitches; is of a vertical emphasis; provides active frontages with windows and doors to streets; and uses appropriate red brick and slate tile materials.

In terms of layout, the proposed block structure is considered appropriate and a sensible arrangement for the site. The arrangement of 3 dwellings to the north-east corner of the site is appropriate and a clever use of the shape of the site. These dwellings also bring natural surveillance to the rear parking area and prevent this area being a detached 'dead space'. The terraces to Eden Street would read as a continuation of that street and those to St Andrews Street 'complete' the block and bring enclosure and definition to both streets.

The traditional terraced house approach is appropriate to the local context and traditional Kettering residential development while the scale, mass and height of the proposed dwellings (2.5 storey, reasonably high density, terraced arranged in block form) is reflective of local character and provides a good fit with the site. Architectural details are reflective of local vernacular, such as the vertical emphasis, symmetrical composition, prominent chimneys, brick detailing and projecting porches.

In terms of the existing terraced dwellings to Eden Street, the scheme has been designed to fit in with these dwellings, but not to mimic them. This is considered to be an appropriate response and, importantly, the design provides a consistent built line and eaves and ridges lines in line with the prevailing levels of the Eden Street terrace. This enables the visual completion of the block; and brings a consistent enclosure to the street, yet enables the proposed new development to read as a distinct new development with its own character, as opposed to a pastiche of the past. Given the mixed architectural styles and periods in the vicinity, this is considered to be an appropriate approach.

The proposed materials of brick, slate, timber sash windows, timber front doors and frontage brick walls and iron railings, are considered appropriate, and final detailing of these can be secured by condition. Whilst the strong front boundary treatments, comprising brick walls and iron railings, are traditional to Kettering and provide a strong definition to the streetscene and a consistent feel to the development.

Overall, the scheme is considered in accordance with the policy framework for the site and is reflective of surrounding character. The design is of a high quality and it is considered that the development would make a very positive impact on the area.

#### 4. Impact on Conservation Area

The site is partially within the Kettering Town Centre Conservation Area (the northern most element of the site falls outside) where Section 72[1] of the Planning [Listed Buildings and Conservation Areas] Act 1990 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Historic maps show buildings were previously on the site with an L-shaped structure evident addressing both Eden Street and St Andrews Street. The site is now a gap site and provides a conspicuous break in the dense urban form of the surrounding area. The current surface car park does not make a positive contribution to the Conservation Area or to the streetscene. In particular areas to the north and east are in a fairly poor state of repair and have a negative impact on the historic environment. The current use and character of the site is incongruous to its Conservation Area designation and detracts from the setting of

important traditional buildings in the vicinity including the row of terraces to Eden Street and the Listed Building and curtilage of no. 25 Montagu Street.

The proposed residential redevelopment of the site and the positive aspects of the design (discussed above) would enhance the setting of these buildings and enhance the Conservation Area. The development would infill the gap site, would 'complete' the terraced row of Eden Street and re-establish a block structure and traditional built form to the site. The proximity of the built line to the street would re-establish the relationship between buildings and the street and would bring a continuity, definition and enclosure to St Andrews Street and Eden Street. As discussed above, the design is considered to complement and be in character with surrounding traditional development.

The site contains a historic stone wall which, although not listed, falls within the Conservation Area. The wall is around 2m tall and abuts the pavement of Eden Street. In order to achieve frontage development onto Eden Street it is not possible to retain this wall with its current height. However, the applicant has revised the boundary treatment to Eden Street for plots H1-H3 to retain the stone wall, with a reduced height and gates inserted for access to the dwellings. It is considered that this is a sensitive solution which retains an element of historic character within the development whilst pragmatically enabling the site to be developed.

Overall, it is considered that the proposal would make a positive contribution to the Conservation Area. The proposal is in accordance with Section 12 of the National Planning Policy Framework, Policy 13 of the CSS and Policy 12 of the AAP (Heritage, Conservation and Archaeology) which encourage proposals which respect, sustain, enhance and maximise the potential of the historic environment and character and which strengthen distinctive historic qualities and sense of place.

#### 5. Residential amenity / impact upon neighbours

Policy 13 of the CSS requires that developments do not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking. The potential impacts of the proposed development on the amenity of neighbouring properties would be limited to potential overlooking, loss of light or overbearing physical impact. In considering these potential impacts it is important to assess the existing character of the surrounding properties, which is generally characterised by high density terraced dwellings with adjoining gardens in close proximity (back-to-back, front-to-front and side-to-side) to surrounding buildings which include several large mass and tall buildings.

To the north the site is bordered by a 2m brick wall which separates it from a former medical centre. This building is a low rise building with mixed use consent including shops, a laundrette and takeaway. There are no windows or openings from this building onto the application site. The flue from the takeaway is considered to be sufficiently distant from the nearest proposed dwelling (approximately 25m) to have no detrimental impact on their future amenity. No further amenity issues would arise from the proposed development in this direction.

To the north-east a short terrace of 3 houses (plots H7-H9) is proposed on the rear part of the L-shaped site. In this direction the rear elevations of no.s 2-4 Cannon Street (2 semi-detached Victorian houses) face towards the site. The rear of the proposed dwellings would be an acceptable distance from the boundary of no. 2 Cannon Street (11m from the main 2 storey bulk of the building; 9m from the ground floor rear extent) with a distance of around 16m (measured diagonally) between the buildings. It is considered that no unacceptable overlooking would occur from the windows to the 1<sup>st</sup> floor bedrooms, with the 2<sup>nd</sup> floor rooflights being to en-suite bathrooms and at such a height and angle that no overlooking should ensue.

Properties in the north-east direction are also surrounded by frequent examples of large mass buildings including the former factory building at 6 Cannon Street, the southern elevation of the former medical centre and the tall terraces of Eden Street. There can therefore be no argument that the proposed dwellings would be incongruous or overbearing given this context.

To the south-east the site adjoins an existing run of 15 terraced dwellings. These dwellings are a traditional high density arrangement and are an imposing 3 storeys to the front and generally 2.5 storeys to the rear. The proposed siting is such that there would be no direct back-to-back overlooking of these properties. Plots H1-H3 onto Eden Street effectively continue and complete the existing terrace so would not be materially different, in terms of amenity impact, to the occupiers of the existing Eden Street dwellings than their existing neighbours to the east.

No. 1 Eden Street which is adjacent to the site has a small window on its west facing elevation. There would be some resulting loss of light to this window resulting from plot H1; however it is not a habitable room so the gap of 1.6m is considered acceptable.

In terms of plots H7-H9, a distance of over 14m is provided between the existing Eden Street dwellings and those proposed, which is sufficient to have no detrimental amenity impact. Plot H7 has no windows on its south gable elevation and a condition could be imposed removing Permitted Development rights for future insertion of additional windows on this elevation.

The main impacts from the proposal to the south-east result from plots H4-H6. These plots and the site's layout are necessitated by the financial viability of the scheme, by highways requirements and by the objectives to bring definition and enclosure to both Eden Street and St Andrews Street.

Plots H4-H6 would back side-on to the gardens of the existing Eden Street gardens. The rear of the proposed dwellings would be close to the boundary of no. 1 Eden Street, (8.2m from the ground floor rear extent and 10.4m from the main 2 storey mass of the dwellings), with a distance of around 12m diagonally between the 2 storey elements of no. 1 Eden Street and proposed plot H4. It is accepted that there would be an impact, in terms of the physical mass of the buildings, on the existing dwellings in Eden Street from plots H4-H6, particularly to no. 1 Eden Street.

However, given the urban context, it is considered that these impacts would be acceptable when judged against Core Spatial Strategy Policy 13; and that the layout and design of the scheme has been designed to mitigate the potential impacts. This layout, dense terraces in block form, is one that is typical of the vicinity and of Kettering in general.

In terms of physical impact and loss of light, the proposed 2.5 storey dwelling is considered to be an appropriate scale and mass for its context, with a ridge height (10m) compatible to the existing Eden Street terraces (9.6m). In the vicinity there exists a dense juxtaposition of 2, 2.5 and 3 storey residential dwellings with large mass and tall commercial buildings. The proposed dwellings have been brought forward as far as possible on the site to maximise the distance between them and the existing dwellings, and some living space has been arranged on the ground-floor-only. The rear of plots H4-H6 read as a 2 storey dwelling, with only a rooflight to the 2<sup>nd</sup> floor, further reducing their impact. The distances achieved, 12m diagonally at the closest point and 10.4m between the 2 storey element of plots H4-H6 and the boundary of no. 1 Eden Street, are considered acceptable, given the high density urban context in which the site sits. Their impact is, therefore, not considered unacceptably overbearing and the distances discussed would not result in unacceptable loss of light. Given the orientation of the site, to the north and west of no. 1 Eden Street, it is considered that the distance of 10.4m, coupled with the physical break in development resulting from the parking court would still enable sufficient daylight to reach no. 1 and its curtilage.

In terms of overlooking and loss of privacy, It is accepted that the gardens of both the existing and new gardens would be subject to a degree of overlooking. However the gardens, due to their high density urban context, must expect a degree of proximity and overlooking and each of the gardens in the Eden Street terraces are already overlooked by their proximate neighbours. The layout of plots



H4-H6 has been designed to minimise overlooking. The Eden Street gardens would be addressed only by the windows of 1 bedroom to the 1<sup>st</sup> floor of each dwelling, with the 2nd floor rooflights being to en-suite bathrooms and at such a height and angle that no overlooking should ensue. Given the separation distances achieved and the context, both described above, the proposal is not considered to result in an unacceptable level of overlooking to the dwellings and gardens to the east.

To the west St Andrews Street borders the site. This street is generally addressed by the rear of commercial buildings and their associated service yards. The exception being a run of 3 small dwellings, no.s 25-27 St Andrews Street which are directly opposite the site. These dwellings are 2 storey and directly abut the footway. The proposed layout shows adequate cross-street separation distances (i.e. 9-10m) so as to prevent overbearing impact or loss of light or privacy, particularly given the urban context and frequent large mass buildings in the vicinity. The run of terraces which would front onto St Andrews Street do not begin until the run of existing dwellings almost ends so no direct front-to-front overlooking would occur. In any case the separation distances discussed are considered sufficient.

It is also important to consider the future amenity of residents of the new dwellings. The rear of plots H4-H6 would have a compact urban outlook to the rear and be faced at a right angle by the rear windows of the Eden Street terraces. However, separation distances are considered adequate considering the context and the traditional character of Kettering, whereby high density terraces co-exist alongside one another.

The rear gardens to the new dwellings would be modest with the smallest to plots H1-H3 being only around 6m deep. The space provided is considered adequate given this context and the proximity of numerous open spaces within the town centre. There will be some overlooking of the rear gardens of plots H1 and H4 from 1<sup>st</sup> floor bedroom windows. However, given the dense urban character of the setting and the propensity for similar dense terraced developments in central Kettering this is not considered to be an unacceptable level of overlooking.

It is noted that there are a number of service yards to commercial properties in the area which are accessed by Heavy Goods Vehicles to load and unload. The specifications of the windows, doors and insulation outlined in the Sustainable Design and Energy Statement are considered to be of a high standard which will prevent detriment to amenity from noise pollution, and Environmental Health raised no concerns in this respect.

Overall it is considered that the proposal would have an acceptable impact on the amenity of neighbouring properties, and on the future amenity of residents of the proposed dwellings, in accordance with Policy 13 of the CSS. The new residential

units would assimilate with the site's surroundings, which is already characterised by residential built form.

## 6. Access, highways and car parking

The submitted Traffic Assessment adequately demonstrates that the transport implications of the development have been considered. As stated in the Committee Report for KET/2012/0231, Northamptonshire County Council's (NCC) Highways Department have indicated that they support the development and acknowledge that the low traffic flows and no-through-traffic nature of the streets favour the development. The development would actually reduce traffic flows and through vehicular movements when compared to the site's current use as a car park with a capacity for 45 cars.

The proposed 1 car parking space per dwelling is considered sufficient given the town centre location. The parking court is sensible in that it removes parking from the street and results in a single point of access for the development.

NCC's response upon KET/2012/031 required that the access onto St Andrews Street would need to be 4.5m wide and achieve a pedestrian visibility splay of 2m x 2m on either side. The access proposed demonstrates compliance with the requirements of the Highways Authority.

The refuse arrangements agreed for the scheme (see below) are such that the parking area remains a private driveway (as opposed to adopted highway) thereby negating the requirement to provide adequate turning space for refuse vehicles etc.

It is noted that the development would improve the current visibility splays to the corner of St Andrews Street and Eden Street which is welcomed, with railings providing better through visibility than the current high wall.

The Kettering Town Centre AAP requires that all residential developments will provide a minimum of 1 secure cycle storage space per unit. This has been secured by condition.

The development, therefore, is acceptable in highways terms; would not result in adverse impacts on the highway network; nor prejudice highway safety; and is in accordance with Core Spatial Strategy Policy 13.

## 7. Sustainable construction and design

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.

It is considered that the submitted Sustainable Design and Energy Statement and Design and Access Statement adequately demonstrate that the development is sustainable in respect of location, design, construction, materials, waste management and energy and water efficiency.

#### 8. Designing out crime

Criterion b) of CSS Policy 13 requires development to design out antisocial behaviour and crime and reduce the fear of crime and criterion IX) of Policy 2 of the Kettering Town Centre AAP requires new development to improve the safety of the town centre through increasing natural surveillance and creating safe and secure public spaces and routes.

Northamptonshire Police provided a detailed response to the pre-application version of this proposal (i.e. prior to the submission of KET/2012/0231). They provided advice on how to deal with concerns in relation to an existing L-shaped alleyway which runs around the south-eastern perimeter of the application site to the west of no. 1 Eden Street and to the rear of no.s 1-8 Eden Street. It is noted that this alleyway makes existing and new properties more susceptible to crime and anti-social behaviour. The Police advised that the developer should approach the residents about gating the alleyway with a lockable gate allowing resident-only access. Paragraph 27 of the Design and Access Statement states that the applicant would endeavour to do this were consent to be granted.

However, it is recognised that the alleyway is not within the application site or in the ownership of the applicant, and is in fact the joint ownership and responsibility of the residents of no.s 1-8 Eden Street. Because of this it would be unreasonable to require a new gate on this alleyway as a condition of this development. Instead the security of the alleyway would be improved by its enclosure by the development's boundary treatment, which is in accordance with the guidance supplied by the Police - a 1.2m close boarded fence topped with 600mm of trellis. This new boundary treatment to the shared alleyway would improve its security. New boundary fences between dwellings would be 1.8m close boarded timber fences with 1.2m close boarded fences, again in line with police advice.

The red brick wall to the north of the site is to be retained. This brings a strong and traditional enclosure to the parking court.

Overall, it is considered that the advice of the police has been adequately incorporated and that the proposal meets the requirements of CSS Policy 13 and the Kettering Town Centre AAP in terms of designing out crime.

## 9. Landscaping

The indicative landscaping shown, in particular the tree planting, would enhance the streetscene and the landscaping to the rear parking area breaks up the dominance of car parking. Single trees are used to frame the terraces with 2 trees used to soften the corner of St Andrews Street and Eden Street. Public and private space is clearly defined and the frontage boundary treatments would have a positive aesthetic effect. It is considered that the development would greatly improve the public realm of this part of St Andrews Street and Eden Street. A condition can be used to ensure a suitable detailed scheme of landscaping is submitted and approved prior to commencement.

## 10. Archaeology

Northamptonshire County Council's Archaeology Department were consulted on the original 2012 proposal. Their response indicated that there is the potential for archaeological remains to survive on the site, but that this does not present an over-riding constraint on the development provided that a condition is put in place requiring an archaeological programme of works prior to implementation of the scheme.

## 11. Refuse storage and collection

Kettering Borough Council's Environmental Care Department were consulted on the pre-application version of this proposal (i.e. prior to the submission of KET/2012/0231). Their advice was that receptacles should ideally be stored away from the view of the highway and then presented for collection on the kerbside on collection day; and that a collection point for properties H7-H9 would also need to be provided / agreed as refuse collection vehicles would not be able to access the private driveway, so receptacles would need to be presented to St. Andrews Street.

This proposal meets the requirements of this advice. The submitted plans show a neat brick built bin store integrated into the brick boundary treatment to the front of each plot. It is considered that this is an intelligent and attractive solution to bin storage which ensures secure refuse and recycling storage which does not detract from the public realm. This solution also negates the need for shared rear access alleyways which can be problematic in terms of maintenance and crime.

Plots H7-H9 have a shared refuse collection point to the north of the parking court adjacent to St Andrews Street which is considered a sensible collection point to prevent the refuse vehicle having to enter the site. This means bins are presented to St Andrews St for collection only once a week and retained within the curtilage of the individual dwelling at all other times. This is in line with guidance received from Environmental care and Environmental Health.

## 12. Fire and Rescue Service

Northamptonshire Fire and Rescue Service stated in their consultation response to KET/2012/0231 that a fire hydrant would need to be installed to serve the development due to a lack of adequate provision in the area. It is considered that the development of an additional 9 dwellings without an additional fire hydrant being installed would not be safe or sustainable. For this reason it is proposed to impose a condition on a grant of consent to require a new hydrant. This should be installed at the same time as the rest of the water infrastructure and prior to any dwellings being occupied. The location of the fire hydrant must be agreed in consultation with the Northamptonshire Fire and Rescue Service Water Officer prior to installation.

### **Conclusion**

The proposal is in accordance with the National Planning Policy Framework, Policies 1, 6, 9, 10, 13, 14 and 15 North Northamptonshire Core Spatial Strategy and Policies 1, 2, 6, 12, 15 and 25 of the Kettering Town Centre Area Action Plan (AAP). There would be no unacceptable amenity impacts and there are no material planning considerations that would indicate against approval. The proposal would bring an underutilised brownfield town centre site into positive use and contribute positively to the Conservation Area and to town centre regeneration. The proposal should, therefore, be approved.

### **Background Papers**

Title of Document:

Date:

Contact Officer:

Andrew Smith, Senior Development Officer on 01536 534316

### **Previous Reports/Minutes**

Ref:

Date: