

BOROUGH OF KETTERING

Committee	Full Planning Committee - 04/09/2018	Item No: 5.1
Report Originator	James Wilson Development Officer	Application No: KET/2018/0376
Wards Affected	All Saints	
Location	59 Montagu Street, Kettering	
Proposal	Full Application: Partial demolition of retail unit and construction of 8 no. flats	
Applicant	Messrs D & A Draper Draper's Furnishers	

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 listed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

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

REASON: Details of materials are necessary prior to the commencement of development in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to first occupation, the windows at first floor level on the western elevation shall be partially glazed up to 2m from floor height with obscured glass in accordance with details provided on plan 17-078-04E and any portion of the window

that is within 1.7m of the floor of the room where the window is installed shall be non-openable. The window shall thereafter be maintained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

5. Prior to the first occupation of the development full details of the approved cycle storage area (as depicted on approved plan 17-0078-02C) to include weather protection, shall be submitted to and approved in writing by the Local Planning Authority; development shall be implemented in accordance with the approved detailed and retained at all times thereafter.

REASON: To promote modal shift and sustainable development in compliance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

7. Prior to the commencement of development a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works.

REASON: Details are required prior to the commencement of development in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy

8. Prior to the first occupation of the development hereby approved, refuse storage and collection facilities, as shown on Plan 17/078/06C, shall be made available for use. The refuse storage area shall be in a separate area not connected to any habitable area. These facilities shall be retained at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of public health and safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. Prior to the commencement of development hereby permitted, details of a positive means of drainage to ensure that surface water from private land does not discharge onto the highway shall be submitted to and be approved in writing by the Local Planning Authority. Such details as may be approved shall thereafter be installed and operational prior to first use and thereafter be maintained.

REASON: In the interests of highway safety and convenience in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. Prior to first occupation the louvre privacy screen to the eastern side of the Juliette balcony window of flat 7 on the second floor (as indicated in plans 17-078-03F and 17-07804E) shall be securely fixed to the building and shall thereafter be maintained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0376

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

3.0 Information

Relevant Planning History

KE/1995/0199,, Single storey rear extension to existing showrooms to provide additional office/showroom space,, 26.05.1995,, APPROVED

KE/1999/0231,, Extension,, 10.05.1999,, APPROVED

KE/2000/0473,, Taut PVC flag type signage,, 05.09.2000,, APPROVED

KE/2000/0472,, To replace the existing first floor windows to the front of the property & increase their depth slightly,, APPROVED,, 05.09.2000

KET/2017/0835,, Partial demolition of retail unit and construction of 9 no. flats,, 19/12/2017,, WITHDRWN

Site Description

Officer's site inspection was carried out on 05/06/2018.

The site consists of a thin plot, approximately 20m in depth, between Montagu Street and Eden Street just to the East of Kettering town centre which has been fully built upon. The original property has been converted into a retail unit and the premises have been extended to the rear resulting in a single storey structure facing onto Eden Street which is designed for deliveries and warehousing. The elevation of the property is set back from the highway by approximately 3m with a 1m brick wall and entrances for the delivery doors. Eden Street is a mixture of commercial uses mainly on the southern side of the street and residential uses facing. A 2 storey residential property with a small single storey side extension is located to the West of the site on Eden Street and to the East is a residential double garage.

Proposed Development

The proposal is to demolish part of the rear of Drapers Furnishers retail/warehouse unit which faces onto Eden Street and to develop a block of 8 flats over 3 storeys with the third floor contained within the roof space. The proposed site area is 410m² and the proposed building occupies a footprint of 255m² which is approximately 62% of the site. A staggered front elevation of the building allows for a bin store and cycle parking area for 8 bicycles and a small amenity space with boundary wall and railing. A side access, just over a metre in width, provides ingress to the rear of the property where there are a further 8 cycle parking spaces and fire escape doors for the adjoining retail unit.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Highway Authority: LHA objects on the grounds of the building proximity to the highway boundary; bin store doors opening onto the highway and their proximity (bins may not be placed on the highway for collection, cycle storage layout being too cramped; no car parking proposed or beat survey supplied and no disabled parking proposed).

A further response from the LHA was submitted following their review of the parking beat survey. They indicate that this does detail some capacity on the local highway network for on-street parking and that the LPA should satisfy themselves that the parking and servicing of the site with the proposed use will be adequate. It is also noted that there will still be no dedicated disabled car parking.

The LHA also states that the bin store structure should be a minimum of 1m from the highway boundary and that bins may not be placed on the highway for collection.

Environmental Health: No objections subject to conditions.

Neighbours: 3 representations received objecting to the application summarised below.

- No parking proposed to be provided with this block of flats. Parking already at a premium in this location, nowhere where people can park all day within walking distance. Residents of the new flats will block Eden Street where cars already parking on double yellow lines. Cannot underground parking be provided?
- Proposed property is larger than the existing property and far taller than anything in the immediate vicinity.
- Overlooking and loss of privacy - top floor apartments would have direct line of sight into bathroom.
- Impact on visual amenity
- Adequacy of parking/loading and turning – no provision of parking made. Eden Street is permit holders only parking and concerned that driveway will be blocked and double parking will occur leading to a reduction in highway safety.
- Noise and disturbance caused by the intensification of the use and an impact on using neighbouring gardens.
- Layout and density of the development – consider this to be overdevelopment given the net developable area.
- Object on the grounds that the proposed windows on western elevation as too close to the boundary of 36 Eden Street resulting in a reduction in privacy. Partial obscure glazing will not resolve the problem as window needs to be opened.
- Bathrooms for flats 2, 3, 5 and 6 all rely on mechanical ventilation in the middle of the building therefore it is more likely that windows to the adjacent bedrooms will have to be opened for ventilation.

- The proposed windows on the western elevation would prejudice any future development of 36 Eden Street/51 and 52 Montagu Street.
- Site represents over development and a smaller proposal with 6 flats, more amenity space, refuse and bike storage might eliminate some of the issues that the development faces.

5.0 Planning Policy

National Planning Policy Framework 2018

Paragraph 121

Section 5 – Delivering a sufficient supply of homes

Section 7 – Ensuring the vitality of town centres

Section 12 – Achieving well-designed places

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1 – Presumption in favour of sustainable development

Policy 6 Development on Brownfield Land and Land affected by contamination

Policy 8 – North Northamptonshire place shaping principles

Policy 11 – The network of urban and rural areas

Policy 22 Delivering Economic Prosperity

Policy 28 Housing Requirements

Policy 29 Distribution of new homes

Policy 30 Housing Mix and Tenure

Local Plan

Saved Policy 35 – Housing: Within Towns

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Character and appearance
3. Residential amenity
4. Highway Safety
5. Contaminated land

1. Principle of development

The site currently consists of a large furniture shop/showroom (A1 use). The shop is made up of 2 converted houses fronting Montague Street and a large extended single storey warehouse style building to the rear which covers a large proportion of the site and is set back from the northern boundary of Eden Street by approximately 3m. The site is located just outside the boundary of the Kettering Town Centre Area Action Plan and in an area typified by mixed

uses.

Policy 22 of the North Northamptonshire Joint Core Strategy (NNJCS) supports the retention of existing employment sites. Information within the supporting Design and Access Statement indicates that the current furniture business is not viable and commercial agents have advised that re-letting the current property in its current size and format would not be attractive to the present market. The recommendation was to separate the front area which would be suitable for a smaller retail unit or restaurant and to consider an alternative use to the rear.

The site is within Kettering town boundary, but just outside the town centre area, and the Joint Core Strategy (NNJCS) defines Kettering, as a 'Growth Town', a primary focus for development. As such, the town is considered as an appropriate location for development, a view further strengthened by Saved Policy 35 of the adopted local plan which supports the provision of housing within towns. Policy 8 of the NNJCS is supportive of development subject to a number of general sustainable development criteria, including that the proposals do not result in adverse impact upon neighbouring properties or the highway network and that schemes present a good standard of design. Section 6 of the National Planning Policy Framework (NPPF) encourages use of land within existing settlements where future occupants can benefit from established amenities and public transport. Paragraph 111 of the NPPF also encourages the effective use of land by re-using land that has previously been developed.

Policy 28 of the NNJCS requires that Kettering Borough delivers 10,400 new homes as a minimum over the plan period to 2031 and maintain a 5 year housing land supply. These proposals will contribute in a small way to achieve these objectives.

The current use is presented as unviable in its present form and the partial redevelopment of the site for residential purposes in this town centre location is acceptable in principle. The site is an urban area considered to be a sustainable location, reutilising a brownfield site and maximising the efficiency of the land through the development of residential flats, therefore the principle of development accords with the Development Plan and national planning policy. The scale, form, appearance, access and design of the development proposals now need to be carefully considered to assess whether this detail is in accordance with the Development Plan.

2. Character and appearance

Section 12 of the NPPF and Policy 8 d) and e) of the NNJCS require new development to be of a high standard of design, architecture and landscaping, respect and enhance the character of its surroundings and be in accordance with the environmental character of the area.

The submitted plans show that approximately half of the existing warehouse/

showroom of the retail unit are proposed to be demolished with a new block of flats constructed within the site. The proposed block of flats will not be visible from Montagu Street but there is a much closer relationship with Eden Street which is relatively narrow and has a mix of commercial and residential properties including a row of terrace properties (No.37-43 Eden Street) directly opposite the site which front straight onto the footpath.

The proposed development is a 2.5 storey residential block with a width of 18m. The eastern half of the front elevation is staggered back from the highway by 6m to be in line with the neighbouring double garage. This breaks up the mass and bulk of the façade and provides a degree of interest. The ridge height of the building is 9.5m which is approximately 2m higher than the neighbouring 2 storey house and the eaves are also half a metre higher. While this creates a greater mass and scale of building within the street scene it is not considered to be overly dominant or overbearing. These proposals have been amended through consultation and negotiation with the Council following the withdrawal of planning application KET/2017/0835 which proposed a 3 storey building and ridge and eaves heights of a metre higher. The scale and bulk of the flats is also similar to those recently built at Underwood Court just around the corner on Club Street and also on Wellington Street.

The building provides for 7 x 2 bed units and 1 x 1 bed unit with 2 smaller flats being located on the third storey in the roof space. This is a reduction of 1 flat on the proposals under planning application KET/2017/0835. The design of the development therefore now appears as a 2 storey building and sits accordingly within the street scene. The proposed materials will be brick facades with some architectural detailing including contrasting lintels/sills to the windows which face onto Eden Street. This can be conditioned to control the specific materials to be used. It is also proposed to have large areas of glazing for the front entrance and stairwells which will provide natural light and also add extra architectural interest.

A significant amount of pre-application negotiation and discussion on the proposals took place with planning officers to amend the detailed design and character of the building so that it can integrate and complement the existing street scene and enhance the character of the local area.

It is considered that the revised style, design and appearance of the development will complement and balance with other existing development adjacent to and within the near vicinity of the site. As such the proposals are considered to be accordance with local and national policy in regard to how its design relates to the local area.

3. Residential amenity

Policy 8 of the NNJCS requires development not to result in an unacceptable impact on neighbouring amenity by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking. The key issues in this instance are loss of light and overlooking.

The proposed development extends for 2.5 stories in height and approximately

19m into the site along the western side of the site. It is separated by 1m from the western boundary, on the eastern boundary the proposed block of flats sits on the actual boundary and a 1m gap exists between the adjacent garages which has a ridged roof and extends to approximately 6m in height almost the same level as the proposed eaves height of the flats.

The 2.5 storey block has a ridge height of 9.5m and is situated directly south of a row of two storey terrace properties on Eden Street (No.37 to 43). The front elevation of these dwellings and the proposed block would be separated by approximately 10m. Due to the change in height between the two there is likely to be some loss of light to the properties on Eden Street given their southerly orientation. However, within an urban area and context this separation distance and variation in height is considered to be acceptable. There are other examples nearby of similar changes in building height. The bulk of the property has been reduced through detailed design of the front elevation setting the eastern half back from the road and through the creation of a double gable ended façade. In this regard it is not considered that the proposed building will be over bearing in relation to facing properties on Eden Street.

Objections have been received from 63 Montagu Street, 51/53 Montagu Street and 36 Eden Street regarding the impact of the development on the privacy of existing residents, overlooking and loss of light for existing garden space.

The western elevation of the development proposes 4 major windows which would serve bedrooms for flats 5 and 6 for natural light and ventilation.

The proposals seek to overcome the issue of overlooking of no.36 by having partial obscure glazing to windows on this elevation on the first floor and that roof lights are provided on the second floor. These windows would also need to be fixed to prevent opening or provide very limited opening on order that overlooking is not possible and privacy is maintained. In this way the proposals will restrict the overlooking of the garden of 36 Eden Street and also provide some outlook for future residents of the scheme.

A revised elevations plan showing the existing height of the warehouse to be demolished against the elevations for the proposed flat was submitted. This demonstrates that the existing structure presents a considerable mass and height of wall which already limits the outlook of no. 36 Eden Street. To eaves height the proposal is 1 metre higher with a sloping roof above to a ridge height of another 3.5m. However, with the sloping roof it is not considered that the additional height provided by the proposed flats would significantly alter that outlook or create an overbearing presence for the neighbouring property, given its distance away and the context of the urban setting.

The windows on the rear eastern elevation of the first and second floors would be 16m away from the rear bathroom window of 63 Montagu Street which has obscured glass and is at an oblique angle. The nearest bedroom is approximately 19m away and is partially hidden by the rear gable end of the house. There would be a degree of overlooking of the garden of No.63. To take account of the impact of the closest proposed window on the 2nd floor,

which is proposed to be a lounge area, amended plans have been submitted which provides a louvre privacy screen to flat 7's Juliette balcony windows. This will prevent views from the window to an extent which means that the field of vision is restricted from direct overlooking of No. 63. The outlook of the window will now not be on existing residential properties and in any event adequate for neighbouring properties. Should future change of use for 57/59 Montagu Street be proposed for residential use the impact of this window will need to be address at this juncture.

The distance between the rear (south facing elevation) of the proposed building and the rear of 61 Montague Street a property that is taken to be a dwelling, is 15m or 16m. At the date of an officer site visit on 07 August 2018, 61 Montague Street which is in the same ownership or control as that of the proposers of the application for the 8 No. flats, did not appear to be occupied as a residence. Some degree of overlooking could be expected between the first/ second floors of the south elevation of the proposed flats and the rear of 61 Montague Street. However, the applicant's control of both properties. On balance, the impact is not raised as an issue to prevent a recommendation for conditional approval of the proposal.

The proposed windows on the western side of the rear elevation are 22m away windows and the line of sight would be greater than 45 degrees. As a rule of thumb distances between opposing first floor habitable rooms with clear glazed windows should be a minimum of around 20m. However, in high density urban areas separation distances will be harder to maintain at these levels, and shorter distances may be acceptable. In this circumstance given the line of sight is not directly opposite it is considered that the impact on the neighbouring dwellings will be acceptable. Gardens in urban settings will also have a degree of overlooking and it is judged in this situation that it will be no greater than in most similar situations with back to back terraced housing.

In accordance with Policy 30 of the NNJCS new dwellings need to meet Nationally Described Space Standards. One element of these standards is minimum gross internal floor areas. It is considered that all of the proposed flats meet these requirements and would therefore be compliant with the Development Plan.

Overall, therefore it is considered that while there is likely to be a degree of impact on privacy and overlooking the mitigation that will be employed and accordingly conditioned will ensure that this can be made acceptable in planning terms.

4. Highway Safety

Policy 8(b) of the JCS seeks to ensure a satisfactory means of access and provision of parking.

The application proposes no parking and no dedicated provision for disabled parking. The proposal was supported by a Parking Beat Survey. This

assessment, carried out in March 2018, concluded that during the surveyed periods there were 112 spaces observed within the designated areas of Montagu Street, Eden Street, Cannon Street, Club Street and Lindsay Street. This survey area was agreed with the Council, however, it represents a considerable area and some evidence was provided within the Parking Beat Survey of vehicles parked on double yellow lines suggesting there may be excessive demand or that due to little enforcement residents are flaunting the restrictions in these areas. The overall conclusion is that there is ample on-street parking capacity within the area to accommodate the parking associated with the proposal. Whilst the survey was carried out on only one given day (11th March) there is no evidence to suggest that the capacity would be significantly different and allow the Council to refuse the application on grounds of highway safety regarding lack of parking.

An objection has been received from 33 Club Street regarding the lack of parking associated with the scheme. However, the Parking Beat Survey has demonstrated that parking capacity is available in the local vicinity and the Local Highways Authority has not objected to the proposal on the grounds of parking although they do object that there is no dedicated disabled car parking. In a sustainable town centre location which has a high degree of accessibility to sustainable modes of transport and where on street parking capacity has been demonstrated it is considered that this could not be maintained as a reason for refusal.

The LHA also make observations regarding the bin store and the unlawful encroachment of the gates across the highway/pavement. The bin storage doors are proposed to be on runners and will open in parallel to the development frontage and will therefore not infringe the pavement. The bins will also be placed for collection on the pavement as with all other urban developments, therefore, this would also not constitute a reason for refusal. The Council's Refuse and Recycling team has commented that there would not be cause for objection so long as the bins were presented for collection on the pavement at the appropriate times. Depending on the particular circumstances it may be expedient to collect them directly from the bin storage area.

A further observation by the LHA is that the cycle parking for the development is too cramped. While there is limited space (approximately 1.2m) provided by the access path to the rear of the property where there are 8 spaces proposed it is considered that the access would be adequate and that should the application be approved that a condition could be imposed requiring the cycle parking to be covered.

The LHA therefore maintain an objection on the grounds of the building's proximity to the highway boundary, cycle storage layout being too cramped, no disabled parking being proposed and bin storage doors opening within the highway. As demonstrated above the cycle storage and bin storage doors have been satisfactorily resolved; the building frontage is now staggered back at least 1m from the pavement; and while there is no dedicated disabled

parking, given its central location and on street parking capacity, it is not considered a matter which could be sustained as a reason for refusal. Therefore, as such, the proposal would not result in harm to highway safety or significantly impact on-street parking in the area and hence the proposal is considered to be acceptable in this regard.

5. Contaminated land

The proposal is considered to be acceptable in this respect subject to the imposition of conditions recommended by the Council's EHO on contaminated land and radon.

Conclusion

The proposals promote the reuse of a redundant employment site for residential development utilising the land efficiently by providing flats at an appropriate density which is acceptable in principle. The potential impact on residential amenity of properties occupied by third parties can be effectively mitigated as described above and subject to conditions to avoid excessive overlooking and loss of privacy.

The design of the proposals is acceptable in relation to the context of the site and existing street scene. There are no unacceptable impacts of the development on highway safety or severe impacts on the capacity of the road network. Therefore, on balance, the application is recommended for approval subject to various conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

James Wilson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: