

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 04/09/2019</b>	<b>Item No: 5.5</b>
<b>Report Originator</b>	<b>Collette Panther Assistant Development Officer</b>	<b>Application No: KET/2019/0440</b>
<b>Wards Affected</b>	<b>William Knibb</b>	
<b>Location</b>	<b>Units 2 &amp; 3 Hazelwood Lane, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Demolition of workshops. Construction of 3 no. houses and 2 no. flats</b>	
<b>Applicant</b>	<b>Mr J Royles</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 REFUSED for the following reason(s):-

1. By reason of the overall design and appearance of the proposed buildings including, the section projecting towards Hazelwood Lane which is out of character, the arrangement of apertures which is incoherent, the roof ridge lines which are uninteresting and not reflective of the topography of the land, a hipped roof which is inappropriate in the context of gable ended roofs, it is considered that the cumulative impact is such that amounts to development which is inappropriate and therefore detrimentally harmful to the immediate and wider character of the area. As such, the application fails to take the opportunity to improve the character and quality of the area. The proposal is therefore contrary to policy 8 of the North Northamptonshire Joint Core Strategy and is inconsistent with paragraphs 127 and 130 of the NPPF.

2. The level of amenity afforded to future occupier(s) of the dwelling adjacent to the flats is considered to create unacceptable living conditions by virtue of the overly tall and expansive eastern wall of the south-west projecting section which will impose an overbearing and suppressing impact along with severely reduced light resulting in an oppressive and 'hemmed-in' experience to the rear of the living unit and within its private rear garden. The proposal therefore is contrary to Policy 8 of the North Northamptonshire Joint Core Strategy and inconsistent with paragraph 127(f) of the NPPF.

3. The access proposed off Saunders Close is located at an existing junction where two roads meet and which crosses a pedestrian access from Hazelwood Lane to Saunders Close. No details of visibility splays have been provided. In this regard the proposed vehicular access is considered to present a dangerous highway safety

situation for both vehicle users and pedestrians. The proposal is thereby contrary to policy 8 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2019/0440**

This application is reported for Committee decision because a ward member has asked for it to be considered.

### **3.0 Information**

#### **Relevant Planning History**

KET/2018/0568 – Demolition of workshops. Construction of 3 no. houses and 2 no flats – Withdrawn 07/09/2018

KET/2016/0812 - Demolition of workshops and construction of 3 no. dwellings and 2 no. two bedroom flat – Returned 18/05/2017

KET/2015/0740 – Demolition of workshops and construction of 3 no. houses and 2 no. flats – Withdrawn 15/02/2016

KET/2008/0284 – 7 no. flats in two storeys and 2 no. one bedroom cottages to be built on the footprint of existing workshops and parking area, site of former cottages – Approved 27/05/2008

KET/2007/0279 - Full application for 10 no. flats in three storeys and 2 no. one bedroom cottages to be built in part on the footprint of existing workshops – Refused 10/07/2007

KET/1988/1077 – Residential development – Approved 16/11/1988

#### **Site Visit**

Officer's site inspection was carried out on 08/07/2019 for this latest application as well as having visited on 08/08/2018 to assess the previous application, KET/2018/0568.

#### **Site Description**

The site is located at the western most point of Hazelwood Lane, a cul-de-sac, and is currently occupied by one warehouse type building which has been divided into 3 no. units and rented out to small local businesses. The topography of Hazelwood Lane sees land levels drop from east to west, this character is also seen within the application site which presents a difference in land levels of approximately 0.5 metres from east to west. There is a further drop in land levels of approximately 1m on land to the south and west sides which present a network of residential flats. The existing building is approximately 4.4 metres high at the eastern point (the eaves, located on the highest land level and adjacent to residential flats), 4 metres high at the western point (the eaves, located on the lowest land level and adjacent to residential flats) and 6.5 metres high in the middle at both apexes. Hazelwood Lane is largely adopted highway until approximately three quarters of the way down the site (from east to west) where the land is then privately owned. Hazelwood Lane is characterised by a narrow carriageway. Vehicle parking is informal and very limited, it is possible to park a few cars directly outside the front of the building although this can lead to obstruction

of the road. There is a strip of land to the north, opposite, the site which is under the same ownership and which is being used as an additional informal parking area. Boundary treatment is located to the rear of the building and consists of a post and chicken wire arrangement which is set in amongst overgrown vegetation that has also seized the rear wall of unit 3.

To the north of the site, opposite, is a row of one-up-one-down ironstone cottages which are symmetrical, low in height, display small proportions and butt up to the highway.

To the east side of the site is a row of flats which are staggered in height from one to three storeys to reflect the difference in land levels down Hazelwood Lane.

To the south, rear, of the site is an arrangement of two-storey sheltered living/retirements flats which are set on land approximately lower than the front of the application site. An entrance to a small car park for the flats separates the residential building from the site.

To the west side of the site is a continuation of the network of two-storey sheltered living/retirements flats which characterise the George Street and Saunders Close area.

### **Proposed Development**

This application seeks full planning permission for the demolition of the existing commercial units and erection of 3 no. two-storey dwellings and 2 no. flats with associated parking provision; this application is a re-submission of previous planning application KET/2018/0568 which was withdrawn as a result of officer concerns raised during the process with respect to design, character & appearance, amenity, parking, bin storage and land ownership issues relating to the proposed vehicular access at the corner with Saunders Close. This application presents a scheme consistent with the withdrawn which is not considered to have addressed the material matters raised. As such, this report addresses the issues consistently, discussed in section 7.0.

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

Adjacent to the Kettering Town Centre Conservation Area.

## **4.0 Consultation and Customer Impact**

Two site notices were displayed within the vicinity of the application site on 08/07/2018.

### **Northamptonshire Highway Authority – objection received on 16/07/2019**

The LHA recommends refusal of the application on the grounds of insufficient parking provision and highway safety – no details on the vehicle accesses have been proposed, pedestrian visibility splays may be obstructed and there is insufficient space for large vehicles to turn around within the lane.

**Cadent Gas – comments received on 17/07/2019**

Gas apparatus have been identified within the site boundary and a request for notes relating to considerations in relation to gas pipeline/s to be included as an informative should the application be recommended for approval.

**Northamptonshire Police – comments received on 17/07/2019**

Northamptonshire Police have the following comments, which if implemented will reduce the likelihood of crime, disorder and anti-social behaviour occurring. This is in the interest of the security and quality life of future occupants of the development in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

This area of Kettering has historically and periodically still does suffer from incidences of robbery, burglary, theft from Motor vehicles, and theft of motor vehicles, criminal damage and issues of anti-social behavior. Due to the location of the site, designing out crime should be high on the list of sustainable priorities.

- The rear access alleyway should be gated in-line with the building frontage (adjacent to the first floor flat). This gate should be lockable and match the height of the boundary treatment.
- All doors and windows in domestic dwelling should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of 3<sup>rd</sup> party accredited products.
- Street lighting should be assessed and improved if required for the footpath.
- Each individual external door should have a dusk 'til dawn light fitted.
- The garage door should be certificated to LPS1175:SR 1 or equivalent security standard.

**Kettering Borough Council Environmental Protection – comments received 18/07/2019**

No objection subject to the following regarding:

- Working hours for construction
- Construction/demolition method statement
- Contaminated land
- Radon
- Acoustic Separation
- Refuse (flats)

**Neighbours - representations including objections, strong objections, concerns and comments received during the public consultation period**

Received from the following properties, most of which raise matters following the same theme:

Saunders Close (flats) – 34, 36, 37 & 38  
Hazelwood House, Hazelwood Lanes – 4  
George Street, The Lawns (flats) – 16, Kettering Borough Council Lawns  
Scheme Manager,  
George Street (flats) – 22, 24 & 26

The matters raised have been summarised and set out in bullet point format below:

- Elderly residents of the surrounding area do not wish to experience upheaval or disruption from building works including increased vehicles and equipment causing dust, noise and obstruction to the highway
- The existing roof is asbestos which, when removed, if not removed properly, could impact surrounding residents' health
- Traffic down Hazelwood Lane is horrendous; turning is difficult due to the narrow width of the carriageway, lorries get stuck and it resembles living on a race track
- Kettering Council should be encouraging affordable homes
- Kettering Council should compulsory purchase these units and with public consultation decide on what is appropriate
- The proposal will seriously affect our privacy as it is overlooking our yards/gardens
- Residents of the surrounding retirement living units are all elderly and the proposed access off Saunders Close/George Street presents additional risks and safety concerns
- Parking around Saunders Close and George Street is extremely limited, there are more residents than spaces which causes existing problems for family, carers, nursing staff and residents with cars and more residential properties would only intensify this problem
- Noise during the construction and once the buildings are occupied are a concern as many residents have spent years making the communal garden area an award-winning area over which this development would look causing loss of privacy
- Loss of turning/parking area and bin storage space for the proposed garage access
- Location of bins on George Street/Saunders Close could cause danger to traffic or pedestrians
- Safety and privacy concerns with respect to overlooking between windows on existing and new properties
- The size of the building proposed will restrict natural light which could be detrimental to residents' health
- The roof ridge of the south elevation of the proposed building is some 40ft higher than the car park level on which my ground floor flat on George Street sits, this development would comprehensively take light from my flat
- Privacy to my flat would be severely affected by overlooking from 8 first floor windows as well as ground floor windows and doors

- Strong objection to the proposed footpath to the east connecting Hazelwood Lane to the resident's car park as people will use this as a cut through making residents feel vulnerable
- Strong objection to the gate in the fence as people will drag their bins through the car park affecting our quality of life, privacy and safety
- Highway safety issues arising from the proposed vehicular access to the garage under first floor flat which passes over a footpath used by elderly residents of the surrounding housing schemes obstructing the pavement for wheelchair users, scooter users and those with mobility problems
- Traffic and parking survey results are way out.

## **5.0 Planning Policy**

### **National Planning Policy Framework 2019 (NPPF)**

Policy 2. Achieving sustainable development

Policy 5. Delivering a sufficient supply of homes

Policy 8. Promoting healthy and safe communities

Policy 11: Making effective use of land

Policy 12. Achieving well-designed places

Policy 16: Conserving and enhancing the historic environment

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy 2016 (NNJCS)**

Policy 1: Presumption in favour of Sustainable Development

Policy 2: Historic Environment

Policy 6: Development on Brownfield Land and Land Affected by Contamination

Policy 8: North Northamptonshire Place Shaping Principles

Policy 9: Sustainable Buildings

Policy 11: The Network of Urban and Rural Areas

Policy 15: Well-Connected Towns, Villages and Neighbourhoods

Policy 28: Housing Requirements

Policy 29: Distribution of new homes

Policy 30: Housing Mix and Tenure

#### **Saved Policies in the Local Plan for Kettering Borough**

Policy 35 – Housing with Towns

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

Policy 6: Residential

Policy 21: The New Residential Quarter

## **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. Design and impact on the street scene
3. Impact on residential amenity
4. Highway safety
5. Sustainable buildings
6. Other matters

#### 1 The principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kettering Borough currently comprises the adopted North Northamptonshire Joint Core Strategy and saved policies of the Kettering Borough Local Plan 1995.

The application site is in an established residential area within Kettering town centre, to the south-west.

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 11 and 29 of the North Northamptonshire Joint Core Strategy direct the majority of development to existing urban areas and indicate that Kettering as a Growth Town will be the focus for infrastructure investment and higher order facilities to support all elements of development.

Policy 8 of the North Northamptonshire Joint Core Strategy (NNJCS) is supportive of new residential development provided there is no adverse impact on character and appearance, residential amenity and the highway network.

The site is brownfield land and Policy 21 of the Kettering Town Centre Area Action Plan identifies it as NRQ13 and allocates it for the provision of 5 no. residential dwellings.

As a result, subject to detailed consideration being given to the impact of the proposed development having an acceptable impact on the character and appearance of the area and residential amenity, in conjunction with ensuring its compliance with National & Local policies, the principle of development for this proposal is established subject to the satisfaction of the development plan criteria.

#### 2 Design and impact on the street scene

Policies 8 and 12 of the NPPF requires development to be *well-designed* and *safe, healthy, inclusive* environments, these are echoed by respective Policies 8(d) and 8(b) of the NNJCS which require new development to *respond to the site's immediate and wider context and local character* and to *make safe and pleasant streets and spaces*.



Notwithstanding the residential use and subsequent density designated to this land through the Kettering Town Centre Area Action Plan (2011-2021), any proposed development is also required to satisfy all other matters detailed in the development plan. Planning policies have developed and evolved to present a policy position which has a strong emphasis on design being a fundamental aspect in new development. This discussion is framed in such context.

These matters were raised with the agent during the previous application KET/2018/0568.

The application site is located at the western extent of Kettering Town Centre in a sensitive setting which borders the Conservation Area and lies in the vicinity of historic and Listed buildings. As a result, due to the proximity of the application site to such constraints it is considered that a high standard of design is required to respect and reflect the historic environment and to ensure that no adverse impact is caused to the character and appearance of the designated area for which new development must have regard under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 in conjunction with other local and national planning policies.

The application site can be read within the context of both Hazelwood Lane & West Street from the front and east side, and George Street & Saunders Close from the west side and rear, although it is considered that its primary context is where the main accesses are positioned, within Hazelwood Lane. In any case, both contexts present consistent characteristics which are not reflected within the proposed scheme. The prevailing character of the area comprises gable roofs over simplistically designed residential buildings which are arranged in an uncluttered fashion down Hazelwood Lane with stepped floor and roof levels to reflect the topography of the land. The buildings and their respective roofs on Hazelwood Lane and West Street (adjacent) are clearly presented in a linear form with unbroken elevations visible within the public realm. Window and door openings are also of consistent size and arrangement with horizontal emphasis and corresponding detailing which includes brick headers, cills, surrounds and inset front doors.

The proposed scheme essentially presents one structure displaying an uncoordinated mass which does not principally differ from that proposed in the 2015 and the subsequent applications. The difference in land levels constitutes a fundamental characteristic of the site and as such should be respected and reflected in the design of new development to form an interesting feature. The appearance of the proposed flats differs dramatically from the proposed dwellings by displaying an overly fussy front elevation facing Saunders Close with a concentration of incoherent windows within close proximity, a hipped roof, an incongruous garage, and an expansive side elevation with no outdoor amenity space which results

in development wholly out of character with its immediate and surrounding context. Furthermore, an inappropriate projecting section breaks and interrupts the partially linear elevation to Hazelwood Lane which is considered to result in an awkward relationship with the remaining 3 no. proposed dwellings and existing development surrounding the site. Windows are inconsistent in size, proportion and design which results in an incoherent presentation particularly to the flats which display a large expanse of roof and wall to Hazelwood Lane in contrast with the number of cluttered apertures presented to Saunders Close. As a result, it is considered that the proposed development presents an unbalanced and unorganised scheme which would jar with its surroundings rather than relate well to it thereby causing adverse harm to the character and appearance of the immediate and wider street scenes.

It is accepted that there are newer buildings in the vicinity of the application site, possibly from the 1980s, however, they are of their time and have taken inspiration from the Victorian cottages located on the north side of Hazelwood Lane which have a strong presence in the street scene and from which the character of the area derives. Notwithstanding any previous point made within this report, it is considered that application fails to take the opportunity to provide a good quality development.

Furthermore, an additional pedestrian access between Hazelwood Lane and George Street flats car park via a thoroughfare which runs parallel with the east elevation is considered to create a secluded space which would likely promote anti-social behaviour to the detriment of the area. Having said that, this matter could be dealt with through condition.

Overall, it is considered that the proposed development presents an inappropriate appearance within the street scene which would cause harm to the surrounding character and therefore does not accord with Policy 8 of the JCS nor Chapters 8 and 12 of the NPPF.

### 3 Impact on residential amenity

Policy 8(e) of the North Northamptonshire Joint Core Strategy seeks to protect quality of life and safer healthier communities by ensuring new development does not result in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

Neighbours to the rear (south) of the application site have raised objections with respect to harm to their amenity, in particular regarding overlooking towards windows which serve habitable rooms as a result of the proposal. According to the submitted plans, the distance between the rear wall of the proposed dwellings and the rear wall of flats at 10-28 George Street which host windows serving habitable rooms is approximately 30 metres. This is considered an acceptable back-to-back relationship. As a result, it is considered that the proposal is acceptable in this respect in that it is not considered to cause adverse harm to neighbouring amenity by means of inappropriate overlooking.

Furthermore, the amenity afforded to future occupiers of the proposed buildings(s) is considered to be adversely harmed due to the height of the eastern wall of the south-west projecting section (forming the garage and first floor flat) such that it would cause an unacceptable situation to the living conditions of the adjacent mid-terraced dwelling, specifically to the rear windows and outdoor amenity space due to an overly tall and expansive wall which will impose an overbearing and potentially suppressing impact along with severely reduced light.

It is considered that all other neighbouring properties are set a sufficient distance away from the proposed development to ensure that their amenities would not be adversely impacted by means of loss of light, loss of privacy or overbearing development.

Consequently, by virtue of the identified harm that would be caused to the amenities of future occupiers of the proposed building the proposal is inconsistent with Policy 8 of the JCS and Chapter 8 and Paragraph 127 of the NPPF.

#### 4. Highway safety

Policy 8(b) of the North Northamptonshire Joint Core 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.

The concerns of the Local Highway Authority (LHA) have not been dealt with through this submission despite the agent having been advised of the highway issues by the case officer during the previous application.

The LHA require 12 no. parking spaces which includes 2 no. visitor spaces. However, it is recognised that the site is within the town centre and therefore accepted that public transport is widely available within a reasonable walking distance and as such less off-road parking provision may be considered to be adequate and acceptable. Overall the site is likely to be able to provide at least 7 no. off road parking spaces with the proposed scheme and although this is likely to be considered acceptable it has not been clearly demonstrated on the plans and as such should be clarified.

The access proposed off Saunders Close is located at an existing junction where two roads meet and which crosses a pedestrian access from Hazelwood Lane to Saunders Close. No details of visibility splays have been provided. In this regard the proposed vehicular access is considered to present a dangerous highway safety situation for both vehicle users and pedestrians.

Due to the narrow width of Hazelwood Lane a turning head is required to ensure vehicles can turn around and exit the road, such a turning head does not form part of this proposal.

Cycle stores are provided to the rear of the two-storey dwellings although no provision is specified for either of the flats.

As such the proposal is considered present inadequate parking provision as well as an unsafe highways situation inconsistent with policy 8 of the JCS and is therefore unacceptable in this respect.

#### 5. Sustainable buildings

Policy 9 of the JCS seeks development to incorporate measures to ensure high standards of resource and energy efficiency. Policy 30(c) of the JCS requires new dwellings to meet Category 2 of the National Accessibility Standards as a minimum.

Subject to the imposition of appropriate conditions in to ensure that the houses employ measures to limit water use to no more than 105 litres/person/day and to comply with the mentioned Accessibility Standards the proposal is considered to be acceptable in this regard.

#### 6. Other matters

It is the responsibility of the site owner to ensure that all relevant licences are obtained, notices are served, and The Control of Asbestos Regulations 2015 are sighted and understood prior to undertaking any works on site including demolition and removal of such material. Furthermore, KBC Environmental Protection, in their consultation response, recommended that should the application be approved, a condition requiring a Demolition and Construction Management Plan to be submitted and approved in writing by the Local Planning Authority prior to the commencement of development should be imposed.

It is widely accepted that noise may be a resulting impact of new development taking place which is usually for a temporary period of time. KBC Environmental

Protection, in their consultation response, recommended that should the application be approved, a condition be impose stating general construction work be restricted to: Monday to Friday 08:00-18:00, 08:00-13.30 Saturdays and not at all on Sundays or public/bank holidays.

The proposed scheme does not meet the trigger for affordable housing provision, therefore the Local Planning Authority are not in a position to negotiate a proportion of affordable units.

To deal with any matters arising from possible ground contamination a safeguarding condition to deal with unexpected contamination could be added.

Due to the industrial nature of the site which has been established since approximately 1945 there is no reason to believe that the proposal would cause impacts to biodiversity.

**Conclusion**

The proposal as submitted presents a scheme which conflicts with local and national policy by displaying a design which is fundamentally inconsistent with the character and appearance of the immediate and surrounding area, imposing inappropriate and supressing residential amenity for future occupiers of one or more of the proposed units, and introducing a new vehicular access which would result in an unsafe highways situation for both vehicle users and pedestrians. The application is therefore recommended for refusal.

**Background Papers**

Title of Document:

Date:

Contact Officer:

Collette Panther, Assistant Development Officer on 01536 534316

**Previous Reports/Minutes**

Ref:

Date:

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