

BOROUGH OF KETTERING

Committee	Full Planning Committee - 01/07/2014	Item No: 5.4
Report Originator	Mark Coleman Assistant Development Officer	Application No: KET/2014/0201
Wards Affected	Slade	
Location	Barnwell Court, Mawsley	
Proposal	Full Application: 2 no. dwellings to second floor	
Applicant	Mr B Fox City And County Developments,	

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. No development shall commence until full details of the new window to be inserted into bedroom 2 of flat 1 have been submitted to and approved in writing by the Local Planning Authority. The window details shall be provided on a plan of not less than 1:20 and shall include all glazing bar, frame and cill details, together with materials and finishing colour. The development shall not be carried out other than in full accordance with the approved details and retained thereafter.

REASON: In the interests of protecting and enhancing the character and appearance of the Area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and Sustainable Design Supplementary Planning Document.

3. No development shall commence on site until full details (including sample) of the obscuring treatment to be applied to the existing window serving bedroom 2 of flat 1, together with a scheme specifying measures to permanently fix shut the same window have been submitted to and approved in writing by the Local Planning Authority. The approved scheme to fix shut the window together with treatment to obscure the window shall be fully implemented prior to occupation of flat 1 and retained thereafter.

REASON: In the interests of protecting the residential amenity of the occupiers of 4 Meadow Close, Mawsley from loss of privacy through overlooking in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. No development shall commence until a scheme detailing measures to restrict the window serving the bathroom of flat 1 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify a top opening window mechanism and the degree of restriction applied to the window. Flat 1 shall not be occupied until the approved scheme has been fully implemented, and obscure glazing film [to no less than privacy level 4 Pilkington Standard, or equivalent] has been applied to cover the whole of the existing glazing. The privacy film and scheme for restricting the top opening window shall be permanently retained thereafter.

REASON: In the interests of protecting the amenity of the occupiers of 4 Meadow Close, Mawsley from loss of privacy resulting from overlooking in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Prior to occupation of the 2 no. flats hereby approved, the 2 no. allocated parking spaces shown on drawing no. 4110/010 P3 received by the Local Planning Authority on 14th May 2014 shall be permanently set aside and made available for the occupiers of the residential flats and shall be permanently marked as reserved on the parking space surface, allocating 1 parking space per flat.

REASON: In the interests of providing sufficient parking for the proposed residential flats in the interests of safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

6. The residential flats hereby approved shall not be occupied unless and until a scheme specifying how waste arising from the occupation of the dwellings will be stored and managed. The scheme shall specify measures taken to recycle elements of those waste arisings, method of storage and containment, and frequency of collection. Occupation of the dwellings shall only commence in full accordance with the approved waste management scheme.

REASON: In the interests of protecting and enhancing the amenity of the area and maximising opportunities for recycling waste in the interests of delivering a sustainable development in accordance Policies 13 and 14 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0201

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

3.0 Information

Relevant Planning History

KET/2006/0916 - Mixed use development consisting of retail units, take-away, residential flats, day nursery, offices and finance unit (Approved: 21.12.06)

KET/2009/0476 – Change of use of Unit 2 (part of) from A5 to A1, Unit 16 from B1 to A1, Unit 20 from B1 to D1, together with associated minor changes to elevations to include Unit 22 (Approved: 22.10.09)

Site Description

Officer's site inspection was carried out on 15th April 2014. The site is located within the centre of Mawsley village within a small development of existing retail and commercial premises set around shared parking courtyard. The courtyard also includes a number of cycle stores. Businesses within the courtyard include a café, retail, photographers, day nursery, restaurant, etc. Some of the units are vacant. The building to which this application relates is laid over 3 floors and encloses the car park courtyard along the south-westerly boundary. Beyond the existing building to the rear (southwest) is an open area of land and residential properties. The main village green is located beyond the community centre approximately 150m away.

Proposed Development

Material change of use from 2 no. existing office units (now currently used for storage falling under use class B8) to 2 no. residential units.

Any Constraints Affecting The Site

None Relevant

4.0 Consultation and Customer Impact

Environmental Health, Kettering Borough Council

No objection, subject to condition controlling hours of construction, and informative requiring noise control between the flat and ground floor retail premises.

Mawsley Parish Council

Objection on the grounds that the proposal will result in a loss of facility for the village which in turn would result in less opportunity for employment. Further re-consultation in response

Neighbours

Objection received from the occupiers of 4 Meadow Close, Mawsley on the grounds that the proposed flats will result in a loss of privacy through overlooking. Objection on the grounds of affecting property values is not a

material consideration.

5.0 Planning Policy

National Planning Policy Framework

Section 6: Delivering a wide choice of high quality home

Section 7: Requiring good design

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1: Strengthening the network of settlements

Policy 9: Distribution and location of development

Policy 13: General Sustainable Development Principles

Saved Local Plan Policies

RA14: Rural Area – Reuse and conversion of rural buildings

SPDs

Sustainable Design

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development

The site (referred to as units 2.3 and 3.3 under KET/2006/0916) is located within the settlement boundary of Mawsley Village. The approved use of the site is commercial offices (B1), although the applicant has stated that it is currently used by a third party for storage (B8). Provisions contained within the Town and Country Planning (General Permitted Development) Order 1995 (as amended) allow for changes from office (B1a) to storage (B8) under deemed consent. As a result, the unauthorised use would appear to be storage falling under use class B8, rather than office (B1), although the same provisions allow for changes back to B1 should the storage use cease.

The proposed change of use will result in the reuse of brownfield land. In terms of location, the proposal accords with policy 1 (CSS) and partially accords with Policy 9 (CSS) which prioritises the reuse of brownfield land, but particularly in urban areas rather than rural areas.

In terms of delivering housing, Section 6 (NPPF) places a presumption in favour of sustainable development; good design is a key aspect of sustainable development. In support of this approach, the NPPF sets out that Local Planning Authorities should plan for a mix of housing and approve planning

applications for change to residential use where there is an identified need for additional housing in the area, taking into account competing economic arguments for retaining existing uses.

Whilst the application does not identify a need for additional housing, the submission sets out a case for pursuing a change of use of the existing second floor of the building. The primary case being, that since the office use was permitted (approximately 6 years ago), the owner has not been able to successfully let the premises. The period of advertising and rents charged have been considered to be sufficient and reasonable with evidence of rental reductions being offered, and demonstrates a lack of demand for the existing office use in this location. As a result, the use has been changed to storage (B8) under permitted development rights for a temporary period.

Originally, although recognised as an identified need within the Masterplan, the original planning permission for Barnwell Court was not based upon a specified number or mix of uses. The final form of the development resulted from identified demand from end users and estimates of future demand. In their Economic Statement submitted with KET/2006/0916, the developers stated,

“The mix of uses and layout proposed provides an economic scheme to be developed, and although parts remain speculative at this stage, we have confidence that there will be demand for the complete scheme and that there will be no empty units blighting the site on completion”.

This approach was accepted by the authority because the overriding effect of combining local employment and service provision alongside the new village housing met the fundamental sustainable development principles enshrined in PPS1 and PPS3 [these policies are now superseded by the NPPF]. At the time, it was accepted that Barnwell Court provided local services and employment rather than competing with neighbouring centres of population. Clearly, the original estimates of demand for office space appear incorrect as none of the allocated B1/A2 uses have been brought into use and previous permissions have allowed for changes of use to individual units.

Objection raised by Mawsley Parish Council raises concern that the proposal would result in a loss of an employment use. Whilst two office/storage units would be lost by the proposal, evidence already provided indicates that there is not a strong demand for the offices in this location. Given the number of other vacant units within the area, impact on employment is not considered significant. Furthermore, provisions contained within Class J of part 3, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) grants deemed consent for changes of use from B1a (offices) to residential, subject to specific conditions and limitations being met. Initial enquiries with the applicant and Council Tax indicate that this provision would offer a viable fallback position.

In addition, although the site is no longer located within open countryside, the principle of Mawsley as a new village within open countryside was supported by policy RA2 of the Local Plan [which is no longer saved]. The relevance of

this, is that saved Policy RA14 permits the reuse of rural buildings in open countryside [Mawsley was within open countryside at the time the policy was written], subject to certain criteria being met which the proposal generally accords with.

Taking into account the fall back position of deemed consent, the lack of existing demand for the current permitted use, national policy which offers a presumption in favour of housing development, and location within the settlement boundary of Mawsley, the proposal is considered acceptable in principle subject to detailed considerations being acceptable. These are discussed below.

2. Impact on residential and neighbouring amenity

The external envelope of the existing building will largely remain unchanged by the proposal, with the exception of a small number of alterations to address neighbouring and residential amenity issues.

It is proposed to insert an additional window on southeast elevation to provide a side window to serve bedroom 2 of one of the flats, and obscure the existing window facing southwest with a solid film. Privacy film is also to be applied to the bathroom window which faces southwest. The obscuring of both windows are proposed in order to address loss of privacy affecting the occupiers of 4 Meadow Close, who live directly behind the site to the southwest.

An objection was originally received from the occupiers of this property on the grounds of loss of privacy, prior to the inclusion of the aforementioned alterations. No response was received in response to further re-consultation with the occupiers of 4 Meadow Close.

Subject to condition requiring details of the solid film to be submitted for approval, and a requirement for the existing window to be non opening, impact on privacy from this window will be adequately addressed. A further condition is recommended to secure privacy film on the bathroom window to be meet an obscurity level of no less than privacy level 4 Pilkington Standard, or equivalent, and for the window to be top opening only with details of window restrictors to be submitted. Due to the position of the new window on the building (which serves Bedroom 2), privacy will not be significantly affected, as it will not directly overlook residential properties.

It is considered that all other windows (4 no. in total) facing southwest will not have a significant impact on neighbouring amenity, as they primarily overlook open space located to the front of 4 Meadow Close or its flank wall, and do not directly overlook habitable rooms within 4 Meadow Close itself. Existing windows on the northeast elevation are equally acceptable as they overlook the existing car park forecourt area.

In terms of residential amenity for the future occupiers, whilst the proposal does not incorporate private amenity space, it is noted that the main village green is located within 150m of the site, and is sufficient to address this concern. Subject to conditions set out above, the proposal will have an

acceptable impact on neighbouring and residential amenity and is in accordance with the relevant parts of Section 7 (NPPF) and Policy 13 (CSS).

3. Impact on the character and appearance of the area

As discussed in section 2, the only external alterations proposed are the obscuring of 2 no. windows, and the insertion of a new window. A condition is already recommended to secure details of the solid privacy film which will also secure an acceptable appearance from the outside. The obscure glazing film will not have an unacceptable impact on the character and appearance of the area. Subject to condition securing joinery details / design details of the proposed window, impact on character and appearance will be acceptable, and the proposal accords with the relevant parts of Section 7 (NPPF) and Policy 13 (CSS) and Sustainable Design (SPD).

4. Impact on parking

Approximately 70 parking spaces and 6 additional parking spaces are provided within the existing forecourt, together with secure bicycle storage. The applicant proposes to secure 2 of the existing parking spaces for residential use. It is considered that the overall loss of 2 parking spaces for residential use will not have a significant detrimental impact on the overall level of parking provision within the area. The provision of these 2 no. parking spaces for residential use can be secured by condition together with marking necessary to indicate that they are designated. Subject to this, the proposal is acceptable and in accordance with Policy 13 (CSS).

5. Environmental Considerations

As the proposal is for apartment accommodation without private amenity space, contaminated land is not an environmental consideration. The key issue is the management and storage of waste/refuse. The applicant proposes to use an existing refuse store adjacent the proposed properties which has sufficient capacity and Environmental Health have no objections. As a result, subject to condition securing use of the bin store for waste arising from the resulting dwellings, the proposal is considered acceptable and in accordance with the relevant parts of Policy 13 (CSS).

Other considerations

Comment from environmental health regarding controlling of construction hours has been applied as an informative, though it is recognised that they would prefer a planning condition as 'preventative'. Also an informative will be included relating to details of how noise attenuation between the existing commercial use s and proposed residential use is to be dealt with i.e. part E of the Building Regulations.

Conclusion

The proposal is acceptable in principle and in terms of its impact on neighbouring and residential amenity, character and appearance of the area, parking and other environmental considerations. Subject to conditions discussed throughout this report, in accordance with the statutory duty of Section 38 (6) of the Planning and Compensation Act 2004 Act, the proposed

development is acceptable and recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Mark Coleman, Assistant Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date: