

**BOROUGH OF KETTERING**

<b>Committee</b>	<b>Full Planning Committee - 04/09/2014</b>	<b>Item No: 5.11</b>
<b>Report Originator</b>	<b>Marie Down Assistant Development Officer</b>	<b>Application No: KET/2014/0517</b>
<b>Wards Affected</b>	<b>All Saints</b>	
<b>Location</b>	<b>116 Rockingham Road, Kettering</b>	
<b>Proposal</b>	<b>Part 3 Class J Determination - Class C3 Use From B1: Conversion of offices to 3 no. dwellings</b>	
<b>Applicant</b>	<b>Mr D Smith, Northamptonshire County Council</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 No Objection

## **Officers Report for KET/2014/0517**

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/2014/0418 – Outline application for demolition of garage and erection of 3 no. dwellings – This is a separate proposal being to the same Committee.

KE/91/0771 – Change of use to provide residential and community social care support – NCC no objection

KE/90/1095 – Change of use from non-residential education centre to a hostel (C1) – NCC no objection

KB/67/411 – Change of use of house to children’s home – NCC permission deemed granted

#### **Site Description**

Officer's site inspection was carried out on 07/08/2014. The application site is located to the north of Kettering town centre, on the corner of Rockingham Road and Charles Street. The application relates to the large three storey building which fronts Rockingham Road which has until recently, been used by Northamptonshire County Council as a commercial office. The original use of the building was a residential property but it appears it has been in office use for some. The site is currently accessed via Charles Street and the rear grounds provide a small garden area, a car park for 6 vehicles along with a detached garage which forms part of the boundary to the rear. The rear garden/car park is subject to a separate outline application for demolition of garage and erection of 3 no. dwellings.

#### **Proposed Development**

This application is made under Class J of Part 3, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, as amended and seeks to determine whether the prior approval of the Local Planning Authority is required for the conversion of the offices to 3 no. dwellings.

#### **Any Constraints Affecting The Site**

Nene Valley NIA Boundary

### **4.0 Consultation and Customer Impact**

#### **Highway Authority**

Supports the application. The on-site parking provision of 4 spaces for the proposed dwellings is enough to cope with the anticipated requirements of the residents which may be less than it would have been given the proximity of the town centre and the promotion of journeys to be made on foot.

## **Neighbours**

Two representations received objecting to the proposal on the following grounds:

- This development and the adjacent conversion of 116 Rockingham Road to 3 no. dwellings do not provide sufficient off-street car parking.
- The development will result in additional on-street car parking in the area. On-street parking is already problematic given the presence of three care homes and a nursery in the area.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Paragraph N. 8 (b) (the procedure for applications for prior approval under Part 3) states the local planning authority shall, when determining an application, have regard to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application. Therefore, the following policies of the National Planning Policy Framework are relevant for consideration:

- Policy 4 – Promoting Sustainable Transport

## **6.0 Financial/Resource Implications**

None.

## **7.0 Planning Considerations**

The key issue for consideration in this application is:-

1. Whether the proposal falls to be granted a planning permission within the conditions and limitations of Class J of Part 3 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

The 2013 amendment to the Town and Country Planning (General Permitted Development) Order 1995, as amended (the GPDO) introduces Class J to Part 3 of Schedule 2, Article 3 of the GPDO.

Subject to limitations and conditions, Class J permits development consisting of a change of use of a building and any land within the curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.

The conditions of Class J require the developer to apply to the Local Planning Authority for a determination as to whether their prior approval will be required only in relation to the transport and highways impacts of the development, contamination risks on the site and flooding risks on the site, in accordance with the provisions of paragraph N of Part 3, Schedule 2, Article 3 of the GPDO.

This application is not a certificate of lawfulness so a determination as to whether the proposal actually meets the limitations of Class J is not an issue for

consideration in this application.

The key consideration, therefore, is whether the prior approval of the Local Planning Authority will be required as to the following:

1. Transport and Highway Impacts
2. Contamination Risks
3. Flooding Risks

#### 1. Transport and Highway Impacts

The Local Planning Authority must consider whether the proposed change of use is likely to result in a material increase or change in the character of traffic in the vicinity of the site.

At present there are six parking spaces within the site serving the office use. The car park is currently accessed from Charles Street. As a result of the proposed change of use and the adjacent outline application for the erection of three no. dwellings the existing car park will be reconfigured. It should also be noted that the existing access will be blocked up and relocated further west along Charles Street. However, the access is not a matter for consideration in this application and is dealt with as part of the outline application.

As a result of the car park reconfiguration a total of eight off-street parking spaces will be provided, four of which will be allocated to the three dwellings resulting from the conversion of the offices and the remaining four will be allocated to the three dwellings proposed under the outline application.

Objections have been raised on the grounds that the proposal does not provide sufficient off-street parking and as a result the development will result in additional pressure on on-street parking in the area. The Highway Authority supports the proposal and has advised that the on-site parking provision of four spaces for the proposed dwellings is sufficient to cope with the anticipated requirements of future residents.

Furthermore, the Council does not have a policy outlining minimum parking standards and given that the application site is located on a bus route and less than 500 metres from the town centre it is considered that the proposal will not generate a significant level of additional traffic over and above that which can be accommodated on site to warrant a decision to refuse to grant prior approval.

The site is located in a sustainable location, in close proximity to the town centre and therefore encourages a modal shift consistent with that promoted by Policy 4 of the National Planning Policy Framework. Furthermore, paragraph 32 of the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. With the provision of four on-site parking spaces and the proximity of the site to the town centre it is considered that any additional requirement for on-street parking that may be generated would neither be a material increase or material change in the character of traffic in the vicinity of the site nor would it lead to a severe cumulative impact. A change of use from offices to residential under Class J

is permitted development and there are no clear reasons relating to the transport and highways impacts of the development for it not to proceed.

### 2. Contamination Risks

The proposed change of use does not involve any operational development. The application site has been previously developed and was originally constructed for residential use. As such there are no concerns regarding land contamination and the prior approval of the Local Planning Authority is, therefore, not required with regards to contamination risks.

### 3. Flooding Risks

The proposed change of use does not involve any operational development. The application site is located in an established residential area outside of any designated flood zones. As such there are no concerns regarding to flooding and the prior approval of the Local Planning Authority is, therefore, not required with regards to flooding risks.

### Conclusion

The prior approval of the Local Planning Authority is not required with regards to contamination risks and flooding risks. In terms of the transport and highway impacts of the proposal it is considered that the proposal will not result in a material increase or change in the character of traffic in the vicinity of the site given the level of on-site parking provided and the proximity of the site to the town centre and bus routes and the emphasis places on sustainable modes of transport as set out in the National Planning Policy Framework. A change of use from offices to residential under Class J of Part 3, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, as amended is permitted development and there are no clear reasons relating to the transport and highways impacts of the development for it not to proceed.

NB: the applicant is to be advised on the requirements of the Building Regulations especially in respect of noise attenuation between the units (Part E).

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Marie Down, Assistant Development Officer on 01536 534316

#### **Previous Reports/Minutes**

Ref:

Date: