

BOROUGH OF KETTERING

Committee	Full Planning Committee - 16/12/2014	Item No: 5.9
Report Originator	Richard Marlow Senior Development Officer	Application No: KET/2014/0718
Wards Affected	William Knibb	
Location	Abacus, 19 Dalkeith Place, Kettering	
Proposal	Full Application: Single storey side extension with pitched roof to conceal existing air conditioning units. Creation of bin store to rear. Change of use of amenity land to outdoor seating area in association with nightclub	
Applicant	Mr C Robinson Abacus Taverns,	

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 on site until details of the types and colours of all external materials to be used including facing, roofing, window, doors and the bin store gates, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include samples of the facing, roofing, window and door materials proposed. 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.

3. No development shall commence on site until a detailed specification of the types and colours of all materials to be used on the outdoor seating area, including barriers, canopies and details of furniture 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: In the interests of the visual amenities of the area and the wider Conservation Area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. Notwithstanding the requirements of condition 5 no seating is permitted within the outdoor seating area outside of the hours of 10:00 to 23:00 on any day, unless otherwise

first agreed in writing by the Local Planning Authority.

REASON: To protect the amenities of the occupiers of nearby properties in the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

5. All means of enclosure, canopies and any other outdoor furniture pursuant to the use of the outdoor seating area shall be removed from this external area outside of opening hours and stored within the building as approved and set out in condition 4.

REASON: In the interests of the amenities of the area and the wider Conservation Area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. The outdoor seating area shall be maintained in a clean and tidy condition in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the outdoor seating area. The scheme shall include details of the storage of all furniture and equipment when not in use. The development shall not be carried out other than in accordance with the approved scheme.

REASON: In the interests of the visual amenities of the area and the wider Conservation Area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the area and adjoining residential properties in particular in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. Before installation of any plant a noise assessment detailing the impact on noise sensitive properties shall be undertaken in accordance with BS41412:1999 (or later amendments) and submitted to the local planning authority for approval, including noise mitigation measures where appropriate to ensure that the noise from the plant is 5dB(A) or more below the existing background noise level. Once approved the plant and any necessary noise mitigation measures shall be installed according to the approval before use and maintained in the approved state

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

9. There shall be no public address or other sound amplification system installed or used at any time within the outdoor seating area, other than in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The public address or sound system shall not be used outside of the approved opening hours as set out in condition 4.

REASON: In the interests of the amenities of the occupants of neighbouring properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0718

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

3.0 Information

Relevant Planning History

KE/1993/0305 – Change of use to licensed premises / bar – Approved 03/08/1993

KE/00/0537 – Internal alterations. Side extension. Change of Use to nightclub from public house at existing cellar bar, ground and first floors at certain hours – Approved 26/09/2000

KET/2006/0666 - Variation of Condition 5 of Approval KE.00.0537; revise closing time to 3am

KET/2005/0970 - Non-compliance with condition 5 of approval KE.00.0537 - total relaxation of hours – Refused - 08/12/2005

KET/2012/0476 - Single storey rear extension and balcony. Refused 20/11/2012.

KET/2013/0251 – Variation of condition 5 of KE/00/0537 (hours of operation). Approved 07 June 2013.

Site Description

Officer's site inspection was carried out on 03/12/2014. The site is a sizeable 2 storey historic red brick building currently in use as a pub / nightclub, which operates under a late license over 3 levels, including a cellar bar.

To the north elevation the building has a small single storey extension and exhibits a number of air conditioning units to the first floor. This elevation abuts a small urban square, laid to block paving and incorporating a mature tree. Large commercial bins associated with the business are currently stored in the public domain. To the west elevation there are stairs with railings leading to the first floor fire escape and basement. There is no fenestration to either north or west elevations. The building's south and east elevations address the street with doors and windows.

The building is prominent in the local streetscene and is surrounded by commercial development including shops, takeaways and other public houses with some residential use at first floor.

Proposed Development

The application seeks permission for a single storey side extension and a change of use of amenity land to outdoor seating. The extension would provide an additional entrance to the building and a disabled WC together with a dedicated refuse storage area.

Any Constraints Affecting The Site

Kettering Town Centre Conservation Area

4.0 Consultation and Customer Impact

Northamptonshire County Council Highways Authority

No objection and have suggested conditions and informatives.

Northamptonshire Police

No objection and have suggested conditions and informatives.

Sport England

No comment.

Environmental Health

No objection and have recommended conditions regarding noise.

Economic Development

Support the application which is consistent with the Purple Flag scheme which the Council is coordinating with the objective of creating a safe and diverse night time economy.

Community Services

No objection.

Neighbours

One objection from a neighbouring resident within Jobs Yard on the grounds of noise and antisocial behaviour that will result from the outdoor seating.

5.0 Planning Policy

National Planning Policy Framework

Policy 7 – Requiring good design

Policy 2 - Ensuring the vitality of town centres

Policy 8 - Promoting healthy communities

Policy 12 – Heritage, Conservation and Archaeology

Paragraph 17 – Core Planning Principles

North Northamptonshire Core Spatial Strategy

Policy 1 - Strengthening the Network of Settlements

Policy 9 - Distribution & Location of Development

Policy 13 – General Sustainable Development Principles

Kettering Town Centre Area Action Plan (AAP)

Policy 2 - Urban Quarters, Urban Codes and Development Principles

Policy 3 - Primary Shopping Area (Primary and Secondary Frontages) and the Evening Economy

Policy 11 – Public Realm and Public Art

Policy 12 - Heritage, Conservation and Archaeology

Policy 13 - Open Space, Green Infrastructure and Biodiversity

Policy 22 – The Silver Street Quarter

Supplementary Planning Guidance

Kettering Town Centre Urban Codes SPD

Other

Kettering Conservation Area Appraisal

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:

1. Principle of development
2. Impact on design, character and Conservation Area
3. Impact on amenity
4. Impact on highways and public safety

1. Principle of Development

Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy (CSS) encourage development to be focused within the growth town of Kettering. The site falls within the boundary of Kettering Town Centre and within the Secondary Shopping Frontages therein, as defined by the Kettering Town Centre Area Action Plan (KTCAAP). The principle of commercial development in this area is, therefore, established.

The proposed extension and outdoor seating area would take place on what is designated open space - the square adjacent to the building is allocated as open space in the KTCAAP. Policy 13 of the KTCAAP details that for protected open spaces designated on the proposals map planning permission will not be granted for development which would result in their loss. However the policy is also clear that conservation and enhancement initiatives will be encouraged for these spaces that enhance their appearance, setting and, where appropriate their accessibility and function.

The adjacent square is classified as Amenity Greenspace within the Borough Open Space Assessment. It is clear that space is underutilised and whilst this proposal would use part of the space it would not result in its total loss. Furthermore the square and the side elevation of the Abacus building make a negative contribution to the Conservation Area through the plethora of wall mounted air conditioning units and the use of the space for bin storage. It is considered in this instance that the proposal provides an opportunity to improve the area and importantly enhance the Conservation Area, as set out below, and this outweighs any possible policy conflict with the use of part of the open space.

2. Impact on design, character and Conservation Area

The Local Planning Authority is required by Section S72(i) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

Policy 12 of the NPPF protects heritage assets from harm through inappropriate development or destruction. CSS Policy 13 (o) requires development to conserve and enhance designated built environment assets and their setting. Policy 12 of the KTCAAP states that development proposals should preserve or enhance the existing historic environment.

Policy 13 (h) 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. Section 7 of the NPPF sets out the importance of good design and underlines how good design is indivisible from good planning and sustainable development.

Policy 2 of the KTCAAP states that regeneration in Kettering town centre will be design-led and comprise developments of high quality that are distinctive to Kettering. The Policy requires proposals to improve the character and quality of the Plan Area and requires developments to comply with the Urban Codes Supplementary Planning Document (SPD).

Policy 22 of the KTCAAP sets out requirements for the Silver Street Quarter, in which the site falls. The policy states that development will reintroduce active frontages where the backs and service areas of buildings are presented to the street; that new and replacement building frontages will enhance the streetscape, provide natural surveillance and improve the quality of shop fronts; and that the Silver Street Quarter will be a priority area for the implementation of measures to proactively improve the design and appearance of existing buildings and shop fronts.

The historic significance of the building and the area on the Conservation Area is set out in the Kettering Conservation Area Appraisal (2007) which notes that the buildings along Silver Street and Dalkeith Place complete the historic town centre with the former Cross Keys Temperance Hotel (now Abacus) noted as one of the few remaining characteristic buildings which effectively terminate or demarcate streets and public spaces by virtue of their design quality and building features.

The proposed design would comprise of a 'false' pitched roof that encloses the existing air conditioning units to the north elevation of the building with roofing materials matching those existing. Further to the north a small flat roofed glazed extension would provide a new entrance to the premises and to the rear behind a brick parapet wall would provide waste storage facilities. The design is sympathetic to the host building and addresses existing issues on site. The glazed extension has been set back from the highway to the west of the northern elevation and thus does not detract from the rich architectural detailing and character of the building, particularly when viewed from the highway and the wider Conservation Area to the east. The use of framed glazing and simple detailing enable the proposed entrance to be read as a contemporary addition to the building, which is limited in its scale and mass and subservient to the host building.

Outdoor seating is proposed to the north of the new entrance enclosed by screen barriers. The area to be used would extend 4.8 metres from the north elevation of

the proposed entrance, and extend across the full width of the building.

From the details submitted it is considered that the proposed external seating will add vibrancy to the Silver Street Quarter which is in harmony with the Urban Codes SPD that promotes the maintenance of active frontages onto the street. It is not considered that the proposal would have a detrimental impact on the character and appearance of the Conservation Area or the locality, given that the furniture would be temporary. In addition, whilst the tables and chairs would be readily visible in the street scene, they would not obstruct views of the existing building or the wider street scene. It is recommended that conditions are imposed to require the submission of full details of the outdoor seating area, including means of enclosure, signage details, management and maintenance of the area to be submitted to and approved in writing by the Local Planning Authority. This will ensure that there is no detriment to the Conservation Area from the use of the area for outdoor seating during trading.

It is considered that the nature of the proposals would not be out of place in this historic environment. It is considered that the application meets the requirements of policy 13 of the North Northamptonshire Core Spatial Strategy in so far as they relate to matters of design and character.

In summary the design and the impact of the proposal on surrounding character and the Conservation Area is considered to be acceptable and accords with Policy 7 and 12 and Paragraph 64 of the NPPF, Policy 13 (h) and (o) of the CSS, Policy 2, 12 and 22 of the KTCAAP and the Urban Codes SPD.

3. Impact on amenity

Paragraph 17 of the NPPF states that development must secure a good standard of amenity for all existing and future occupants of land and buildings. Whilst Policy 13 of the CSS is clear that development must not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, pollution, loss of light or overlooking.

In close proximity to the application site there are a number of other licensed public houses interspersed with shops, offices and hot food takeaways. At first floor level there are a number of residential units above the commercial units, including those at the juncture of Jobs Yard and Dalkeith Place, in close proximity to the application site. One objection has been received from a neighbour on the grounds of noise and antisocial behaviour that will result from the outdoor seating. Both Environmental Health and the Police have raised no objection to the proposal, subject to conditions which ensure that there is no outside amplification of sound within the external seating area and control the hours of use. A condition that covers any new external plant including air conditioning or refrigeration units will also ensure that any noise impacts are appropriately insulated prior in installation. Given that Environmental Health have no objection, and the buildings location within the town centre close to other A3/A5 uses, it is considered that the outdoor seating in itself will not lead to unacceptable amenity impacts for neighbours that would warrant a reason for refusal. The removal of commercial bins currently stored unsecured in the public realm would also remove the negative visual amenity issues experienced on site at present.

There will be no unacceptable impact on the amenity of neighbouring residents through this proposal and it is therefore considered that the development is in accordance with criterion I of Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. Impact on highways and public safety

Paragraph 69 of the NPPF requires new development to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Criterion (b) of Policy 13 of the CSS requires development to design out antisocial behaviour and crime and reduce the fear of crime. Criterion (n) of the same Policy states that development must not have a negative impact on highway safety.

In terms of public safety, Northamptonshire Police and Kettering Borough Council Environmental Health Service were consulted on the proposal and raised no objection. The response from the Police highlights how the licensing officer, PC Kevin Murphy, has written to the applicant regarding the relocation of the entrance being of benefit regarding safety and for crowd dissipation. Northamptonshire Highways also have no objection given that the outdoor seating area does not extend over highway land.

Subject to conditions the proposal is considered to accord with Policy 13 (b) and (n) of the CSS and Paragraph 69 of the NPPF.

Conclusion

The proposed development is in accordance with the relevant policies of the Development Plan and there are no material considerations which indicate planning permission should not be granted. The principle of development is established, there would be no unacceptable detrimental impact on neighbouring residential amenity and the design is appropriate within the Conservation Area. The application is recommended for approval, subject to conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Richard Marlow, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: