

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/05/2016	Item No: 5.3
Report Originator	Richard Marlow Senior Development Officer	Application No: KET/2016/0119
Wards Affected	Burton Latimer	
Location	28 High Street, Burton Latimer	
Proposal	Full Application: Change of use from staff accommodation and part of restaurant to 4 no. dwellings, single storey rear extension and physical alterations to external elevations.	
Applicant	Mrs A Kaur	

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 facing, roofing and window materials to be used, together with joinery profiles/section and 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 13 of the North Northamptonshire Core Spatial Strategy.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings or extensions permitted by Schedule 2, Part 1 Classes A, B, C or D shall be made in the any of the elevations or roof planes of the development hereby approved.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. Prior to the first occupation full window details indicating those windows which are to be obscurely glazed/ and or non-opening , and the density of obscurity proposed, shall be

submitted to and approved in writing by the Local Planning Authority. The windows shall be installed as approved 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 13 of the North Northamptonshire Core Spatial Strategy.

5. The development shall be carried out in accordance with the Sustainability Statement received 17 February 2016 by the Local Planning Authority.

REASON: To ensure that the development incorporates techniques of sustainable construction, energy efficiency and waste reduction in accordance with policy 14 of the North Northamptonshire Core Spatial 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 development and neighbouring land are minimised in accordance with policy 11 of the National Planning Policy Framework.

Officers Report for KET/2016/0119

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

3.0 Information

Relevant Planning History

KET/2015/0658 – Change of use from restaurant and staff accommodation to 6 no. dwelling. Withdrawn 28/01/2016.

KET/2013/0625 – Change of use from restaurant and staff accommodation to 4 no. houses and 2 no. flats with retention of part of restaurant. Refused 28 November 2013.

KET/2012/0805 – Change of use from restaurant and staff accommodation to restaurant and 4 no. houses and 2 no. flats, Withdrawn: 28 March 2013

Site Description

Officer's site inspection was carried out on 30 March 2016. The site is located in a central location within the settlement boundary of Burton Latimer, and within the High Street character area of its adopted Conservation Area. The site is also located adjacent the main roundabout junction connecting High Street with Church Street, with two vehicular accesses serving the site located within close proximity either side of the roundabout.

The site comprises a linear arrangement of two storey enclosing the rear of 30 – 36B High Street. No. 32 High Street is grade II listed. The existing buildings relating to this application were last used as a Chinese restaurant with associated staff accommodation, which currently remains dormant. Both the restaurant and staff accommodation are arranged over two floors. An overgrown garden is located to the rear (west) of the site which appears to slope uphill in a westerly direction, and is enclosed by a stone rubble wall which is in poor condition in places.

The existing building is largely constructed from limestone stone rubble with some brick. These materials are clearly exposed on the easterly wing and north/south link which both comprise the restaurant use. The section of the building comprising the staff accommodation is finished in cream render to the west and south elevations. The north elevation wall of the existing dining room conservatory located at first floor is also finished with render.

The arrangement of buildings forms the boundary walls to a number of properties including 20, 30, 36, 36B High Street and 9 Pioneer Avenue; as a result, with the exception of the latter, the existing windows facing these properties are located on their boundary. As discussed, two existing vehicle accesses serve the building, although both are restricted by the surrounding development with access between no. 30 High Street being particularly narrow and steep.

Proposed Development

The proposal seeks permission to provide 4 no. dwellings.

Any Constraints Affecting The Site

Setting of Grade II Listed Building (32 High Street)
Burton Latimer Conservation Area

4.0 Consultation and Customer Impact

Burton Latimer Town Council

Objection on the grounds of overdevelopment of the land and space available, no facility for parking and concerns about the egress of traffic from the properties onto the busy main road.

Highway Authority

Object to the proposal due to parking.

Environmental Health

No objection subject to a condition regarding contaminated land.

Neighbours

Objection from 30 High Street on the grounds that the site is being over developed, and problems that will occur by developing only half the building including bin storage issues, a lack of outside space and lack of access to the undeveloped part of the building at no. 28 High Street.

Objection from 20 High Street, Burton Latimer on the grounds of overlooking, concerns about the material used to build up the existing windows, the poor and unsafe state of repair of the building and the lack of parking.

5.0 Planning Policy

National Planning Policy Framework

Policy 2: Ensuring the vitality of town centres

Policy 4: Promoting sustainable transport

Policy 6: Delivering a wide choice of high quality homes

Policy 7: Requiring Good Design

Policy 8: Promoting Healthy Communities

Policy 12: Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1: Strengthening the network of settlements

Policy 7: Delivering housing

Policy 9: Distribution and location of development

Policy 10: Distribution of housing

Policy 13: General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Saved Local Plan

Policy 35: Housing: Within towns

SPDs

Sustainable Design

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issue for consideration in this application is:-

1. Principle of Development
2. Impact on Character, Appearance and the Conservation Area
3. Impact on Listed Building
4. Impact on Neighbouring Amenity
5. Parking, access and Highway Safety
6. Noise
7. Contaminated Land
8. Sustainable Construction and Design

1. Principle of development

Policies 1, 9 and 10 (CSS) support the principle of residential development within this town centre location. The proposal will result in the redevelopment of brownfield land within the existing settlement boundary of Burton Latimer which is identified as a smaller town within the settlement hierarchy. At a national level, there is also a presumption in favour of sustainable development for high quality homes which demonstrate good design as set out in Policies 6 and 7 (NPPF).

Policy 9 of the CSS states that priority will be given to the reuse of suitable previously developed land and buildings within urban areas. Paragraph 51 of the NPPF states that Local Planning Authorities should normally approve planning applications for change of use of commercial buildings to residential use where there is an identified need for additional housing in the area and provided there are no strong economic reasons why such development would be inappropriate. The principle of creating residential accommodation from the conversion of the disused restaurant is acceptable subject to the detailed planning considerations set out below.

2. Impact on Character, Appearance and the Conservation Area

Policy 7 of the NPPF requires good design while Policy 13 (h) of the CSS requires development to be of a high standard of design and to respect and enhance the character of its surroundings. The application site is located within the Conservation Area and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

The proposal primarily comprises of the re-use of the existing building envelope forming no. 28 High Street, with external alterations including the removal of the existing Conservatory and rear fire escape steps, and blocking up of specific openings. Re-profiling of the garden areas and an additional rear extension are also proposed. The proposal is likely to have an acceptable impact on visual amenity and the character and appearance of the Conservation Area, subject to materials used being approved and matching those used on the existing building.

The elevation plans show that many of the existing windows will be built up primarily to address potential amenity concerns and provided materials, including samples, are conditioned, will be sympathetic to the host building and the wider Conservation Area. A materials condition for windows and doors will ensure that appropriate natural materials are used. Amendments to the west of the site are largely hidden from the public realm but will enhance the Conservation Area through the removal of the large UPVC conservatory and its replacement which a small sympathetic single storey extension.

The alterations to fenestration have proportions that are consistent with the existing building and subject to the use of high quality materials, which can be secured through condition, will be sympathetic to the host building and its Conservation Area setting.

In response to the issue of whether the proposal would be 'over development', it is useful to consider that the proposed density of development would be approximately 60 dwellings per hectare which is comparable with the density of Victorian terraced properties within the Conservation Area. The houses would be arranged in an L shaped block of terraced houses. The external layout and appearance of the houses would be in character with the existing houses locally. Although the building is set back from the High Street it is nevertheless visible in the street scene. The building and the adjoining built form at no. 26 High Street, which is in the applicants control but sits outside the application site, is in a state of some disrepair and the proposal to convert no. 28 to residential use will ensure its long term continued use to the benefit of the surrounding Conservation Area. The alterations to the building are in keeping with the character of the building and conditions will secure appropriate materials, including samples, ensuring that the scheme preserves and enhances the Conservation Area.

It is advisable to remove permitted development rights in regards to extensions due to the context of the site and its size and existing built form. Overall the scheme will comply with Policy 7 of the NPPF, Policy 13 (h) of the CSS and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

3. Impact on Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on LPA's to pay special regard to the desirability of preserving the listed building and its setting. 32 High Street to the east is a grade II listed building, dating from the mid-18th Century, which is separated from the site by the rear garden of no. 30 High Street. The majority of alterations are limited to internal areas of the building or the west elevation where the listed building cannot be seen. Works opposing the listed building are confined to the building up a number of the existing

openings and reuse of others. Subject to a condition requiring materials to be approved the external works are acceptable and will preserve the setting of the listed building.

4. Impact on Neighbouring Amenity

To the west elevation the existing substantial conservatory would be demolished and new fenestration introduced. This elevation provides the primary access to units 2, 3 and 4 and private amenity space to those properties. The separation distance of 23 metres between habitable windows with the neighbour to the west at no. 13 Pioneer Avenue will maintain appropriate levels of amenity. Unit 4 includes a 2.9m deep single storey extension with hipped roof. Two recessed windows are proposed at first floor level within the pitched roof and provide views at an acute to the neighbour at no. 9 Pioneer who has raised overlooking and privacy concerns. The resultant viewing angle would therefore only provide views into the rearmost element of the neighbouring garden and away from the neighbouring building itself.

Unit 1 to the south of no. 28 High Street introduces no additional fenestration in the south elevation and is sufficiently separated from neighbours to the south to protect residential amenity.

On the east elevation facing 30 – 34 High Street all except for two first floor windows are to be built up to prevent overlooking and unacceptable amenity impacts to those neighbours to the east. Two remaining windows serve bathrooms and will be conditioned as obscured glazed and non-opening below 1.7m.

The north elevation faces towards the bungalows at no. 9 Pioneer Avenue and no 20. High Street with the proposed north elevation showing that the existing windows associated with this proposal would be removed and the openings built up preventing any amenity concerns.

Given the sensitive relationship between the site and its neighbours a condition is recommended that would remove permitted development rights for any additional openings within the elevations or roof planes.

5. Parking, access and Highway Safety

Policy 13 (d) of the CSS requires development to have a satisfactory means of access and to provide for parking, servicing and manoeuvring in accordance with adopted standard. Policy 13 (n) requires development not to have an adverse impact on the highway network and not to prejudice highway safety.

A number of objections have been received from third parties on the grounds that the proposal provides insufficient parking, access width, and pedestrian visibility splays and will have an adverse impact on highway safety.

The proposal maintains access to the existing garage on site situated between proposed units 3 and 4 but proposes no further intensification of this access point beyond that existing.

No further vehicle parking is proposed on site and this is consistent with objective 5 and policy 13 (e) of the CSS which seek to support modal shift and a shift away from

reliance on use of the private car. Policy 4 of the NPPF details that opportunities for the use of sustainable transport modes for the movement of goods or people should be exploited. There is also no evidence that the proposal will have an adverse impact on the highway network or prejudice highways safety in accordance with policy 13 (n). There is some conflict with policy 13 (d) of the CSS in that the proposal does not provide for parking but in this instance and given the town centre location, is outweighed by the other material considerations and would not warrant refusal.

6. Noise

The Council's Environmental Health Department has been consulted on the proposal and advises that in the event planning permission is granted a condition should be applied requiring an acoustic insulation scheme which achieves the noise levels outlined in BS8233:2014 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

7. Contaminated Land

Environmental Health has been consulted and has no objection to the application subject to a condition that would management any unexpected contamination found on site during the redevelopment.

8. Sustainable Construction and Design

Policy 14 (b) of the North Northamptonshire Core Spatial Strategy requires development to meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. All developments should incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and water efficiency and be in accordance with the requirements of the North Northamptonshire Sustainable Design SPD.

The application seeks to retain and convert the existing building and is supported with a sustainability statement and SPD checklist. Subject to a condition which secures accordance with the submitted details the scheme will accord with policy 14 (b)

Conclusion

The proposed development is in accordance with the relevant policies of the Development Plan. There is some conflict with policy 13 (d) of the CSS in that the proposal does not provide for parking but in this instance and given the town centre location this is outweighed by the other material considerations and would not warrant refusal. The principle of development is established, there would be no unacceptable detrimental impact on neighbouring residential amenity and the design is appropriate. The application is recommended for approval, subject to conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Richard Marlow, Senior Development Officer on 01536 534316