

BOROUGH OF KETTERING

Committee	Full Planning Committee - 19/07/2016	Item No: 5.1
Report Originator	Duncan Law Development Officer	Application No: KET/2016/0298
Wards Affected	Burton Latimer	
Location	90G High Street, Burton Latimer	
Proposal	Full Application: Change of use from first floor restaurant/storage to 1 no. two bedroom flat, insertion of 3 no. dormer windows and 2 no. roof lights, internal staircase to rear and creation of 1 no. door opening	
Applicant	Mr Miah	

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. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details shown on amended drawing number A419-1g received by the Local Planning Authority on 24/06/2016.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. No development shall take place on site until full details of all windows and doors have been submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out other than in accordance with the approved details.

REASON: Details are required prior to commencement of development in the interests of protecting the character and appearance of the Conservation Area in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. Before development commences a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and

approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented before occupation of the residential unit and thereafter maintained in the approved state. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers without the prior written approval of the Local Planning Authority.

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

5. Prior to the commencement of the use hereby permitted the approved cooking equipment and odour control system shall be installed; the details of which shall first be submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be maintained in accordance with the approved details

REASON: In the interest of residential amenity with regard to odour and noise in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

6. Upon completion of all works to implement the approved noise levels scheme, testing shall be carried out and a report submitted to the Local Planning Authority to verify the schemes effectiveness. The residential unit shall not be occupied until the scheme has been fully implemented, as approved by Local Planning Authority. The scheme and any required works shall thereafter be maintained in accordance with the approved details.

REASON: In the interest of residential amenity with regard to odour and noise in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

7. No development shall take place on site until full details of the proposed refuse storage and collection points have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To secure a high quality design and in the interests of visual amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy

Officers Report for KET/2016/0298

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

3.0 Information

Relevant Planning History

KET/2000/0450 - Change of Use: Extension to existing building and change of use to restaurant - approved

KE/2001/0457 - Proposed extension (self-contained living accommodation) - approved

KET/2003/0297 - Installation of 2m dormer window on the rear western roof of restaurant - approved

KET/2016/0258 - Retrospective change of use of the ground floor from retail to one flat - Refused

Site Description

Officer's site inspection was carried out on 10/06/2016

The application site is located in the centre of Burton Latimer and relates to an end of terrace property with a projecting rear gable. The end of terrace element is constructed of stone with ironstone banding whilst the rear gable is red brick, both elements under a clay tile roof, window treatments are brown stained timber. It is currently occupied by The Shaad restaurant with dining/bar area on the ground floor and kitchen facilities/storage on the first floor. Ground floor uses in the area are primarily retail and restaurant whilst there are residential uses at first floor level. To the north and west are open civic spaces.

Proposed Development

Change of use from first floor restaurant/storage to 1 no. two bedroom flat, insertion of 3 no. dormer windows and 2 no. roof lights, internal staircase to rear and creation of 1 no. door opening. The restaurant use will continue as the kitchen is to be relocated to the ground floor and the bar/dining area to be reconfigured.

Any Constraints Affecting The Site

Burton Latimer Conservation Area

4.0 Consultation and Customer Impact

Burton Latimer Town Council: Objection

- Proposal is contrary to the urban design framework by reducing the retail floor area on the High Street
- Parking arrangements are not explained

Highway Authority

- No objection

Neighbours: One objection from neighbour based on;

- Loss of commercial premises on the High Street
- Dormer windows and roof lights will create visual eyesore and oversee neighbours gardens
- Refuse storage, no recycling
- Noise and nuisance
- External alterations will effect historic building in town
- No parking

5.0 Planning Policy

National Planning Policy Framework:

Policy 2 - Ensuring the vitality of town centres

Policy 6 - Delivering a wide choice of high quality homes

Policy 7 - Requiring good design

Policy 12 - Conserving and enhancing the historic environment

Local:

Saved Local Plan policies:

Policy 35 - Residential Development within Towns

Policy 64 - Shopping: Development within Established Shopping Areas

Core Strategy policies (CSS):

Policy 1 - Strengthening the network of settlements

Policy 7 - Delivering housing

Policy 10 - Distribution of housing

Policy 13 - General sustainable development principles

Policy 14 - Energy efficiency and sustainable construction

Emerging North Northamptonshire Joint Core Strategy (JCS):

Policy 2 – Historic environment

Policy 7 – Community services and facilities

Policy 8 – Place shaping principles

Policy 12 – Town centres and town centre uses

Policy 29 – Distribution of new homes

Policy 30 – Housing mix and tenure

Supplementary Planning Guidance:

Burton Latimer Conservation Area Appraisal

Burton Latimer Urban Design Framework (2006)

Burton Latimer Parish Plan (2012)

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Residential Amenity
3. Design and Impact on the character of the conservation area
4. Highway Safety and Parking
5. Refuse
6. Sustainable construction and design
7. Comments on other points raised by proposal

1. Principle of development

The principle of the development on the site is supported by national and local policy. The Development Plan currently consists of the North Northamptonshire Core Spatial Strategy (CSS) and the 1995 Local Plan for Kettering Borough. Policy 1 and 10 of the North Northamptonshire Core Spatial Strategy focuses development within urban cores and highlights Burton Latimer as a secondary focal point for development. Policy 9 of the CSS directs development to existing settlements within the Borough to strengthen the existing network of settlements.

The application site is located within the town boundary of Burton Latimer as defined by Policy 35 of the Local Plan and within the Established Shopping Areas as defined by Policy 64 of the Local Plan. Policy 64 seeks to protect the Town Centre as a 'shopping' destination and prevent development which would have an adverse impact on the Town Centre. Policy 2 of the National Planning Policy Framework (NPPF) seeks to ensure the vitality of town centres.

The local policy landscape is changing as the North Northamptonshire Joint core strategy 2011–2031 is set to replace the CSS. North Northamptonshire Joint Planning Unit (JPU) considers that significant weight can be given to the emerging Joint Core Strategy given the policies of the JCS have been tested through an independent examination where the appointed Planning Inspector concluded that the Joint Core Strategy is 'sound' and legally compliant subject to a number of modifications which have been recommended by the Inspector.

Policy 29 of the JCS focuses new housing to the growth towns, policy 12 is concerned with the vitality of town centres

The area for conversion is at first floor level and currently serves as a kitchen for the restaurant on the ground floor, this A3 use will continue with the kitchen being relocated downstairs. Therefore there will be no loss of commercial floor area on the High Street as suggested by objectors. The principle of development is supported subject to the satisfaction of the additional criteria discussed below

2. Residential Amenity

Paragraph 17 of the NPPF and Policy 13(I) of the North Northamptonshire

Core Spatial Strategy require that developments do not result in an unacceptable impact on the amenities of neighbouring properties of the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking. This protection of residential amenity is supported by the Place shaping principles of Policy 8 of the emerging JCS.

Sunlight and daylight to any neighbouring properties will not be affected to any unwarranted degree as the proposal does not involve any significant extensions or additions that would increase the bulk or footprint of the building. There will be no impact on neighbouring amenity as having regard to the position of the proposed dormer windows on the northern roof plane; these will overlook a civic space and the roof lights proposed in the southern roof will serve a hallway and a bathroom. There are no gardens to overlook as put forward by an objector. There is a residential flat on the first floor of the attached property and housing in the immediate and wider vicinity of the proposal and as such it is considered that a further residential unit in this location will not give rise to any adverse impacts on residential amenity.

Policy 30(b) of the emerging JCS states:

‘The internal floor area of new dwelling must meet the National Space Standards (NSS) as a minimum in order to provide residents with adequate space for basic furnishings, storage and activities.’

The NSS states that new dwellings and conversions should normally meet, and preferably exceed, the minimum areas and if a local planning authority wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standards.

The NSS outlines the minimum gross internal floor areas and storage space that are required for all sizes of residential units. For one bed dwellings its states the following standards should be applied:

Number of beds	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	Built in storage
2b	3p	61	70	2
	4p	70	79	

The flat will be 80m² including 2.4m² storage thereby exceeding the standards required of 61m² or 70m² for a 1 storey dwelling so in compliance with policy 30.

A consultation response from KBC’s Environmental Health had no objection subject to conditions regarding protection from noise, and ventilation. The latter is considered necessary as the kitchen is to be relocated requiring the extraction to be altered.

Therefore the application as submitted accords with Paragraph 17 of the NPPF, policy 13 of the adopted CSS and policies 8 and 30 of the emerging JCS which require proposals to provide a good standard of residential amenity

and meet the needs of occupiers.

3. Design and Impact on the character of the conservation area

As a core planning principle, plan-makers and decision takers should always seek to secure high quality design. Consequently policy 7 of the National Planning Policy Framework requires good design, Policy 13 (h) of the North Northamptonshire Core Spatial Strategy and 8 d) and e) of the emerging JCS require development to respect the character of its surroundings.

Policy 12 of the NPPF refers to defining the significance of a heritage asset and that a proposal's impact is to be assessed on that asset for 'harm'. 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 host property is a relatively recent extension built in the early 2000's of part stone, part red brick under a tile roof and therefore has little historic significance.

The three dormers on the northern roof slope will be of suitable matching materials (lead cheeks and matching brown timber windows), the roof lights are of a conservation style and the proposed new entrance will be a secure timber door. The limited and sympathetically designed external changes will preserve the local character and are not considered harmful in appearance.

In this regard, the development is in accordance with NPPF Policies 7 and 12, CSS Policy 13 parts (h) and (o) and policy 8 d) and e) of the emerging JCS.

4. Highway Safety and Parking

Policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy and emerging policy 8 b) ii) 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. One off road space will be available within the site. The applicant has highlighted local parking facilities and has shown an area to be reserved for cycle storage on the site layout plan.

The location is in close proximity to Burton Latimer town centre which benefits from a car park and public transport links which can be utilised by the proposed use, the highways authority had no objection to the application which therefore accords with CSS policy 13 d), n) and emerging policy 8 b) ii).

5. Refuse

On the submitted plan, storage for refuse is shown but notwithstanding this, it is considered prudent to apply a condition to this permission requiring a scheme for refuse storage and more importantly collection facilities to be made available. The proposal will improve the current situation by removing the storage area from a highly visible location on the northern elevation to a more secluded spot in the rear courtyard. Subject to a condition securing this location and collection point, it is considered that the proposal complies with

Policy 13 (l) of the CSS. The satisfaction of this condition would overcome the objection received with regard to refuse storage.

6. Sustainable construction and design

CSS policy 14 sets out energy efficiency and sustainable construction requirements. As this proposal is small scale the applicant has through the submission of a Sustainability Appraisal and Energy Statement, demonstrated that the development incorporates techniques of sustainable construction and energy efficiency, there is provision for waste reduction/ recycling and there is provision for water efficiency and water recycling.

7. Comments on other points raised by proposal

Third party comments (not objections) were received regarding rain water discharge and bin location which are to be covered through the imposed conditions.

Conclusion

The proposal is considered acceptable in principle and in terms of its impact on neighbouring and visual amenity, there will be no adverse impacts on historic character and is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Duncan Law, Development Officer on 01536 534316