

BOROUGH OF KETTERING

Committee	Full Planning Committee - 19/09/2017	Item No: 5.1
Report Originator	Natalie Westgate Senior Development Officer	Application No: KET/2017/0396
Wards Affected	All Saints	
Location	3-5 Newland Street, Kettering	
Proposal	Full Application: Change of use of ground floor from retail to advice centre with staff offices and use of basement for ancillary storage	
Applicant	Mrs R Bradshaw-Wilson Accommodation Concern	

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 either before the expiration of six months from the date of this 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 submitted with the application and shown on the location plan and block plan received 22 May 2017, proposed floor plan received 7 September 2017 and email dated 8 September 2017.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. This permission shall be limited to a period of two years from the date of this permission. At or before the expiration of this period the use of the building shall be permanently restored to its former use of Class A1 of the Schedule to The Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON: To enable the Local Planning Authority to re-assess the retail viability of the site to see whether there is a need for retail in accordance with Policy 12 of the North Northamptonshire Joint Core Strategy and Policies 3 and 15 of the Kettering Town Centre Area Action Plan.

4. The ground floor of the building premises shall not be operated other than in accordance with an advice centre and staff offices and for no other purpose whatsoever.

The basement within the building premises shall not be operated other than in accordance with storage ancillary to the staff offices and for no other purpose whatsoever.

REASON: For the avoidance of doubt and to safeguard the objectives of Policy 12 of the North Northamptonshire Joint Core Strategy and Policies 3 and 15 of the Kettering Town Centre Area Action Plan.

5. The opening hours for clients to attend the advice centre hereby permitted shall not be carried out before 09:00 hours or remain open after 17:00 hours on Mondays to Fridays, nor before 09:00 hours or remain open after 12:00 hours on Saturdays, nor open at any time on Sundays or any recognised public holidays.

The staff administration use hereby permitted shall not be carried out before 08:00 hours or remain open after 21:00 hours on Mondays to Fridays, nor before 08:00 hours or remain open after 14:00 hours on Saturdays, nor open at any time on Sundays or any recognised public holidays.

REASON: In the interests of amenity in accordance with Policy 12 of the North Northamptonshire Joint Core Strategy and Policies 3 and 15 of the Kettering Town Centre Area Action Plan.

6. No food shall be stored on or dispatched from the premises, nor meals offered to clients/customers.

REASON: In the interests of amenity in accordance with Policy 12 of the North Northamptonshire Joint Core Strategy and Policies 3 and 15 of the Kettering Town Centre Area Action Plan.

Officers Report for KET/2017/0396

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

3.0 Information

Relevant Planning History

None

Site Visit

Officer's site inspection was carried out on 03/08/2017.

Site Description

The application site is the ground floor of a three-storey brown and white painted brick building located within Kettering Town Centre and within the Kettering Town Centre Conservation Area.

The first and second floors of the building have a separate commercial use of a restaurant including take-away. The ground floor is currently vacant and was most recently being used as a charity shop by Kettering Community Unit LTD.

Surrounding development is predominantly mixed use of primarily commercial and retail uses.

Proposed Development

The application now seeks planning consent for the change of use of the ground floor from retail to an advice centre with staff offices and use of the basement for ancillary storage.

The proposal includes the following activities:

Purpose of visits is for people to receive advice, support or 1:1 training through

- Drop-in and planned appointments
- Anticipated hours for advice are as follows:
- Monday – 10-1 for drop in, 2-4 for appointments
- Tuesday – 10-1 for drop in, 2-4 for appointments
- Wednesday – 10-1 for drop in, 2-4 for appointments
- Thursday – 10-1 for drop in, 2-4 for appointments
- Friday – emergency cases seen, but generally an admin day
- The appointment basis is typically an hour slot;
- Administration: Staff office use only;
- Basement for ancillary storage to be used by staff only.

The advice provided will be on housing, welfare benefits and debt, including legal advice and assistance completing forms typically within an hour slot. In certain cases there will be a 1:1 training session lasting up to 2 hours after the advice meeting. Training topics include budgeting, life skills, safety and security in the home, nutrition and health, and food safety.

This application has been significantly revised since first submission. For the

avoidance of doubt the food bank and provision of hot food are now withdrawn. There has been clarification that training would be ancillary to advice and on a 1:1 basis rather than provision of training courses.

The internal floor space measures approximate 195 m². The opening hours for clients to attend the advice centre shall not be carried out before 09:00 hours or remain open after 17:00 hours on Mondays to Fridays, nor before 09:00 hours or remain open after 12:00 hours on Saturdays, nor open at any time on Sundays or any recognised public holidays.

The staff administration use shall not be carried out before 08:00 hours or remain open after 21:00 hours on Mondays to Fridays, nor before 08:00 hours or remain open after 14:00 hours on Saturdays, nor open at any time on Sundays or any recognised public holidays. There is proposed to be five full-time employees and three part-time employees. The access to the unit is from Newland Street.

Any Constraints Affecting the Site

Within Kettering town centre Conservation Area

Within Primary Shopping Frontage

Within Primary Shopping Area

Within Shopping Quarter

4.0 Consultation and Customer Impact

Highway Authority

No objection subject to condition and informative.

Northamptonshire Police

No objection.

Environmental Health Officer

No objection subject to condition and informative.

Housing Officer

No comment.

Neighbours

There were 6 letters of objections from nearby businesses (although 2 letters were from the same person whom had revised their comments). The objections were relating to the following concerns:

- Suitability of the uses given the prominence of the location within the town centre
- Loss of retail unit
- Potential negative impact on the heritage of the area
- Potential anti-social behaviour in the area
- Concern on highway safety
- Increase in congestion
- Increase in littering within the area

5.0 Planning Policy

National Planning Policy Framework (NPPF)

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
7. Requiring good design
12. Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS)

- Policy 1. Presumption in favour of sustainable development
- Policy 2. Historic Environment
- Policy 8. Place shaping
- Policy 12. Town centre and town centre uses
- Policy 22. Delivering economic prosperity
- Policy 23. Distribution of new jobs

Kettering Town Centre Area Action Plan (KTCAAP)

- Policy 3: Primary Shopping Area (Primary and Secondary Frontages and the Evening Economy)
- Policy 15: The Shopping Quarter

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of the development
2. Impact on the Conservation Area
3. Effect on nearby residential amenity
4. Impact on highway safety

1. The Principle of Development

The site is located within the Kettering Town Centre Conservation Area, occupying a '*primary shopping frontage*' (PSF), and falling within a defined primary shopping area (PSA), located within the town centre and within the '*Shopping Quarter*' as defined within Policies 3 and 15 of the Kettering Town Centre Area Action Plan (KTCAAP).

The application site is currently vacant and has been vacant since April 2017. The last use of the ground floor at the application site was as an A1 retail use. There is currently use of A3 within the first and second floors of the building.

The applicant 'Accommodation Concern' currently operates at 1 Meadow Road, Kettering at a smaller site within the town centre. Planning permission

KET/2016/0476 was granted on 18/10/2016 for a change of use of that building from a tanning salon to advice service with offices (B1). This application seeks a similar permission of advice centre with staff offices.

Policy 3 (KTCAAP) states that *'The Primary Shopping Area (PSA) which includes both the Primary and Secondary Shopping Frontages will be the focus for retail within the Plan Area, as defined on the Proposals Map. A minimum of 20,500m² of net comparison retail floorspace will be delivered in the PSA by 2021...*

Primary Shopping Frontages:

The most appropriate location for A1 (retail uses) in the PSA is within the Primary Shopping Frontage (PSF). Proposals for non A1 retail uses at ground floor level will be considered acceptable providing they meet all of the following criteria. That development:

- I) Does not result in there being less than 75% of A1 frontages retained within the PSF; and*
- II) Does not result in more than three consecutive non A1 retail frontages; and*
- III) Does not result in any additional A4 (Drinking Establishments) and A5 (Hot Food Takeaways) units within the PSF; and*
- IV) Does not create an over concentration of non retail uses which will result in an unacceptable change in the retail character and/or adversely affect the vitality and viability of the PSA; and*
- V) Provides an active and well designed frontage which positively contributes to the street scene.'*

There will not be more than three consecutive non A1 retail frontages at ground floor level and no over concentration of non retail uses as a result of the proposed development. There is no A4 use sought for as part of the application.

The *Kettering Town Centre Health Check Monitoring Report* reported that the percentage of A1 retail frontages within the PSF was 71.11% (September 2016). Policy 3 of the AAP requires that not less than 75% of frontages in this area are in A1 use. It was also reported that *'Future changes of use application from A1 use will need to be very carefully assessed as the threshold has been exceeded and has been under 75% since 2012'*. This proposal will introduce a non-retail unit within the Primary Shopping Frontage (PSF) and cause the most recent figure of 71.11% to decrease further away from the 75% threshold. However it is possible that this figure from 2016 does not accurately reflect the current uses of units within the PSF.

A1 retail units provide active frontages, compared to other uses, such those as proposed in this case where activity would not be as frequent. It is apparent that the more dominant use would be offices, as indicated through the floorspace figures provided, with the A3 type activities being of a more ancillary use.

Policy 15 of the KTCAAP classifies the unit at 3-5 Newland Street within the designated Shopping Quarter. The policy states that *'New retail development that maintains and enhances the vitality, viability and attractiveness of Kettering town centre as a sub-regional shopping destination will be encouraged. The Shopping Quarter will be the focus for the delivery of a minimum of 20,500m² net additional comparison goods floorspace by 2021, within the Primary Shopping Area of Kettering town centre.'* The policy also states that *'Development proposals that would adversely affect the potential to enhance and redevelop shopping facilities elsewhere within the Shopping Quarter will not be supported'*. Due to the existing under provision of A1 retail frontage within the PSF, the current vitality and viability of the town centre is not sufficiently resilient to support the permanent introduction of an alternative non-retail use in this location.

However it is evident from the marketing information provided that it has been difficult to attract and sustain suitable uses for the unit beyond a short term time period. In addition to this, the most recent *Kettering Town Centre Health Check Monitoring Report* shows that the vacancy rate within the PSF have increased between September 2015 and September 2016, from 6.14% to 8.33%, with an increase of a similar nature for the KTCAAP plan area as whole. This survey was undertaken when the unit at 3-5 Newland Street was occupied in September 2016. It was also reported that analysis shows a distinct cluster of vacant units alongside that side of Newland Street. This affirms the view conveyed in the marketing information received, that this area of Newland Street, despite its central location, has met with limited appeal for prospective occupiers of these units.

It is possible that the unit may remain in its current vacant state for a sustained period of time, where it would be of little benefit, in the context of the Primary Shopping Area and within Kettering town centre. In this instance, despite being non-retail, using the unit for the revised proposed use for a limited time, would provide a use which would help to bring vibrancy to this street.

The only proposed use which can be considered a main town use would be the staff offices. Policy 2, para 23 (NPPF) states *'It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability...'*. The proposal to some extent undermines the KTCAAP by occupying a PSF site which could be otherwise be entirely occupied by a main town centre use.

Policy 12 of the JCS seeks to ensure that *'The vitality and viability of the town centres in North Northamptonshire will be supported by: a) Securing and maintaining a vibrant mix of retail, employment, leisure and cultural facilities...Within Primary Shopping Areas Proposals for change of use or redevelopment will be permitted if the proposal adds to the attractiveness of the centre and does not lead to the predominance of A1 retail use being critically undermined.'*

Conclusion

The proposed development would introduce a non-retail use within the PSF.

However, the proposal offers an opportunity to provide a temporary use for the unit currently vacant and appearing difficult to let. It would allow for the monitoring of the levels of retail use in this area as well present the opportunity for alternative locations, to accommodate the proposed use, to become available outside the PSF. Use classes are fairly flexible and interchangeable so there is a condition to restrict any proposed further change of use without first obtaining planning permission.

Therefore, despite the temporary loss of retail in this shopping area, the limited uses will be a benefit to the property and could be supported subject to the conditions recommended.

2. Impact on the Conservation Area

The application site is a modern designed building. Physically, the proposed change of use will result in no changes to the external appearance of the building. The existing frontage is in need of some smartening up, particularly the fascia, though an application for a change of use does not cover this. However, some fascia signage can be anticipated and the application has been advised to seek further advice before proceeding. Therefore, on this basis there will be no adverse impact on the character and appearance of the Conservation Area or on surrounding development and the wider street scene in accordance with Policy 2 of the Joint Core Strategy.

In terms of the proposed uses there will be no significant increase in footfall than for the previous use as a retail unit which will not impact on the character of the area in terms of an intensification of the activity at the site.

3. Effect on nearby residential amenity

The site is situated within Kettering town centre. The last use of the ground floor at the application site was as an A1 retail use. There is currently use of A3 within the first and second floors of the building.

The surrounding area benefits from a range of uses, primarily A1, A2 and A3 and opened mainly during the daytime. The proposed development is for advice and staff offices. The proposed internal floor space measures approximate 195 m². The opening hours for clients to attend the advice centre shall not be carried out before 09:00 hours or remain open after 17:00 hours on Mondays to Fridays, nor before 09:00 hours or remain open after 12:00 hours on Saturdays, nor open at any time on Sundays or any recognised public holidays.

The staff administration use shall not be carried out before 08:00 hours or remain open after 21:00 hours on Mondays to Fridays, nor before 08:00 hours or remain open after 14:00 hours on Saturdays, nor open at any time on Sundays or any recognised public holidays.

With the proposed condition to limit the hours account has been taken to ensure the uses will not cause any loss of amenity.

For comparison, the applicant reports that at their existing premises at No.1 Meadow Road, Kettering. They receive an average of 35 people a day. This is

evident that the charity does not encourage clients to remain for longer than necessary for their appointments during the day and there would not be a significantly high impact of comings and goings that would be a detriment to the nearby residential uses.

The area is surrounded by primarily mixed commercial uses. The concerns of neighbouring properties on the change in character of the area from the proposed development, have been considered. There was the submission of a security statement detailing such measures as a safe working policy employed by Accommodation Concern, proposed locking mechanisms and the potential future use of CCTV. There are no objections from the change in character of the area from Northamptonshire Police.

The planning permission is restricted to a temporary two year period. This would allow for the reintroduction of a Primary Shopping Frontage use back into the ground floor of this property.

4. Impact on highway safety

The building has no private land associated with it and as it is located on a busy road within Kettering Town Centre. The site benefits from good accessibility with a nearby bus station/stops and rail station, and close proximity to Car Parks. As such, there is no requirement to provide on-site parking as the building is within walking distance of all of these facilities.

There are no objections on highway safety from the Highways Authority.

Given the location of the building and the fact that the use will operate on an appointment basis, there will be no adverse impact on the highway network, nor will it prejudice Highway Safety.

Conclusion

Subject to the restrictions discussed the proposal is considered to be in accordance with the development plan policy and with the provisions of the NPPF. The opportunity to offer substantially revised use within the town centre subject to the imposition of conditions is considered acceptable.

Background Papers

Title of Document:

Date:

Contact Officer:

8.9.2017

Natalie Westgate, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: