

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 20/11/2018</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Sean Bennett Senior Development Officer</b>	<b>Application No: KET/2018/0649</b>
<b>Wards Affected</b>	<b>Burton Latimer</b>	
<b>Location</b>	<b>117 High Street, Burton Latimer</b>	
<b>Proposal</b>	<b>Full Application: Change of use from mixed use retail and single residential unit to mixed use retail and four dwellings</b>	
<b>Applicant</b>	<b>Mr O McLoughlin Investment Street Ltd</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 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 detailed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 2 and 8 of the North Northamptonshire Joint Core Strategy.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted (including the infilling to the front wall and the dormer) shall match, in type, colour and texture, those on the existing building.

REASON: In the interests of visual amenity in accordance with Policy 2 and 8 of the North Northamptonshire Joint Core Strategy.

4. The rooflights (velux) windows hereby approved shall be conservation grade which shall fit flush with the adjacent roof plane and the new front 'communal entrance' door shall be timber and remain so.

REASON: In the interest of visual amenity and in accordance with Policy 2 and 8 of the North Northamptonshire Joint Core Strategy.

5. The cycle and refuse stores hereby approved shall be available for use prior to first occupation of a residential unit hereby approved and should be provided and maintained thereafter.

REASON: In the interests of residential amenity and in support of sustainable forms of transport in accordance with Policy 8 of the North Northamptonshire Joint Core 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 land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2018/0649**

This application is reported for Committee decision because there is an unresolved, material objection to the proposal from Burton Latimer Town Council

### **3.0 Information**

#### **Relevant Planning History**

None

#### **Site Visit**

Officer's site inspection was carried out on 19/09/2018 and 12/10/2018

#### **Site Description**

The site consists of a vacant end of terrace red-brick Victorian property under a slate roof and chimneys within the Town's commercial core. The ground floor consists of a vacant shop with a three bed residential unit above. The premise has been vacant for a number of years with an under-croft access to the side.

#### **Proposed Development**

The application seeks full planning permission for retention of the ground floor retail use and basement for its storage and conversion of the rear ground floor part of the building for a one-bed apartment including a single storey rear extension and conversion of the upper floor and roof space to three studio apartments. Conversion of the roof-space would also involve the provision of a rear dormer.

Access would be via the under-croft, with provision of a bin and cycle storage area together with a communal yard area and a private garden to serve the ground floor apartment and also a WC to serve the shop. The shop's customer access would be retained directly onto the street with no changes to the shop front proposed.

During the course of the application and following Officer advice the proposal has been amended to omit a proposed second floor to the rear outrigger part of the building, significantly reducing the size of the rear dormer and the number of front roof lights from four to one. A Parking Beat Survey has also been provided. The proposal is considered in light of these amendments and additions and any subsequent comments received and arising from these will be reported to the Planning Committee in the updates.

#### **Any Constraints Affecting the Site**

Within the setting of a Grade II Listed Building  
Within Conservation Area

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

**Burton Latimer Town Council: Object** for the following reasons:

- Overdevelopment
- No traffic management plan submitted

- Three storey building out of character within that part of High Street
- Inadequate parking provision

**KBC – Environmental Protection Officer (EPO): No objection** subject to the imposition of conditions relating to contamination, noise protection and refuse

**NCC - Local Highway Authority (LHA):** Say that they cannot support the proposal due to the lack of a parking beat survey and provide information on cycle parking standards

*Officer comments: In response to the above and following officer advice amended drawings have been received and a parking beat survey undertaken and provided*

## **5.0 Planning Policy**

### **National Planning Policy Framework (NPPF):**

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
16. Conserving and enhancing the historic environment

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy (JCS):**

1. Presumption in favour of sustainable development
2. Historic environment
6. Land affected by contamination
8. Place shaping
9. Sustainable buildings
11. The network of urban and rural areas
22. Delivering economic prosperity
28. Housing requirements
29. Distribution of new homes
30. Housing mix and tenure

#### **Saved Policies in the Local Plan for Kettering Borough:**

35. Housing: Within towns
64. Shopping: Development Within Established Shopping Areas

#### **Burton Latimer Urban Design Framework (2006)**

#### **Burton Latimer Conservation Area Appraisal (2009)**

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. The principle of the development
2. Impact on the character and appearance of the area
3. Impact on residential amenity
4. Impact on highway safety and convenience
5. Impact of possible contamination
6. Sustainable buildings

### 1. The principle of the development

The site is located within the Town's boundary as defined by Local Plan policy 35. The proposal is therefore consistent with Joint Core Strategy (JCS) Policies 11 and 29 which seek to guide development to Towns in the interest of a sustainable pattern of growth and protection of the rural area.

In addition Policy 6 of the JCS, consistent with Chapter 11 of the NPPF seeks to promote and support the development of under-utilised land and buildings such as this, with the building having been vacant for some time and showing signs of dis-repair.

Moreover, the proposal retains the ground floor retail use and would revitalise its prospect for re-opening and thereby support Town Centre vitality and economic prosperity consistent with Policy 22 of the JCS which seeks to safeguard existing employment sites. The retail use would retain welfare facilities and a reasonably sized storage area in the basement. Burton Latimer Urban Design Framework also seeks to support active ground floor uses within the core town centre area whilst the NPPF also recognises that residential development has a role to play in ensuring the vitality of centres.

As such the principle of the proposal is considered to be acceptable.

### 2. Impact on the character and appearance of the area

Policy 8 (d) of the JCS consistent with Chapter 12 of the NPPF seeks development to respond to an areas local character and wider context.

As the site is located within the setting of a Grade II Listed Building at 115 (Meads Dairy) High Street to the north the proposal falls to be considered under Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities (when considering whether to grant planning permission for development which affects a listed building or its setting) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In addition as the site is within a Conservation Area it also falls to be

considered under Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, including its setting.

Policy 2 of the JCS, consistent with Chapter 16 of the NPPF seeks development to protect, preserve and where appropriate enhance heritage assets and their settings.

The proposal would involve minimal changes to the front elevation with the provision of a single roof light retaining the unbroken nature of the roof scape and the replacement of a modern double door to the side of the shopfront and its replacement with a single door and brickwork in-filling to match. Such a minimal change would not be considered harmful to the streetscape, the Conservation Area or to the setting of the nearby Listed Building to the north. The revitalisation of the shop may also attract a business, which would be seen as enhancement to the areas character in terms of vitality and vibrancy.

Turning to the rear proposals; which comprise a rear single storey lean-to extension, a dormer and two roof-lights. The rear ground floor extension would not be visible from surrounding land due to boundary treatments and its low profile and in any event comprises a modest addition common to the rear of an outrigger.

The dormer window, which was subject to amendments, would not be readily visible from the streetscape although there would be glimpses of it from surrounding private land and also from a discrete viewpoint from outside the Conservation Area to the south from Latimer Close. From there the proposal would be seen as subservient addition to the roof-scape, with a significant portion of the existing roof plane remaining visible and a top-heavy emphasis avoided. In addition there is no significant inter-visibility with the Listed Building.

Conditions shall be applied to ensure that materials match the existing and that the roof-lights are conservation grade and therefore flush with the roof plane.

As such it is considered that the proposal constitutes a sensitive inconspicuous form of development that sits comfortably within the street scape and its surrounding context, subject to the imposition of the outlined conditions, and also preserves the significance of the conservation area and the setting of the Listed Building. As such and with no overriding factors which would justify a different view, the proposal is considered to be acceptable in this regard.

### 3. Impact on residential amenity

The JCS in Policy 8 (e) states that development should protect the amenity of all future and surrounding users of land and buildings.

Due to the siting, orientation, proximity and relationship of the proposals with surrounding properties and their windows, the development would not result in

adverse impacts to surrounding dwellings by virtue of loss of privacy, light loss or loss of outlook.

In particular the flats to the rear at 1-9 Latimer Close and their windows have an oblique relationship to the rear facing windows of the host property and specifically the proposed dormer and whilst their rear yard area may have some limited outside amenity space value it appears to have more of a functional use for refuse storage and drying clothes rather than as a private space. As such and together with the significant intervening coniferous trees along the shared boundary the proposal would not have an adverse impact to the residential amenity experienced at those flats.

The internal spaces of the dwellings comply with National Space Standards as required by Policy 30(b) of the JCS and whilst the outside space is limited (aside from the ground floor flat which has a small garden) it is secure and would function as a useable space for outside storage. This arrangement is considered to be appropriate for one-bed units which are unlikely to attract families.

The Council's Environmental Protection Officer has suggested a noise condition. In this case as the site is located adjacent to a residential area, within a relatively small market town and is not exposed to significant levels of noise there is no reason to believe that the site would experience adverse levels of noise that may cause harm to future residents amenity. As such the condition is not considered to be reasonable to ensure a satisfactory form of development and therefore is not attached. Any impacts arising as a result of noise between the residential units are dealt with through building regulations.

Thereby the proposal is considered to secure a good quality of life for existing and future occupiers consistent with Policy 8 (e) of the JCS and therefore is acceptable in this regard.

#### 4. Impact on highway safety and convenience

The JCS in Policy 8 (b) seeks to ensure a satisfactory means of access and provision for parking and resists development that would prejudice highway safety.

The lawful use for the property consists of a ground floor retail use and a historic residential use above with no parking provision. The site therefore has traditionally benefitted from parking available in the unrestricted local streets, particularly in Duke Street and from the free nearby municipal car parks, which are less than 120m (real walking distance) from the site.

The application retains that retail use and therefore there are no additional pressures toward local parking there. In addition whilst the amount of parking provision expected for four one-bed apartments may be slightly higher than those expected for the existing three-bed dwelling the difference would not be great (1-2 spaces), with no reason to believe that those additional spaces could not be absorbed within parking available in the area.

In addition in support of the applicant's case a 'Parking Beat Survey Report' has been provided and carried out by an independent person (not agent or applicant) in order to determine the availability of car parking spaces within 200m of the site, particularly after 6pm. The survey was carried out at 3am on Wednesday 31st October 2018 and at 3am on Saturday 3<sup>rd</sup> November 2018. These times and the methodology employed for the survey are consistent with LHA advice for such surveys to be carried out on a weekday and a weekend day between 1am and 5am and were supported by photographic evidence. The survey covered on-street parking (such as at Duke Street) and accessible car parks (Council, Civic Centre and Sainsbury's car parks) and took into account any restrictions that may exist. In particular the survey noted that Sainsbury's car park is subject to restrictions during the store's opening hours (7am-9pm Monday-Saturday and 10.30am- 4.30pm Sunday) but appears to be available informally outside of those hours and the restrictions on parts of High Street and Churchill Way only apply between 9am and 6pm.

The survey revealed no available on-street parking spaces in Latimer Close to the south, which in any event was very limited (3) and a very high proportion of parking within Duke Street with only 1-4 spaces out of the 57 available over the two surveyed nights. On street High Street parking, however was available for 17 cars and the nearby municipal car parks at the Civic Centre and Paddocks Car Park (excluding Sainsbury's) had between 40 and 48 spaces available over the two surveyed times. As such and given that these car parks are free and available 120m walking distance from the site and would be seen as reasonably secure parking options they are viable alternatives to the closer on-street High Street and Duke Street options. As such and consistent with the conclusions of the Parking Survey Report the application has demonstrated the availability of significant levels of parking proximate to the site and therefore parking associated with the proposal would not cause harm to highway safety. Any unlawful parking would be dealt with through available enforcement powers.

Moreover the site is located in a Town with good public transport (bus) links and includes day-to-day services and facilities and places of work and the proposal also provides a cycle store. The application also makes ample arrangements for refuse storage, which will then be brought to the highway edge on collection day as per the existing arrangements and akin to arrangements common in a terrace street. The refuse and cycle store shall be conditioned to be available for use prior to occupation of the residential units.

As such and in the absence of a Local Highway Authority (LHA) objection and with no evidence provided to support a different conclusion, the proposal would not result in undue pressure to local parking arrangements and therefore would not harm highway safety. The proposal thereby is considered to be acceptable in this regard.

##### 5. Impact of possible contamination

Policy 6 of the JCS seeks development to be safe in this respect. There is no reason to believe that contamination would be present in the building because of its retail and residential use. Nevertheless as a safeguard and consistent



with EPO advice an unexpected contamination condition shall be attached. As such the proposal is acceptable in this regard.

6. Sustainable buildings

Policy 9 of the JCS seeks development to incorporate measures to ensure high standards of resource and energy efficiency.

As such and consist with this policy a condition to ensure that the units employ measures to limit water use to no more than 105 litres/ person/ day shall be attached and therefore the proposal shall be made acceptable in this respect.

**Conclusion**

In light of the above the application is considered to comply with the Development Plan with no other material considerations that would justify coming to an alternative view. Thereby the application is recommended for approval subject to the imposition of the safeguarding conditions laid-out.

**Background Papers**

Title of Document:

Date:

Contact Officer:

**Previous Reports/Minutes**

Ref:

Date:

Sean Bennett, Senior Development Officer on 01536 534316