

BOROUGH OF KETTERING

Committee	Full Planning Committee - 20/11/2018	Item No: 5.6
Report Originator	Gavin Ferries Senior Development Officer	Application No: KET/2018/0736
Wards Affected	William Knibb	
Location	Dalkeith House, Dalkeith Place, Kettering	
Proposal	Full Application: Conversion of first and second floors to 6 no. apartments	
Applicant	Mr S Duggal	

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 residential occupation of the building shall be undertaken prior to the change of use of the ground floor permitted under KET/2018/0738 has been undertaken.

REASON: In the interests of the residential amenity of the new occupiers in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Prior to the first occupation of the development hereby approved, refuse storage and collection facilities shall be made available for use. The refuse storage area shall be in a separate room not connected to any habitable area. These facilities shall be retained at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of public health and safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to the first residential use hereby permitted, two bat boxes/bricks/tubes shall be placed high up on the external walls of the building (facing in a south-westerly or south-easterly direction) in accordance with the recommendation of The Astute Ecology Bat Emergence and Re-entry Surveys Ref: AE18.209.

REASON: In the interests of biodiversity in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

5. Prior to the first residential occupation hereby permitted or their installation (whichever is the first), details of a replacement gate to the rear courtyard and details of entry system and new ground floor door shall be submitted for the approval in writing by the Local Planning Authority. They shall be installed in accordance with the approved details prior to the first residential occupation and thereafter maintained.

REASON: In the interests of crime prevention and visual appearance in accordance with Policies 2 & 8 of the North Northamptonshire Joint Core Strategy.

6. No window(s) or door(s) shall be changed or replaced (including replacement glass or the installation of secondary glazing) unless full details of the relevant window(s) or door(s) 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 the works being undertaken in the interests of protecting the character and appearance of the Conservation Area in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0736

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

3.0 Information

Relevant Planning History

KET/2018/0738 - Change of use of ground floor from night club to use of A1, A2 or A3 **pending**

KET/2018/0736 - Conversion of first and second floor to 6 flats **pending**

KET/2018/0387 - Change of use of first and second floor to 6 flats **withdrawn**

Site Visit

Officer's site inspection was carried out on

Site Description

The application site is located within the Kettering Conservation Area within Dalkeith Place. The building is a fairly prominent building on the corner of Carrington Street. The property is a 3 storey building with an original frontage featuring tri-arched columned entry with balcony at the front. The rear of the building has been historically extended with gabled extension and a single storey rear extension.

To the rear of the building is a small yard which serves as the delivery area with access Carrington Street.

Proposed Development

The two applications KET/2018/0736 and KET/2018/0738 seek to change the ground floor to a use of A1, A2 or A3 and an associated consent to convert the first and second floor of the building to residential for 6 flats.

Any Constraints Affecting the Site

Kettering Conservation Area

4.0 Consultation and Customer Impact

Northamptonshire Police

Recommendations regarding specifications for doors and windows etc. in order to reduce the likelihood of crime and requirement for gates to be replaced.

Environmental Protection

No objection to flats provided that ground floor has changed use before the occupation subject to conditions regarding noise, refuse and air quality.

Highway Authority

Objection as unsustainable due to no car parking and providing no usable cycle parking.

Northamptonshire County Council Ecology Advisor

Activity survey has adequately demonstrated that bats are not currently using the building. I support the recommendations for the additional bat boxes.

Neighbours

One neighbour letter was received requesting obscure glazing on the rear elevation and that the rear yard is retained as storage area and that the gates are replaced.

Officers comment

The obscure glazing request is not proposed to be covered by a condition as it is an existing relationship which is considered to be acceptable and it would not be reasonable to impose this as a new requirement given that the residential use is more neighbourly than the existing nightclub.

However, the rear yard is being used for bin storage and delivery area and the gates are required to be replaced by condition.

5.0 Planning Policy

National Planning Policy Framework

Policy 2 Achieving sustainable development

Policy 5 Delivery a sufficient supply of homes

Policy 7 Ensuring the vitality of town centres

Policy 11 Making effective use of land

Policy 16 Conserving and enhancing the historic environment

North Northamptonshire Joint Core Strategy

Policy 1 Presumption in favour of Sustainable Development

Policy 2 Historic Environment

Policy 8 North Northamptonshire Place Shaping Principles

Policy 12 Town Centres and Town Centre Uses

Policy 29 Distribution of new homes

Kettering Town Centre Area Action Plan

Policy 22 The Silver Street Quarter

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Amenity
3. Impact on Conservation Area
4. Other

1. Principle of development

The provision of residential development within the Town Centre is considered to be sustainable and the proposal results in a greater utilisation of the upper floors of the building which is a more efficient land use than the existing situation.

The proposal seeks to convert and retain the building with limited external changes proposed and the retention of the building retaining its character and appearance is supported.

The proposal would therefore generally accord with the sustainability principles of the NPPF and the Joint Core Strategy.

2. Amenity

The proposal seeks to convert the first and second floors of the building. As the proposal is for a conversion of the existing building, the requirement to comply with M4(2) does not apply but the space standards requirement needs to be considered.

Due to the nature of the existing building, it is necessary to apply some flexibility with the standards. 5 of the flats are single bedroom and generally over 40sqm, the 6th flat is a 2bed flat and measures at approx. 60sqm. The flats generally accord with the size requirements for the lower occupancy of 1bed 1 person (3sqm) and 2bed 3 person (61sqm).

The previous application for flats was withdrawn as a noise report to demonstrate that the flats wouldn't be adversely affected by the noise from the ground floor nightclub. The report was not submitted as the initial view was that a residential use above the night club would not be acceptable due to the operational hours and the loud music that can emanate from the speakers without significant noise attenuation measures.

There is a related application (**KET/2018/0738**) which seeks to change the ground floor from a night club to a use of A1, A2 or A3, as the owner decided that the operation of a nightclub wasn't sufficiently profitable to continue and the proposed A uses which are all town centre are more compatible with residential above.

The residential use of the building on first and second floor is only acceptable on the basis of the change of use under KET/2018/0738 being undertaken in advance of any residential occupation.

As the site is within the town centre, it is reasonable to expect a higher degree of noise for the new occupiers than in a purely residential area. However, it is considered that a level of noise protection should and can be provided for the future residents and therefore a noise condition is recommended.

It is noted that the site doesn't provide external amenity space for the residents. However, as a very central town centre location for mostly single person units, this is considered to be a desirable rather than an essential requirement. As the proposal is for a conversion (rather than a new build), the absence of external amenity space is justified in this instance.

It is considered that the impact of the residential use of the building is more neighbourly than the existing nightclub use. Whilst at ground floor the distance to the rear boundary is around 5m, at first floor it is around 15m. The adjacent property to the rear Cleveland Villas is offset from the boundary by a further couple of metres (driveway) and therefore the window to window distance is approximately 18m.

There are no additional windows proposed in the rear elevation and the relationship between the buildings is not changed as a result of the proposal. It is considered that as an existing relationship within the existing building that requiring obscure glazing would not be reasonable and the degree of separation between the buildings above ground level is such that there isn't an unacceptable loss of privacy.

As a town centre location, for an existing building's relationship it is considered that the distance is acceptable and doesn't adversely impact on the residential amenity of the rear property.

3. Impact on Conservation Area

The existing building positively contributes towards the character and appearance of the conservation area. The proposal primarily seeks to convert the existing building and there are limited external changes to the building proposed. It is proposed to install rooflights into the front elevation and an opening being created onto Carrington Street in a former (currently bricked up) doorway.

The works are limited in extent and preserve the conservation area. A condition requiring the replacement of the existing gate to the rear yard is recommended and this would be an enhancement of the current appearance on Carrington Street.

4. Other

The site has been appraised for bat occupation and the survey concluded that the site is appropriate for their use but there is not currently any occupation of the building by them. The survey includes recommendations for bat boxes and this recommendation is supported by the Ecology advisor and as such a condition is recommended to require their installation.

It is considered that the requested noise and air quality conditions do not meet the tests for the imposition of planning conditions, given the existence of residential properties within the area and the building control requirements in relation to noise impacts.

The Highways Authorities view that the site is unsustainable is untenable as a

central town centre location.

Conclusion

The proposal is within a sustainable location within the Kettering Town Centre, provides an appropriate level of residential amenity for the new occupiers and does not adversely impact on the residential amenity of the adjacent residential property.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Gavin Ferries, Senior Development Officer on 01536 534316