

BOROUGH OF KETTERING

Committee	Full Planning Committee - 20/11/2018	Item No: 5.7
Report Originator	Gavin Ferries Senior Development Officer	Application No: KET/2018/0738
Wards Affected	William Knibb	
Location	Dalkeith House, Dalkeith Place, Kettering	
Proposal	Full Application: Change of use of ground floor from nightclub to mixed A1, A2 & A3	
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. Prior to the first beneficial use of any of the uses hereby approved a scheme for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and retained at all times thereafter..

REASON: The waste facilities will need to be in place prior to the first use in the interest of public health and safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Prior to the first use hereby permitted or its installation (whichever is the first), details of a replacement gate to the rear courtyard shall be submitted for the approval in writing by the Local Planning Authority. It shall be installed in accordance with the approved details prior to the first beneficial use 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.

4. 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.

5. Prior to the use of the ground floor for a use falling with Class A3 or the installation of any extract or flues, full details of a ventilation system for the extraction and disposal of cooking odours shall be submitted to and approved in writing by the Local Planning Authority. No A3 use shall commence until the approved details have been fully implemented.

REASON: Ventilation details are necessary prior to the first use in the interests of the amenity of neighbouring occupiers and because the ventilation equipment will need to be installed early in the development process in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Prior to the commencement of the use of the ground floor for a use within use class A3 hereby permitted a scheme for the acoustic treatment of the odour control system to prevent the emissions of noise affecting noise sensitive premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details and maintained in accordance with the approved details at all times thereafter. Upon completion of all works to implement the approved scheme, testing shall be carried out and a report submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby permitted to verify the scheme's effectiveness.

REASON: In the interest of safeguarding residential amenity with regard to odour and noise in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. Notwithstanding the provisions 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 alterations or extensions to the building shall be undertaken without the prior written approval of the Local Planning Authority.

REASON: In the interests of the character and appearance of the Conservation Area in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy.

8. Prior to the first 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.

Officers Report for KET/2018/0738

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 28 September 2018.

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 subject to conditions regarding refuse and extraction/ventilation.

Highway Authority

Objection as unsustainable location

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

This application only relates to the ground floor and there are no rear facing windows on the ground floor. The obscure glazing request relates more to the associated application KET/2018/0736 for flats. .

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

This application relates to the consent for the change of use of the ground floor from a nightclub to a use of A1, A2 or A3. These are all town centre uses

as defined within the NPPF.

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

This application (**KET/2018/0738**) seeks to change the ground floor from a night club to a use of A1, A2 or A3 and there is an associated application (**KET/2018/0736**) for the conversion of the first and second floor to 6 flats.

The proposed A uses which are all town centre are more compatible with the proposed residential above and the adjacent residential property Cleveland Villa and have a lesser impact than the existing nightclub use on the town centre due to the operational hours and nature of uses. There are no ground floor changes proposed which would impact on the amenity of the property to the rear.

It is noted that the proposal does not include any external changes in relation to the potential A3 facilities such as flues, extracts etc. and these would need to be assessed as part of a subsequent application but would need to take into account the new residential accommodation above.

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 application is accompanied by a bat survey which indicates that whilst the property has potential for nesting bats, they are not currently using the property. The report includes recommendations for bat boxes on the building which are supported by the County Ecologist and therefore a condition is recommended.

The Highways Authorities view that the site is unsustainable is untenable as a central town centre location.

Conclusion

The application site is within a sustainable location within the Kettering Town Centre and the proposal seeks to provide Town Centre uses within a town centre location and has a reduced impact on compared to the existing nightclub use. The application is therefore recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Gavin Ferries, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

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