

BOROUGH OF KETTERING

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| Committee | Full Planning Committee - 04/06/2019 | Item No: 5.5 |
| Report Originator | Richard Marlow Senior Development Officer | Application No: KET/2019/0042 |
| Wards Affected | William Knibb | |
| Location | 13-15 Dalkeith Place, Kettering | |
| Proposal | Full Application: Conversion of car park and outbuildings to create external seating area, bin store and bar, change of use to A4 and associated works | |
| Applicant | JD Wetherspoon PLC | |

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).

2. No development shall commence on site until details of the types and colours of all external materials to be used including facing, roofing, window and doors together with hard and paved surface details have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

3. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the boundary treatment and emergency exit gates to be installed between Dalkeith Place and the external seating area. The gates shall be a minimum of 1.8 metres in height. The use hereby permitted shall not commence until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenities and privacy of the neighbouring property in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

4. The use of the outdoor terrace, bar, bin and furniture stores hereby permitted and shown on approved plan no. 6845 04 Revision B, received 16 January 2019 by the Local Planning Authority, shall not be carried out before 09:00 hours or after 21:00 hours on Mondays to Thursdays, nor before 09:00 hours or after 22:00 hours on Fridays and Saturdays, nor before 09:00 hours or after 21:00 hours on Sundays or any recognised public holidays.

REASON: To protect the amenities of the occupiers of nearby properties in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

5. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the area and adjoining residential properties in particular in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

6. Notwithstanding the approved plans, and prior to first use of the external seating area full details of the proposed Pergola area to the north of the site, shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include as a minimum; elevations, means of enclosure, materials and designation of a smoking area. The Pergola area shall be completed in accordance with the approved details.

REASON: To protect the amenities of the occupiers of nearby properties in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

7. Before the installation of any plant a noise assessment detailing the impact on noise sensitive properties shall be undertaken in accordance with BS41412:1999 (or later amendments) and submitted to the Local Planning Authority for approval, including noise mitigation measures where required to ensure that the noise from the plant is 5dB(A) or more below the existing background noise level. The plant and any required noise mitigation measures shall be installed in accordance with the approved details before first use and maintained in the approved state.

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

8. There shall be no public address or other sound amplification system installed or used at any time other than in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the occupants of neighbouring properties in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted for approval in writing to the Local Planning Authority. Occupation or use of the development will not be permitted until the verification report has been submitted and approved.

REASON: To ensure if any contaminated soil or groundwater is encountered during development is dealt with appropriately in accordance with the requirements of policy 6 of the North Northamptonshire Joint Core Strategy.

10. Prior to the commencement of development, a scheme detailing the security measures/ standards to be incorporated into the development shall 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 reduce the potential for crime in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2019/0042

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

3.0 Information

Relevant Planning History

KET/2014/0708 conversion of car park and outbuildings to create external seating area, bin store and bar, change of use to A4 drinking establishment, creation of new opening to rear elevation of public house and erection of glazed external lobby and new boundary fence and gates approved 12 February 2015

KET/2009/0718 – Outline application, conversion and redevelopment to create 18 no. flats (all matters to be considered except landscaping)
APPROVED 10/03/2010.

Site Description

Officer's site inspection was carried out on 27 March 2019.

The site comprises of a former factory/retail unit located within Kettering Town Centre. The buildings were most used for the retail of shoes with an element of storage but are understood to have been used for holiday promotions, furniture sales and caravan repair in the past 20 years.

Two public houses bound the site to the West along with other commercial uses fronting Dalkeith Place. A garage block and parking area stands to the North, and a further public house to the South East. Residential properties are located to the south and east of the site. Land levels are consistent both within and immediately surrounding the site.

The site falls within the designated Conservation Area for Kettering and within The Silver Street Quarter designated within the Area Action Plan for Kettering Town Centre (AAP).

The site is dissected by the town centre boundary and primary shopping area, which follows the existing rear elevation of the Earl of Dalkeith public house, as set out in policies 2 and 3 of the AAP. As such the majority of the site where the change of use and outdoor seating is proposed falls outside of the town centre boundary and primary shopping area.

Proposed Development

The application seeks permission for the redevelopment and change of use of the site to provide an external seating area to be used in conjunction with the adjacent Earl of Dalkeith Public House (A4 use). The application mirrors the 2014 which expired on 12 February 2018.

Any Constraints Affecting The Site

Conservation Area

A Road

4.0 Consultation and Customer Impact

Highway Authority

Cannot support the application.

- There are parking bays outside 6-10 Dalkeith Place within the public highway however these are not dedicated loading bays
- No details have been provided in relation to cycle parking.
- The submitted plans show gates opening into the highway at Angel Yard, the LHA requires that the gates open inwards away from the highway.

Environmental Health

No objection conditions 4 (hours restriction) and 10 (security measures) of KET/2014/0708 should also apply to this application.

Northamptonshire Police

- Have raised comments in the interests of security and quality of life.
- Access for patrons should be restricted to ensure safe occupancy levels within the pub for fire safety and personal safety.
- The bar area and storage will need to be secure and CCTV coverage extended to cover this area.

Neighbours

Two third party objectors from neighbours on the following grounds:

- Operational hours of outdoor area should be restricted to 11pm so as not to disturb adjoining residents.
- Wall and roof adjoining neighbouring property are in poor condition and require maintenance.
- Noise disturbance for nearby residents.

5.0 Planning Policy

National Planning Policy Framework

Policy 7 - Ensuring the vitality of town centres

Policy 12 – Achieving well designed places

Policy 16 - Conserving and enhancing the historic environment

North Northamptonshire Joint Core Strategy

Policy 8 Place Shaping Principles

Policy 11 The Network of Urban and Rural Areas

Policy 12 Town Centre and Town Centre Uses

Kettering Town Centre Area Action Plan (AAP)

Policy 2 - Urban Quarters, Urban Codes and Development Principles

Policy 3 - Primary Shopping Area (Primary and Secondary Frontages) and the Evening Economy

Policy 12 - Heritage, Conservation and Archaeology
Policy 22 – The Silver Street Quarter

Supplementary Planning Guidance

Kettering Town Centre Urban Codes SPD

Other

Kettering Conservation Area Appraisal

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:

1. Principle of development
2. Design, character and Conservation Area
3. Neighbouring amenity
4. Highways
5. Environmental Matters

1. Principle of Development

Policy 11 of the North Northamptonshire Joint Core Strategy (JCS) encourages development to be focused within the growth town of Kettering. The site falls within the boundary of Kettering Town Centre and within the Secondary Shopping Frontages therein, as defined by the Kettering Town Centre Area Action Plan (KTCAAP). The principle of commercial development in this area is, therefore, established.

The proposed development and change of use would provide an additional outdoor seating area to an existing public house (A4 use) and mirrors the previous approval dating from early 2015 that was never implemented. The external seating area itself is located outside of the primary shopping area and includes no primary or secondary retail frontages and would not result in detriment to the vitality or viability of the town centre.

The site falls within The Silver Street Quarter defined by policy 2 of the AAP and amplified by policy 22. It is envisaged that this will become a vibrant mixed use area where the existing commercial and leisure uses are to be enhanced along with a range of residential-led development. Policy 22 considers that new development should make use of infill opportunities, redevelop inefficient and poorly designed sites and reinforce the commercial and residential mix of the area. The proposed development is considered to accord with these objectives.

2. Design, character and Conservation Area

The Local Planning Authority is required by Section S72(i) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention

to the desirability of preserving or enhancing the character and appearance of the Conservation Area. Policy 16 of the NPPF protects heritage assets from harm through inappropriate development or destruction. Policy 12 of the KTCAAP states that development proposals should preserve or enhance the existing historic environment.

Policy 8 of the JCS requires new development to raise standards – to be of a high standard of design and architecture; to respect and enhance the character of its surroundings; and to create a strong sense of place by strengthening distinctive historic qualities and townscape through its design. Policy 12 of the NPPF sets out the importance of good design and underlines how good design is indivisible from good planning and sustainable development.

The existing buildings are utilitarian in their design and appearance. Their layout follows the perimeter of the site creating a service yard within, accessed from Dalkeith Place. This arrangement is typical of an infill rear yard development in Kettering as identified within the Conservation Area Appraisal. The design of the buildings and the extent to which they have been altered are not the best example however and the site is not of significant merit within the Conservation Area.

The application seeks to convert some of the existing buildings on site for use as a bar serving the external seating area and storage facilities. Other smaller buildings will be demolished to provide the seating area, which will maintain a similar layout to that existing. The conversion of existing buildings will respect the former industrial character of the site and helps to incorporate the scheme into its historic environment.

Angel Yard is an example of the private spaces which have been retained within the conservation area and is therefore considered of value in terms of street layout and morphology. The buildings themselves are of limited merit on the basis of their historic and social relationship with the development of Kettering. However in architectural terms the buildings have lost much of their intrinsic interest, it is more the type and collection of buildings which characterise this yard quality. Therefore the principle of demolition is acceptable in this instance and would retain much of the “yard” character.

Subject to conditions which secure appropriate materials, boundary treatments including gates and hard landscaping, the design and the impact of the proposal on surrounding character and the Conservation Area is considered to be acceptable and accords with Policy 8 of the JCS and policies 2, 12 and 22 of the KTCAAP and the Urban Codes SPD.

3. Neighbouring amenity

Policy 8 of the JCS is clear that development must not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell light or other pollution, loss of light or overlooking.

Two residential properties stand in close proximity to the south of the site and have objected to the proposal. The pair of semi-detached dwellings (Cleveland Villa and Eastholme) present their rear elevations towards the site and are within 1 metre of the boundary. No habitable room windows are located in the rear elevations although it is noted that obscure glazed bathroom windows exist at first floor level. The scheme originally submitted included the provision of a bar within the single storey building which abuts the boundary with Cleveland Villa. Environmental Health also raised objections to this element of the scheme on amenity grounds and the potential for unacceptable impacts to these neighbouring residents.

The applicant has submitted plans which place the bar in the north east of the site providing the maximum separation distance between this element and the nearest residential properties to the south, a distance of 22m.

Subject to the imposition of conditions which limit the hours of use of the external seating area, bar and storage buildings to acceptable times then there will be no unacceptable impacts on the amenity of neighbouring residents. Further conditions will ensure that there is no amplification of sound, external lighting or external plant without full details having been submitted to and approved in writing by the Local Planning Authority.

The location of the buildings which are to be converted and their single storey form ensure that no overlooking or privacy issues result from the proposal. There will be no unacceptable impact on the amenity of neighbouring residents through this proposal and it is therefore considered that the development is in accordance with criterion e(i) of Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Public Safety

Paragraph 127 of the NPPF requires developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Criterion e) of Policy 8 of the North Northamptonshire Joint Core Strategy seeks design out antisocial behaviour and crime and reduce the fear of crime.

In terms of public safety, Northamptonshire Police and Kettering Borough Council Environmental Health Service were consulted on the proposal and raised no objection. The response from the Police highlights the importance of ensuring there is no direct access into the seating area via Dalkeith place. The applicant has previously confirmed that the gate will only provide an emergency exit and all patrons will be directed through the building. Full details of boundary treatments and gates will be conditioned to ensure that appropriate details are secured prior to the commencement of development.

5. Highways

Criterion b) of Policy 8 of the North Northamptonshire Joint Core Strategy seeks to ensure that development makes safe and pleasant streets and spaces by prioritising the needs of pedestrians, cyclists and public transport users and resisting developments that would prejudice highway safety.

The nature of the use results in a low expectation of vehicular use for visitors to the area and therefore there it is considered that there will be limited risk to highway safety and the request by Northamptonshire Highways to ensure that the gates open inwards is considered to be commensurate with the nature of the application to ensure a satisfactory means of access for servicing.

Conclusion

Subject to the recommended conditions the proposal is considered to accord with Policy 8 of the North Northamptonshire Joint Core Strategy and Paragraph 127 of the NPPF.

The proposed development is in accordance with the relevant policies of the Development Plan and there are no material considerations which indicate planning permission should not be granted. The principle of development is established, there would be no unacceptable detrimental impact on neighbouring residential amenity and the design is appropriate within the Conservation Area. The application is recommended for approval, subject to conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Richard Marlow, Senior Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date: