

BOROUGH OF KETTERING

Committee	Full Planning Committee - 04/09/2019	Item No: 5.2
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2019/0368
Wards Affected	William Knibb	
Location	25 - 27 High Street, Kettering	
Proposal	Full Application: Conversion and extensions to provide five one-bed flats and associated cycle/bin store with a revised shop layout	
Applicant	Mr I Nanuwa	

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 and information detailed below.

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

3. No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with a lighting strategy to illuminate the rear yard area 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 with the lighting strategy made available for use prior to first occupation, which shall remain in that form thereafter.

REASON: Details of materials are necessary in the interests of the visual amenities of the area and planning out crime in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to the first occupation of the development hereby approved, the refuse and cycle storage and the stock room facilities and boundary treatment shown between flats 3 and 4 shown on the approved plans shall be made available for use and retained for those purposes at all times thereafter.

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

5. All dwellings shall be converted to achieve a maximum water use of no more than 105 litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition);

REASON: In the interests of water efficiency in accordance with Policy 9 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/2019/0368

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 08/07/2019

Site Description

The site consists of a modern 1960's retail premise over two storeys toward the front and single storey toward the rear under a flat-roof and is located within Kettering Town Centre fronting its main pedestrianised route amongst other commercial uses.

Proposed Development

The application seeks full planning permission for conversions of the first floor to residential together. Also proposed is a rear three storey and first floor extension. The extension will consist of a stock room and cycle/bin store to the ground floor with residential flats to the first and second floor with remodelling of the shops internal layout to provide five one-bed flats. Access is proposed via a rear yard onto Meadow Road with front access also proposed to the front onto High Street.

Pre-application advice

Pre-application advice was sought in mid-2016 for a comparable scheme. The Officer advised that the principle was broadly acceptable, however a proposed second storey addition toward the front of the building was not from a visual amenity perspective. The applicant was also advised to have regard to National Space Standards (NSS) and ensure viability of the retail use.

The application was originally submitted with some regard to the pre-application advice. However, following amendments secured during the application process a rear ground floor flat was omitted and replaced with a stock room. The application therefore is considered on the basis of these amendments with full regard paid to the pre-application advice given.

Any Constraints Affecting the Site

Setting of Conservation Area adjoining site

Setting of Grade II Listed Building opposite

Located on a Primary Shopping Frontage within a Primary Shopping Area

4.0 Consultation and Customer Impact

KBC – Environmental Protection Department: No objection subject to the imposition of conditions relating to: contaminated land, air quality, construction working hours, refuse arrangements and noise.

NCC – Local Highway Authority (LHA): Say that they cannot support the proposal requiring further information; with the following summarised observations:

- No car parking proposed
- A parking beat survey is requested
- Cycle storage should meet standards
- A bin presentation point should be provided at a point where it would not obstruct the highway

Neighbours: Two third party objection letters received from the landlord and operator of a nearby commercial unit at 1 Meadow Road adjacent to the rear access. The comments are summarised:

- Access to the proposal is used for parking with no room to get a cycle or refuse bin through and would restrict access in the event of a fire and construction
- The rear area is prone to anti-social behaviour, which will increase as a result of the proposal

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. Development of brownfield land
8. Place shaping
11. The network of urban and rural areas
12. Town centres and town centre uses
22. Delivering economic prosperity
28. Housing requirements
29. Distribution of new homes
30. Housing mix and tenure

Saved Policies in the Local Plan (LP) for Kettering Borough

35. Housing: Within Towns

64. Shopping: Development Within Established Shopping Areas

Kettering Town Centre Area Action Plan

1 – Regeneration priorities

2 – Urban Quarters, Urban Codes and Development Principles

3 – Primary Shopping Area

12 – Heritage Conservation and Archaeology

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 development
2. Impact on the existing business and the town centre
3. Impact on character and appearance
4. Impact on neighbours and future occupiers
5. Impact on highway safety
6. Other matters

1. Principle of development

The site is located within Town boundaries as defined by saved policy 35 of the Local Plan. As such the principle of the proposal in its broadest terms is consistent with JCS policies 11 and 29, which seeks sustainable patterns of growth and protection of rural areas.

2. Impact on the existing business and the town centre

Due to the site's Town Centre location it is necessary to test the tenet of the proposal against Town Centre policies of the Development Plan. In particular Policy 12 of the JCS seeks to support town centre vitality and viability and, amongst other ways this is achieved in its part (a) by '*securing and maintaining a vibrant mix of retail, employment...and supporting the provision of additional residential uses on appropriate sites including the re-use of vacant space above shops*'. In this case, whilst the upper floor is currently used for storage associated with the ground floor retail use this is being replaced within the rear extension and thereby it does not automatically follow that as the upstairs is used as a store room that its loss would compromise the retail use to be able to function in the same way it currently does.

This approach is consistent with Chapter 7 (para.85) of the NPPF which encourages a mix of uses, acknowledging the role that residential

development can play, in Town Centres provided that the needs of town centre uses are not compromised.

The Kettering Town Centre Area Action Plan (KTCAAP) is also relevant with a Plan period of 2011-2021. Whilst it specifies particular areas where residential development is encouraged it also supports in its Regeneration Priorities (policy 1) the provision of residential throughout the Plan Area. The site is located within the Town's Primary Shopping Area which, consistent with the JCS, in its Policy 2, permits residential above ground floor. The proposal would not result in a significant change to the ground floor use or its active street frontage.

The proposal would result in the loss of the upper floors retail storage area (approx. 65sqm) as part of the change of use. The ground floor retail space would as a result be remodelled to provide a replacement storage area by reducing the existing retail space by approximately 45sqm to enable the provision of a storage room, staff room, toilet and changing rooms. The remaining shop floor retained would be approximately 125sqm. Whilst the loss of 45sqm of shop floor is significant the amount retained is consistent with a medium sized retail outlet in the Town and thereby would not compromise its ability to continue to trade in the way it currently does. Similarly, the loss of the 65sqm (approx.) of storage whilst significant is replaced by a comparably sized (approx. 58sqm) storage area which is considered to be sufficient so as not to compromise the viability of the retail use. Moreover, the revised storage area is more conveniently located on the ground floor with direct access to the rear yard via a dedicated doorway independent of the residential accesses.

It is considered therefore that the proposal would make only relatively minor changes to how the existing retail unit functions and would enable the existing retail use and the proposed residential use to co-exist in a way that would not inconvenience the retail use.

Consequently, the proposal would not have adverse implications to the existing retail use and the role that it plays to the vitality and vibrancy of the Town Centre in such a prominent location and in all likelihood would contribute to that vitality. The application therefore is considered to be acceptable in this regard consistent with the Development Plan.

3. Impact on character and appearance

Policy 8 (d) of the JCS consistent with Chapter 12 of the NPPF seeks development to respond to a site's wider context and local character.

As the site is located within the setting of the adjoining conservation area the proposal 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.

In addition, as the proposal is within the setting of a Grade II Listed Building at 16 & 18 (Natwest Bank) opposite 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.

Policy 2 of the JCS and Policy 12 of the KTCAAP, consistent with Chapter 16 of the NPPF seeks development to protect, preserve and where appropriate enhance a heritage asset and/or its setting.

Whilst the application was not accompanied by a 'Heritage Statement' the areas heritage influences were briefly acknowledged in the submitted 'Design Statement'. This is considered to pay appropriate regard in this case.

As experienced from the front and in the context of the nearby Listed Building and in viewpoints from the Conservation Area the building would not notably be changing its external appearance and thereby its interaction with the Heritage Assets and the way that they are seen within their setting is preserved.

The rear additions would add significantly to the overall mass and density of the building. The extensions however are polite and consistent with the design and scale of the host property and those surrounding. In particular the proposal is experienced in the context of its rear location amongst the utilitarian roofscapes of surrounding buildings in what is a functional rear yard area of poor visual quality.

A third-party objector mentions that the rear area is subject to anti-social behaviour, which was also apparent to the Officer during site visits. This is an unfortunate but existing situation with no reason to believe that the proposal will worsen how the rear area is used. In contrast it is averred that the proposal would increase the amount of people movements in this rear area, the level of natural surveillance and illumination and thereby would only improve upon the existing unwelcome activity experienced in the area. The provision of a lighting strategy for the rear area shall be required by condition. The secure cycle and bin store, which serve the development is also consistent with planning out crime principles.

Consequently, the development would preserve the character and appearance of the area, the building and heritage assets in accordance with development plan policy and national guidance on such matters, including the above referred Act.

4. Impact on neighbours and future occupiers

Policy 8 (e) of the JCS consistent with paragraph 127 (f) of the NPPF seeks development to provide quality of life for existing and future users of land and buildings.

As mentioned above the proposed use of the upper floors for residential, particularly in light of the separate access arrangement to the rear would not impact significantly on the day-to-day arrangements associated with a ground floor retailer. Nor would there be any reason to believe that the residential use would impact on the working arrangements of surrounding businesses. Surrounding uses consist of retail, banks and notably the vacant former bingo hall to the south and west of the site. These uses commonly co-exist as nuisances associated with them tend to be minimal.

In particular the first-floor residential accommodation would share an internal partition with the ground floor retailer. However, nuisances between internal partitions associated with a shop that operates within normal business hours would not affect future residential amenity or the continuation of the shop use. Any normal impacts arising from noise between units (including the retail unit) and their internal walls/ceiling/floors will be dealt with through building regulations (Document E) at the time of build. An appropriate informative will be attached. The provision therefore of a condition that requires the undertaking of a noise and air quality assessment and constraints to construction working hours, as recommended by the Council's Environmental Protection Department, are not considered to be reasonable in this case.

The proposal would also not notably change how the existing building affects how light or outlook is experienced by neighbours.

Turning now to impacts associated with future occupier's amenity; the five flats are all consistent with National Space Standards (NSS) which is a requirement of Policy 30 (b) of the JCS. These units also offer a good level of natural light to internal spaces and notably flats 3 and 4 have a modest but useable outside and private amenity space – boundary treatment between the opposing outside space can be required by condition.

It is therefore considered that the proposal is acceptable on this matter consistent with Policy 8 (e) of the JCS and paragraph 127 (f) of the NPPF.

5. Impact on highway safety

Policy 8 (b) in the JCS consistent with Chapter 9 of the NPPF seeks to ensure a satisfactory means of access and provision for parking and resists development that would prejudice highway safety.

The NPPF in Chapter 9 seeks development to promote walking, cycling and public transport with encouragement for development to be focused in locations which are sustainable through limiting the need to travel and offering a genuine choice of transport modes. The NPPF goes on to say in paragraph 106 that density should be maximised in town centres that are well served by public transport and that maximum parking standards should only be applied when there is compelling justification to do so.

The site is located within the Town Centre close to its facilities and services (including doctors, dentists, food outlets and shops) and a multitude of employment opportunities. The site is located approximately 200m walking distance from a Town Centre Bus Stop hub and 650m walking/cycle distance from the Railway Station. The proposal thereby is sustainably located and well positioned to take advantage of the Town's excellent sustainable public transport services.

The application also makes provision for a cycle store for at least six cycles in a secure ground floor location.

The proposal therefore is considered to make appropriate provision for sustainable transport options and is well located to take advantage of the Town's facilities and services including its excellent public transport offer.

Whilst the proposal does not provide car parking, it is possible for large items to be delivered or dropped-off to the premise via Meadow Road or High Street. It is opined that car ownership would be low in such a location and in association with this nature and quantum of development and therefore would not give rise to highway concerns. Nevertheless, the site is located within 140m of the large municipal Wadcroft car park which is available 24/7 albeit with a fee payable during normal working hours, with some on-street parking available in Meadow Road which is closer. The car park appears to have capacity to accommodate the small number of vehicles that the proposal could generate, particularly in the evenings and night-time. The provision of a 'parking-beat' survey is not considered to be necessary for such a relatively small scheme in a Town Centre location where Officer opinions and experiences result in the view that the nearest available car park will have suitable capacity and convenience.

The proposal makes adequate arrangements for refuse with the provision of a secure bin storage able to accommodate the twelve 0.5m wide (140litre) bins required or the three large shared refuse bins required. The refuse truck would be able to easily manoeuvre within metres of the bins by reversing from Meadow Road or otherwise pick-up bins from Meadow Road which is less than 20m 'drag-distance' from the bin storage area and therefore a reasonable prospect. This arrangement appears to already exist for the commercial uses in the vicinity with bins seen to the side of 1 Meadow Road. The same arrangement would be in place for emergency vehicles with a fire rescue truck able to get to at least 20m distance of the rear area, with 45m distance required. Provision of the bin and cycle store shall be conditioned to be in place prior to occupation and shall be secured to remain available thereafter.

On the matter of the rear accessibility as a concern raised by objectors; which the adjacent business at 1 Meadow Road uses for car parking. The applicant has provided a letter and supporting documents by way of a response to this matter. These documents (including a Deed of Easement) demonstrate that the applicant has the legal right to pass on foot between the Meadow Road highway and the site provided that the way is not

obstructed along a 2m strip of land shown and is also indicated in the red-line drawings that accompany the application. As such the applicant has been shown to have the right to use the rear access and thereby would enable occupiers to use the access including for refuse and cycle travelling from Meadow Road to the store. Whilst there is no reason to believe that this arrangement would cause obstruction of the access or damage to vehicles that may be parked there this is considered to be a civil matter dealt with under the 'Easement' and not considered to be a reason to justify refusal.

In light of the forgoing and in the absence of a local highway authority objection the proposal is considered to provide appropriate measures to ensure that it would not pose an adverse impact to highway safety, particularly in such a sustainable location and therefore is considered to be acceptable in this regard.

6. Other matters

Upon officer site cognisance given that the host building is in a good state of repair, has no roof space and location within an urban area there is no reason to believe that the proposal would have an adverse impact to biodiversity.

Policy 30 (c) of the JCS seeks dwellings to meet Category 2 of the National Accessibility (Building Regulations Part M4 (2)) as a minimum and negotiation for a proportion of Category 3 (wheel-chair accessible, Building Regulations Part M4 (3)) housing. On this occasion such provisions could not easily be provided without severely compromising the proposal and as such is not considered a reasonable expectation.

Policy 9 of the JCS says that all residential dwellings should incorporate measures to limit water use to no more than 105 litres per person per day. To deal with this matter a suitable condition could be imposed.

An unexpected contamination condition could be attached as a safeguard.

Conclusion

In light of the above the proposal complies with the Development Plan and is consistent with NPPF advice.

The proposal therefore comprises the right development, in the right place and at the right time and constitutes sustainable development. Consistent with paragraph 11 of the NPPF presumption in favour of sustainable development should apply and in accordance with the Development Plan such proposals should be approved without delay. Hence, the application is recommended for approval subject to imposition of the conditions laid out.

Background Papers

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: