

BOROUGH OF KETTERING

Committee	Full Planning Committee - 22/10/2019	Item No: 5.4
Report Originator	Collette Panther Assistant Development Officer	Application No: KET/2019/0527
Wards Affected	William Knibb	
Location	3 Meeting Lane, Kettering	
Proposal	Full Application: Conversion of part of ground, first and second floor with loft to form 3 no. flats including replacement roof and installation of rooflights	
Applicant	Mrs K Lemon C/O Mr J McDermott	

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 amended plan numbers 1062-P-001I and 1062-P-002C received by the Local Planning Authority on 11/09/2019.

REASON: In the interest of securing an appropriate form of development 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 as shown on plan number 1062-P-001I received by the Local Planning Authority on 11/09/2019. 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. The materials to be used on the external surfaces of the replacement rear gable roof of the development hereby permitted shall match those on the existing roof in type, colour and texture.

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

5. Notwithstanding the provisions of Article 3 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 additional openings permitted by Schedule 2, Part 1 Classes A, B or C shall be made in any elevation or roof plane of the building.

REASON: To protect the amenity and privacy of the occupiers of adjoining properties and to prevent unacceptable forms of development occurring in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors.

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

Officers Report for KET/2019/0527

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

3.0 Information

Relevant Planning History

KET/2008/0015 – New shop front – Approved 02/04/2008

KET/2008/0158 – Erection of mono pitch roof to rear – Approved 15/04/2008

KET/2018/0554 – Lawful Development Certificate for a Proposed use or development: Change of use from shop to mixed use of shop (A1) and up to 2 flats (C3) – Approved 18/09/2018

KET/2018/0669 – Conversion of part ground floor and first floor to create 3 no. flats – Approved 23/11/2019

Site Visit

Officer's site inspection was carried out on 28/08/2019.

Site Description

The application site comprises a three-storey commercial (currently A1 use) building surrounded by other retail premises on Meeting Lane. The site is positioned within an established shopping area within Kettering town centre and is designated within The Yards Quarter and Conservation Area. The building fronts onto Meeting Lane, a lane which branches off the central pedestrianised area of the town centre. Vehicular access to the site is via Horsemarket. There is no outside amenity area included within the application site and no off road/private parking facility.

Retail units predominantly surround the site in Meeting Lane and on Gold Street, although there are some residential units located to the rear of the site at Ebenezer Mews and in the vicinity of that area.

Proposed Development

This application seeks full planning permission for 3 no. residential flats on the ground and first floors along with a loft conversion to provide habitable accommodation. It is recognised that there are already 2 extant planning permissions for the 5 no. residential flats under application references KET/2018/0554 and 0669. As such, this application seeks the following amendments to the approved schemes:

- Alternative layout to flat 1 including removal of ground floor window on the rear elevation, re-open existing covered up rooflight to the hall/living area and install additional rooflight to the living area
- Conversion of roof space to habitable accommodation to provide 1 no. additional bedroom to flat 5 with 2 no. rooflights to the rear elevation
- Lobby area created within each flat

- Revised layout to internal bin storage area
- Replacement rooftiles with like for like materials.

Any Constraints Affecting the Site

Conservation Area

4.0 Consultation and Customer Impact

A site notice was displayed within the vicinity of the application site on 28/08/2019.

Kettering Borough Council Environmental Protection Officer

Comments received on 16/08/2019 *requesting the following conditions:*

Working hours for construction

Radon

Protection from noise

Acoustic separation

Refuse (flats)

Northamptonshire County Council Ecology Officer

Comments received on 19/08/2019 requesting a *preliminary roof assessment and any subsequent assessments to be undertaken if evidence is found.*

Neighbours

Comments received from the owner of 4 Meeting Lane on 21/08/2019 objecting that the basis that *the proposed rooflights are on land belonging to 4 Meeting Lane, not the applicant.*

Objection received from Toller United Reformed Church on 04/09/2019, summarised below:

- Deliveries block the access road
- The single-track width of the road means that vehicles are unable to turn around and therefore reverse causing risk to pedestrians
- No parking provision included for the units
- Existing parking issues experienced at the top of Meeting Lane on Dalkeith Place
- Expected increase in car movements from residents' vehicles and pick-ups/drop-offs increasing the risk of accidents
- Where are fire escapes located?
- There is very little natural light coming into the building as it has buildings on both sides.

5.0 Planning Policy

National Planning Policy Framework 2019 (NPPF)

Policy 2. Achieving sustainable development

Policy 5: Delivering a sufficient supply of homes

Policy 6. Building a strong, competitive economy

Policy 7: Ensuring the vitality of town centres

Policy 8. Promoting healthy and safe communities

Policy 9: Promoting sustainable transport
Policy 12: Achieving well-designed places
Policy 16: Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Joint Core Strategy 2016 (NNJCS)

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 22: Delivering Economic Prosperity
Policy 23: Distribution of New Jobs
Policy 29: Distribution of New Homes
Policy 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

Kettering Town Centre Area Action Plan

3: Primary Shopping Area (Primary and Secondary Frontages) and the Evening Economy
12: Heritage Conservation & 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. The principle of development
2. Character, Appearance and the Conservation Area
3. Impact on residential amenity
4. Highway safety
5. Ecology
6. Other matters

1. The principle of development

The application site is within the town boundary of Kettering, as defined by Policy 35 of the Local Plan for Kettering Borough and is consistent with policies 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS) which direct development to existing urban areas and indicate that Kettering is a 'Growth Town' and, therefore, should provide a focal point for development. Policies 22 and 23 of the JCS seek to support a sustainable diverse economy.

The site is located within The Yards Quarter as defined by Policies 1, 2 and 17 of the Kettering Town Centre Area Action Plan (AAP). Policy 1 provides a framework for the strong regeneration and growth of Kettering town centre, Policy 2 focusses on the designated quarters at ground floor level only and Policy 17 seeks to deliver retail units within The Yards that are complementary to those in the Shopping Quarter, surrounding this area, for independent and niche retailers.

The ground floors of units in The Yards form part of the focus, along with the Primary Shopping Area, for maintaining and enhancing the A1 retail offer in the town centre and Policy 17 of the AAP encourages the use of ground floors for retail and upper floors for C3 (residential) use to ensure activity in the daytime and evening and provide natural surveillance.

Policy 12 of the JCS seeks to maintain the vitality and viability of town centres by securing and maintaining a vibrant mix of retail, employment, leisure and cultural facilities and supports the provision of additional residential uses including the re-use of vacant space above shops. This approach is consistent with Policy 7 of the National Planning Policy Framework (NPPF) which recognises that residential development often plays an important role in ensuring the vitality of town centres. 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 site is within the Conservation Area for which there is a duty on Local Planning Authorities under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to preserve or enhance the character and appearance of Conservation Areas.

Policy 16 of the National Planning Policy Framework requires new development to sustain and enhance the significance of heritage assets, requiring any harm to the significance of heritage assets to be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of alterations to buildings provided there is no adverse impact on character and appearance, residential amenity and the highway network.

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

2. Character, Appearance and the Conservation Area

Section 72(1) of the Act requires Local Planning Authorities have special regard to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

Policy 2 of the North Northamptonshire Joint Core Strategy requires new development to complement the surrounding historic environment through form, scale, design and materials.

The existing building is an imposing three storey Victorian property in the town centre of a design appropriate to its age. Both externally and internally it retains a number of original features such as fireplaces, skirting, 1 no. window, window surrounds and staircases etc. As a result, the building makes a positive contribution to the character and appearance of the Conservation Area.

Existing windows comprise timber to the ground floor shop front, 2 no rotting timber to the first floor south-east elevation and the remainder uPVC.

The submitted details show that the conversion to residential will utilise the existing apertures and will not extend beyond the external dimensions of the existing building. In addition, to enable the building to be suitably converted into residential units, the following apertures are proposed:

- 2 no. windows to the ground floor of the north-east elevation of the single storey flat roof extension
- 1 no. window to the ground floor of the north-west elevation of the single storey of the flat roof extension
- 2 no. roof lights to the single storey flat roof extension
- Re-open 1 no. and addition of 1 no. roof lights located at ground floor roof level on the fly over in the centre of the building.

New apertures will be located to the rear and side of the building, generally away from public view and therefore not causing harm to the surrounding Conservation Area.

Retention of the timber window to the shop front reflects the design, character, proportions and detailing of the existing building and retains the positive impact of the building on the character and appearance of the Conservation Area.

It is recognised that the roof conversion could be undertaken as permitted development through Class G, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as it would be adding additional floor space to 1 no. of the 2 no. permitted flats.

Furthermore, to ensure inappropriate development does not occur it is considered reasonable to remove permitted development rights for classes A, B and C.

As a result, it is considered that the proposal accords with policies 2 and 8 of the North Northamptonshire Joint Core Strategy (2011-2031) in that the proposed development complements the historic surrounding environment.

3. Impact on residential amenity

Policy 8(e) of the North Northamptonshire Joint Core Strategy seeks to protect quality of life and safer healthier communities by ensuring new development does not result in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

During the application process the officer notified the agent of concerns raised regarding the amenity and resulting quality of life afforded to future occupants of flat 1 due to the arrangement of windows in the bedroom. As such, the agent submitted an amended scheme during the application process to swap the bedroom with the kitchen. This revised scheme is considered to present an appropriate level of amenity for future occupiers.

The existing building is located off the Primary Shopping Frontages in The Yards. It is considered that the separation distance and the resulting relationship of the proposed apartments with surrounding uses is such that there will be no adverse impact on the amenities of future occupiers, in terms of a loss of privacy, loss of light or overbearing impact. It is also considered that there will be no adverse impact on future occupiers from sources of noise and activity usually expected from the daytime or night time uses of the surrounding retail and other town centre uses.

To the rear of the site, surrounding uses comprise purpose built multi-flatted developments surrounding Ebenezer Place, parking areas, and the service yards and rear elevations of surrounding retail units on Gold Street. It is considered that the proposed development is separated from surrounding development by sufficient separation distance, such that there would not be an adverse impact on the amenities of either future or surrounding occupiers in terms of overlooking or a loss of privacy.

The internal spaces of the dwellings comply with National Space Standards as required by Policy 30(b) of the JCS and although there is no outside space, this arrangement is considered to be appropriate for one-bed units in the town centre which are unlikely to attract families.

The Council's Environmental Health Officer requires the following conditions to be imposed on any approval in the interests of safeguarding

neighbour amenity and securing appropriate future living conditions which are considered reasonable to impose except where specified otherwise:

Working hours for construction

Radon

Protection from noise (this matter is covered under Building Regulations and should be dealt with through the respective regulating body)

Acoustic separation

Refuse (flats).

As a result, 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. Highway safety

Policy 8(b) of the North Northamptonshire Joint Core Strategy requires new development to have a *satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards*, and not to have an adverse impact on the highway network nor *prejudice highway safety*.

There is no outdoor amenity or off-road parking facility provided with these units however, due to the sustainable location within the town centre and the proximity to alternative means of transport such as bus and train services as well as public car parking, the proposal for no off-road or allocated parking, in this particular set of circumstances, it is considered appropriate. Occupants can utilise public transport and parking services and, furthermore, as most facilities are within walking distance the proposal promotes health and well-being.

The highway directly outside the retail unit is a single-track access from Horsemarket to the courtyard area at the rear of the application building which serves other surrounding business units with private parking. This access is within a restricted town centre traffic management area where no parking is permitted at any time. As such, it is considered that the proposed development would not present adverse impact on the highway network or on highway safety.

5. Ecology

During the officers site visit it was apparent that works in the roof space had commenced and the developers were part way through the conversion process. As a result, it is considered likely that any bats that may have been present prior to development will have moved on to another less disturbed habitat. In any case it is recognised that the loft conversion works could potentially be undertaken as permitted development. As such, in this particular instance it is not considered reasonable nor necessary to require further works or investigations to be undertaken on this matter.

6. Other matters

Comments received from 4 Meeting Lane regarding land/property ownership are not matters which fall under the remit of the planning system; the applicant has filled out Certificate B on their amended application form, received by the Local Planning Authority on 20/08/2019, declaring that an Article 13 Notice has been served on the owner of the respective land. As such, the applicants have fulfilled their responsibilities so far as planning is concerned.

Conclusion

Subject to the standard time and plans conditions, is considered that the proposal accords with policies set out in the Development Plan and no other material planning considerations outweigh this, therefore the proposed development is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Collette Panther, Assistant Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

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