

BOROUGH OF KETTERING

Committee	Full Planning Committee - 22/10/2019	Item No: 5.5
Report Originator	Louisa Johnson Development Officer	Application No: KET/2019/0529
Wards Affected	Barton	
Location	9 Polwell Lane, Barton Seagrave	
Proposal	Full Application: Change of use of a residential bungalow to a veterinary surgery. Demolition of detached garage to allow access to rear for parking	
Applicant	Mr S Flavell	

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 details listed 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. The premises shall be used only for a Veterinary Surgery and for no other purpose whatsoever (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: In order to protect the amenity of neighbouring residents by controlling any changes of use in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. The premises shall not be open to the public before 08:00 hours or remain open after 19:00 hours on Mondays to Fridays, nor before 09:00 hours or after 12:00 hours on Saturdays, nor open at any time on Sundays or any recognised public holidays; except where in accordance with the approved Emergency Assessment Criteria.

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

5. The side access and rear parking area shall be locked outside the opening hours set out in condition 4 and shall not be used outside these hours.

REASON: To ensure that the permitted use does not result in noise detrimental to the occupants of nearby premises in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. No vehicles collecting specialised waste (excluding normal council waste / recycling collections) shall enter or leave the site, except between the hours of 07:00 and 08:30 hours Mondays to Fridays. There shall be no special waste collections on Saturdays, Sundays or recognised public holidays.

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

7. No vehicles making deliveries or collections to or from the site shall enter or leave the site, except between the opening hours set out in condition 4. There shall be no deliveries on Sundays or recognised public holidays.

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

8. Prior to the commencement of development a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period and the approved measures shall be retained for the duration of the demolition and construction works.

REASON: Details are required prior to the commencement of development because demolition and construction management occurs early in the construction process and in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy

9. During demolition and construction, 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.

10. 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.

11. The use hereby permitted shall be carried out in accordance with the approved Noise Assessment and Management Strategy VA2908.190813.NIA1.2 received on 16/08/19. The use shall not be carried out other than in accordance with the approved scheme.

REASON: To ensure that the permitted use does not result in noise detrimental to the occupants of nearby premises in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. Any security alarm installed and maintained at the premises shall be a silent alarm and shall not sound.

REASON: To ensure that the permitted use does not result in noise detrimental to the occupants of nearby premises in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

13. The use hereby permitted shall be carried out in accordance with the approved Car Park Management Strategy Appendix C of the Supplementary Technical Note 210333-02 received 11/09/19. The use shall not be carried out other than in accordance with the approved scheme.

REASON: To prevent conflict from vehicles arriving and leaving from the site in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. The use hereby permitted shall not commence until the access has been constructed in accordance with the approved details. The access shall be maintained as such in perpetuity.

REASON: To provide satisfactory access in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

15. The use hereby permitted shall not commence until pedestrian visibility splays of at least 2.0m x 2.0m on each side of the vehicular access and vehicle visibility splays of 2.0m from the carriageway edge along the centre of the vehicular access by a distance of 43m measured from the centre of the vehicular access along the carriageway edge are provided. The splays should be kept free of all obstacles to visibility over 0.6m in height above access / footway level and shall be maintained in perpetuity.

REASON: To provide a safe access in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

16. Prior to first occupation or use of the development hereby permitted the vehicle parking spaces shall be constructed, surfaced and marked out in accordance with the approved details and shall thereafter be retained and kept available for such purposes.

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

17. Prior to first occupation or use of the development hereby permitted a scheme for hard and soft boundary treatments and for the protection of all existing hedges and hedgerows on site shall be submitted to and approved in writing by the Local Planning

Authority. The scheme shall include management responsibilities and maintenance schedules for all soft boundary treatments including hedges and hedgerows. The development shall not be carried out other than in accordance with the approved details.

REASON: Details of boundary treatments including the protection of hedges and hedgerows are necessary prior to the commencement of development to ensure the continuity of amenity afforded by boundary treatments and existing hedges or hedgerows in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

18. Prior to first occupation or use of the development hereby permitted a scheme for external illumination on the site shall be 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 amenity of occupants of neighbouring properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

19. Prior to first occupation or use of the development hereby permitted a scheme for signage on the site shall be 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 amenity of occupants of neighbouring properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

20. Prior to first occupation or use of the development hereby permitted a scheme (to include camera angles) for any motion sensor video surveillance / CCTV to be installed on the site shall be 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 amenity of occupants of neighbouring properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2019/0529

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

3.0 Information

Relevant Planning History

KET/2007/0183 – Single storey extension to rear and side – Approved 19/04/07

KET/1981/0641 – Formation of vehicular access – Approved 03/09/81

Site Visit

Officer's site inspection was carried out on 06/08/2018

Site Description

The site is located on Polwell Lane Barton Seagrave with Rainbow Walk a public footpath on the northern boundary of the site. The site is formed of a detached bungalow with attached garage and parking to the front, the bungalow is in a C3 residential use.

The surrounding area is predominately residential in nature, with a mix of bungalows and houses.

Proposed Development

The application seeks full planning permission for a change of use to veterinary surgery, the proposal would involve the demolition of the existing garage and turning part of the rear garden into parking.

There are some minor changes to the internal layout proposed, however there would be no exterior changes to the bungalow.

Any Constraints Affecting the Site

C Road

Adjacent to a public right of way – Rainbow Walk

4.0 Consultation and Customer Impact

NCC – Local Highway Authority (LHA): No objection subject to conditions relating to the access, vehicular and pedestrian visibility splays, hours of operation, hours of collection of special waste, car park management strategy and restricting works that could affect the public right of way, restriction to veterinary surgery only.

Environmental Health: No objection subject to a condition requiring the development be carried out in accordance with the measures recommended in the Noise Management Plan.

Barton Seagrave Parish Council: No objection subject to exit and entry to the property being in accordance with regulations and safety. Due to the increase of traffic movements above a normal residential use.

Neighbours: Three letters of support have been received and nine letters of objection have been received, the following issues were raised –

- Noise from construction including builders' radios would disturb residents.
- The proposal would result in noise, vehicle fumes and light pollution due to the movement of vehicles which would be detrimental to the amenity of residents of 7 Cavendish Close.
- Waste collections and deliveries will result in additional noise and pollution.
- If animals are kept overnight, noise from these animals would disturb residents.
- The kennel / cattery and the prep room should be obscure glazed for privacy, the rooms should be sound proofed and have air conditioning to combat noise from animals.
- If there is a burglar alarm and this is not silent, it will disturb residents. If there are security cameras these could affect the privacy of residents.
- Will the hedge at the side and rear be retained – this currently provides privacy to residents and its loss would result in additional noise and disturbance and loss of privacy.
- The proposed emergency hours would result in noise and disturbance at unreasonable times.
- There are no details of signage and lighting for the proposal.
- Hedges should be planted at the front of the property.
- Where would waste be kept and how would it be disposed of.
- If drugs are kept on the premises this could pose a security problem.
- The proposal would increase vehicles entering and leaving the site which would be a danger to pedestrians using Rainbow Walk.
- As the practice becomes more established and so busier it will result in appointments overlapping and therefore people parking on Polwell Lane or Cavendish Close.
- The proposal would worsen existing traffic problems on Polwell Lane.
- The proposal does not provide adequate parking and the gravel at the parking at the rear is not safe as it does not allow for permanent marking out of spaces.
- It is not clear whether the gravel parking would provide adequate drainage.

5.0 Planning Policy

National Planning Policy Framework (NPPF) 2019:

2. Achieving sustainable development

6. Building a strong, competitive economy
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

Saved Local Plan (LP) policy:

58. Employment: Within Towns

North Northamptonshire Joint Core Strategy policies:

1. Presumption in favour of sustainable development
2. Historic environment
8. Place shaping
9. Sustainable buildings
11. The network of urban and rural areas
12. Town centres and town centre uses
22. Delivering economic prosperity
23. Distribution of new jobs

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of the development
2. Impact on the character and appearance of the area
3. Impact on residential amenity
4. Highway safety, access and parking

1. Principle of the development

The application proposes a change of use from residential to a Veterinary Surgery, the proposal would involve the demolition of the existing garage and the creation of four parking spaces with turning space at the rear of the property.

As such and given its location the proposal is consistent with Policy 58 of the LP and policies 11, 22 and 23 of the NNJCS which together seek to focus employment uses/facilities in urban areas.

The site is located in Barton Seagrave Kettering and is a growth town as designated by the NNJCS, Policy 11 of the NNJCS states that growth towns shall be the focus for infrastructure and higher order facilities to support major employment, housing, retail and leisure development.

Whilst the proposal would result in the loss of a residential unit, the site is located in a growth town. Furthermore the principle of the proposal would be consistent with the NPPF which in chapter 11 advocates the use of previously development land and buildings in particular and a focus on development that would contribute toward a strong economy. As such the proposal is considered to be acceptable in principle.

2. Impact on the character and appearance of the area

The site is located on Polwell Lane Barton Seagrave which is predominately residential in nature.

The site is formed of a bungalow with parking to the front, a side drive and garage to the rear. The proposal would not result in any external changes to the bungalow itself, however the existing garage would be demolished and the rear garden would be converted to parking with landscaping and hedgerows to the boundaries with residential properties.

The proposed veterinary surgery would be open between 08:00 – 19:00 Monday to Friday and 09:00 – 12:00 Saturdays. There may be the occasional overnight hospitalisation of animals, however the applicant states that this would be rare and animals are more likely to be housed at an off site facility.

The surgery would have one consultation room and one operation room which would not be used at the same time; there would be a maximum of three staff on site – 1 vet, 1 nurse and 1 receptionist. The applicant states that they would expect to see a maximum of 20 patients per day (10 in the morning and 10 in the afternoon) and that these would be on an appointment basis with no drop in clinics available.

It is acknowledged that the proposed veterinary surgery would be a change in character from the existing residential use. However, it is considered that the bungalow would retain the appearance of a residential dwelling from the street and the demolition of the garage would not be detrimental to the character of the area. The rear garden would be heavily screened on all boundaries by either fences and hedging or a fence (to be secured by condition), and as such it is considered that the loss of the rear garden would not have a significant detrimental impact on the character of the area.

It is acknowledged that the proposed use would result in an increase in trips to and from the site with approximately 46 trips per day in total (including arriving and leaving the site). This would affect the character of the property to some degree, however these trips would be restricted to between the opening hours set out above (to be controlled by condition) and outside of these hours there would normally be no trips, with exception of a rare emergency. In addition, a condition restricting the use to a veterinary surgery only has been attached to prevent change of use. This will ensure that any other uses including uses in the same use class would require planning permission and the acceptability of that use can be considered. As such it is considered that while the proposed use would affect the character of the host

property due to the increased number of trips, this would not be so severe as to be unacceptable subject to appropriate conditions.

As such it is considered that subject to appropriate conditions the proposal would not have a significant detrimental impact on the character of the area. The proposal is therefore considered to be acceptable in this regard.

3. Impact on residential amenity

Policy 8 (e) of the JCS seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

The application site is bounded by residential properties to the south and east, with Rainbow Walk to the north of the site. To the north of the site separated by Rainbow Walk is 87 Polwell Lane and 7 Cavendish Close shares a part of the side boundary. The site shares a boundary with 89a Polwell Lane to the side (southern) and rear (eastern) boundary as the garden of this property wraps around the rear of the site. No.s 6 and 8 Bedford Close are separated from the site by a small strip of the garden of no. 89a.

A number of objections have been raised by residents regarding noise from the development including noise from construction, cars, waste collection vehicles, animals kept at the premises including overnight and the burglar alarm.

The applicant has submitted a Noise Assessment and Management Strategy in response to concerns relating to the operation of the development. The document has assessed the level of noise from dogs barking and found that the noise level would be below the maximum threshold allowed in the 'BS8233 Guidance on sound insulation and noise reduction for buildings'. The car drive pasts and door slams have been assessed to be below the threshold set out in the 'WHO Environmental Noise Guidelines for the European Region'. The applicant has also confirmed that the rear parking area would be locked at the end of the day and would not be used out of hours.

Concerns have been raised regarding construction noise and noise from builders' radios, however it is considered that an appropriately worded construction management condition would address these concerns. The applicant has confirmed that the burglar alarm will be a police response alarm with internal sensors and would not be an audible alarm.

The Council's Environmental Health officer has reviewed the Noise Assessment and Management Strategy and has no objections subject to the development being carried out in accordance with the strategy. Therefore it is considered that the proposal would not have a significant detrimental impact on nearby residents in terms of noise, subject to conditions requiring the development to be carried out in accordance with the management controls set out in the Noise Assessment and Management Strategy, a condition

requiring the rear parking to be locked at the end of the day, a construction management condition and a condition requiring the use of a silent police response alarm.

Other concerns raised include vehicle fumes, light pollution, loss of privacy from use of premises and CCTV, storage of waste, loss of existing hedges, disturbance due to emergency hours and drugs kept on premises posing a security risk.

Whilst the proposal would result in an increase in vehicle movements it is not considered that this would be so significant as to result in an unacceptable impact on air quality and the Council's Environmental Health team have not raised concerns regarding this.

The applicant has advised that some external lighting would be installed, two wall mounted lanterns of a domestic nature would be installed either side of the front door and low level lighting would be installed to the side and rear. It is considered that this could be adequately controlled by an appropriately worded condition requiring the submission of lighting details.

The applicant has stated that motion sensor video surveillance would be installed outside the property. A condition requiring the submission of the details of the system including angling of cameras is considered to be adequate to protect the privacy of neighbouring residents. Concerns have also been raised regarding loss of privacy due to the use of the building, however the property is single storey with no new windows proposed. The existing windows are largely screened by boundary treatments including fences and hedges, as the proposal would not change this situation it is considered that the use of the building would not result in a loss of privacy through overlooking from existing windows.

Concerns have been raised regarding the storage of animal waste and its disposal, the applicant has confirmed that animal waste will be stored in dedicated freezers and will be collected by a specialist waste collection service.

The existing hedges provide a noise and privacy barrier and residents are concerned that if these are removed, this would result in an increase in noise and a loss of privacy. The applicant has confirmed that they intend to keep the existing hedges and plant a new hedge along the side boundary with 89a Polwell Lane, it is considered that a condition requiring a landscape plan and the retention of landscaping would be adequate to ensure that these measures are implemented.

Residents have raised concerns that the proposed emergency hours (outside opening hours) would result in noise and disturbance. The applicant has confirmed that the side gate would be locked at night and so out of hours visitors and staff would only use the parking to the front of the site.

The applicant has submitted a document setting out their Emergency Assessment Criteria which sets out the instances where a patient would need

to be seen at the surgery out of hours. The document confirms that there would be no routine appointments and that emergency treatment at the site would only be carried out where an animal has a condition / illness that could affect the immediate life status of the animal and or where the animal is in severe pain.

Therefore it is considered that subject to a requirement that emergency treatment at the premises is only carried out in accordance with the approved Emergency Assessment Criteria; to be included in the hours of operation condition; and a condition ensuring the rear parking area is not used out of hours, the proposed emergency hours would not have a detrimental impact on the amenity of neighbouring residents.

The applicant has advised that a variety of veterinary medicines are kept on the premises to enable effective treatment of pets; and that these drugs are largely developed specifically for animals and are not associated with medication misuse in humans.

Some controlled drugs (drugs that are regulated under the Misuse of Drugs legislation) are required, the applicant has confirmed that these will be stored in line with strict legal controls and that they would be moved to a secure location at the end of the working day. As such it is considered that the medications / drugs kept on the premises are unlikely to result in break ins or security issues.

As such it is considered that the proposal would not have a detrimental impact on nearby residents' subject to appropriate conditions as discussed above and the proposal is considered to be acceptable in this regard.

4. Highway safety, access and parking

Policy 8(b) of the JCS seeks to ensure a satisfactory means of access and provision of parking.

The applicant has submitted a Transport Statement and a Supplementary Technical Note in support of the application.

The Local Highways Authority (LHA) has confirmed that they have no objection subject to conditions relating to the access, vehicular and pedestrian visibility splays, hours of operation, hours of collection of special waste, car park management strategy and restricting works that could affect the public right of way, restriction to veterinary surgery only.

The site has an existing access which will be widened to 6m wide to allow two-way movements and adequate vehicular and pedestrian visibility splays can be provided; the access width and construction including visibility splays will be secured by condition.

The access road to the rear parking area is not wide enough for two-way traffic, however the applicant has submitted a Car Park Management Strategy (Appendix C of the Supplementary Technical Note) which sets out how parking to the rear will be managed to ensure there is no conflict between

vehicles. The LHA has accepted this strategy subject to a condition securing the management strategy and a condition restricting the site to a veterinary surgery only.

The site provides seven parking spaces, one visitor space and three staff spaces to the rear and three visitor spaces to the front. Given that there would only be one vet working at the site at any one time, it is considered that four visitor parking spaces would be adequate to accommodate the number of patients who would be at the surgery at any one time.

An objection has been received on the grounds that the increase in vehicle movements would be a danger to pedestrians using Rainbow Walk and would worsen existing traffic problems on Polwell Lane. The LHA state that they consider that the risk of significant conflicts or hazards on the highway network is likely to be low and have not raised any concerns that the number of trips would result in a significant increase in trips on Polwell Lane which is already a busy C road. The LHA have requested conditions restricting the use and requiring a hard boundary to be maintained between the site and the public right of way.

As discussed above, a condition restricting the use to a veterinary surgery only has been attached to prevent change of use. This will ensure that any other uses including uses in the same use class would require planning permission and the traffic generation of those uses can be assessed.

Concerns have been raised regarding the potential for parking on Polwell Lane or Cavendish Close due to inadequate parking, that the parking is not laid out properly and that the parking would not drain properly. The proposed parking has been based on the maximum number of patients that can be seen in one day and as discussed above the parking provision is considered to be adequate. In addition the applicant has agreed to erect signage directing customers not to park on the road. In regard to the parking layout and construction this can be controlled by a condition.

As such the proposal is not considered to result in harm to highway safety and provides adequate access and parking arrangements subject to appropriate conditions.

Conclusion

In light of the above and with no other material considerations that would justify coming to a different conclusion the proposal is considered to be broadly in accordance with the Development Plan and consistent with the NPPF and therefore is approved.

