

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 14/01/2020</b>	<b>Item No: 5.8</b>
<b>Report Originator</b>	<b>Louisa Johnson Development Officer</b>	<b>Application No: KET/2019/0786</b>
<b>Wards Affected</b>	<b>Burton Latimer</b>	
<b>Location</b>	<b>1 Kettering Road, Burton Latimer</b>	
<b>Proposal</b>	<b>Full Application: Change of use of first floor from dwelling house to restaurant and cafe. Single storey side extension with office in roof space. Enclose inset balcony, alterations to first floor windows and addition of external staircase to rear</b>	
<b>Applicant</b>	<b>Mr Palmiero</b>	

### 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture, those on the existing building.

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

4. The windows on the rear elevation serving WC's shall be non-opening and glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy (NNJCS).

5. The external staircase hereby permitted shall only be used for emergency egress and for no other purpose.

Reason: To protect nearby residents from noise disturbance in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy (NNJCS).

## **Officers Report for KET/2019/0786**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2003/0318 – New extractor fan and flue at east of restaurant – Approved 20/05/03

KET/1988/1471 – New toilets to restaurant bedrooms and bathrooms to first floor flat above restaurant – Approved 27/01/89

KET/1984/0590 – Alterations to existing restaurant including mounting of sun blinds – Approved 31/08/84

#### **Site Visit**

Officer's site inspection was carried out on 12 December 2019.

#### **Site Description**

The application site is a two storey building with a restaurant on the ground floor and a residential flat on the first floor, the site has parking to the rear and in the car park of adjacent church.

The site is located within the boundary of Burton Latimer, in an established area with a mix of commercial and residential uses.

#### **Proposed Development**

The application is for a single storey side extension with office in roof space and a change of use of the first floor from residential flat to restaurant and café, this would involve enclosing an existing inset balcony, the installation of a fire escape staircase and alterations to first floor windows.

#### **Any Constraints Affecting the Site**

Burton Latimer Conservation Area

### **4.0 Consultation and Customer Impact**

#### **Neighbours**

One letter of objection has been received from 6 Pioneer Avenue on the following grounds:

- There are ongoing problems with noise and disturbance late at night when staff leave including raised voices, cars revving and car horns and the proposal would worsen this.
- The site does not have adequate parking and visitors to the restaurant park on Pioneer Avenue meaning residents cannot park, the expansion would make this worse.

## **Burton Latimer Town Council**

No objection

### **Environmental Protection**

No comment. Environmental Protection has confirmed that no noise complaints have been received regarding the site.

### **Highways**

Cannot support the application as further information is required regarding parking provision at the site.

## **5.0 Planning Policy**

### **National Planning Policy Framework (NPPF) 2019:**

Policy 2: Achieving a sustainable development

Policy 12: Achieving well-designed places

Policy 16: Conserving and enhancing the historic environment

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy**

Policy 1: Presumption in favour of Sustainable Development

Policy 2: Historic Environment

Policy 8: North Northamptonshire Place Shaping Principles

## **6.0 Financial/Resource Implications**

None

## **7.0 Climate Change Implications**

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site

Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaption to, climate change.

## **8.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Impact on the character and appearance of the area
3. Residential amenity
4. Parking

### 1. Principle of Development

Paragraphs 56, 58 and 64 of the National Planning Policy Framework recognise that good design is a key aspect of sustainable development and supports development which establishes a strong sense of place and responds to the local character, reflecting the identity of local surroundings and materials.

Policy 8 of the NNJCS seeks a high standard of design which respects and enhances the character and visual amenity of the surrounding area.

The proposal involves the change of use of the first floor from a flat to additional floorspace for the restaurant and a single storey side extension to provide additional restaurant floorspace, a dry store and an office in the roof space.

The site is located within the boundary of Burton Latimer, in an established area with a mix of commercial and residential uses where generally the principle of development is considered acceptable.

It is considered that the proposed works while resulting in the loss of a residential unit would be acceptable subject to detailed plans and in accordance with the relevant policies of the NNJCS.

### 2. Impact on the character and appearance of the area

The proposal involves the change of use of the first floor from a flat to additional floorspace for the restaurant including enclosing an existing balcony and the installation of a fire escape and a single storey side extension to provide additional restaurant floorspace, a dry store and an office in the roof space.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that for development within conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposed change of use of the first floor would involve the enclosing of the existing balcony, the insertion of two small windows serving WC's and the installation of a fire escape. It is considered that the proposed change of use would not have a detrimental impact on the character of the conservation area.

The proposed side extension would measure approximately 3.8m wide, 9.5m deep and 6.4m in height with a pitched roof. The proposed extension is considered to be in keeping with the character of the host building would not be harmful to the character of the conservation area.

Overall the proposal will have an acceptable impact on the character and appearance of the conservation area and accords with the relevant parts of Policy 12 (NPPF) and Policies 2 and 8 (NNJCS).

### 3. Residential Amenity

Policy 8 e(i) of the NNJCS requires that development does not result in an unacceptable impact on the amenities of neighbouring properties, by reason of noise, vibration, pollution, loss of light or overlooking.

The site shares a side boundary with St Nicolas Roman Catholic Church, the church is set well back from the road with a car park in front. The proposed side extension would be adjacent to the car park and the fire escape would be located on the other side of the site and well away from the church.

To the other side of the site is High Street Cars (a car garage) the commercial nature of High Street Cars is such that it is unlikely that the proposal would have a detrimental impact on this property

The rear gardens of 6, 8, 10 and 12 Pioneer Avenue abound the site to the south (beyond High Street Cars).

An objection has been received from 6 Pioneer Avenue regarding noise and disturbance late at night and parking problems caused by customers of the restaurant.

The Council's Environmental Protection team have been consulted and have confirmed that they have not received any noise complaints regarding the premises, in addition they have no objections to the proposed works. The applicant has advised that they would ask staff to be considerate of residents when leaving at night, they have also confirmed that they will no longer empty bottles at night and will do this in the morning instead.

Given that there have been no noise complaints regarding the site and the measures proposed by the applicant, it is considered that the proposal would not result in undue noise disturbance subject to a condition requiring the external staircase to be used for emergency use only and obscure glazing to the new WC windows. Therefore it is considered that the proposal would not have a detrimental impact on 6, 8, 10 and 12 Pioneer Avenue.

The objection also raised concerns regarding parking and this is dealt with below.

Therefore it is considered that the proposed development would not have a detrimental impact on neighbouring properties subject to the conditions set out above and in accordance with policy 8 of the NNJCS.

#### 4. Parking

The site has 10 onsite parking spaces at the rear of the site, 6 are visitor spaces and 4 are for staff. In addition, the applicant has a legal agreement with the adjacent St Nicholas Owen Roman Catholic Church for use of the car park in front of the church, the car park is for the sole use of the restaurant and provides at least 5 parking spaces.

The Northamptonshire Parking Standards sets out the parking requirement for the site of approximately 10 parking spaces for the restaurant element and 1 space for the office element. The site provides 11 visitor parking spaces plus 4 staff parking spaces and therefore meets the required standard as set out in the Parking Standards, which provide guidance on parking provision but have not been formally adopted by the Local Planning Authority.

An objection has been received on the grounds that visitors to the restaurant park on Pioneer Avenue and cause problems for residents. However, given that the site meets the parking provision required by the Parking Standards and as some visitors will walk or take a taxi to the restaurant, it is considered that the proposal would not have a detrimental impact in terms of parking provision.

Therefore the proposal would have adequate parking provision and is in accordance with policy 8 of the NNJCS.

#### Conclusion

The proposal is acceptable in principle and in terms of its impact on the character and appearance of the area, residential amenity and parking. Subject to conditions the proposed development is acceptable and recommended for approval.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Louisa Johnson, Development Officer on 01536 534316

#### **Previous Reports/Minutes**

Ref:

Date: