

BOROUGH OF KETTERING

Committee	Full Planning Committee - 14/08/2012	Item No: 5.5
Report Originator	Fjola Stevens Development Officer	Application No: KET/2012/0394
Wards Affected	Desborough St. Giles	
Location	74 & 76 Station Road, Desborough	
Proposal	Full Application: Change of use from off licence and office into a cafe/bistro. Conversion of 2 no.flats into 1 no.2 bedroomed and 3 no. 1 bedroomed flats. In-fill extension to rear. Canopies to front and rear and alterations to windows	
Applicant	Mr J Stapleford	

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

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 be carried out in accordance with the amended plans ref:4516/A, 4516/B, 4516/C, 4516/D3, 4516/E1, 4516/F1, 4516/G1.

REASON: To ensure satisfactory development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. The bedroom and kitchen/ living room windows at first floor level on the south west elevation shall be non-opening and glazed with obscured glass in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority 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 13 of the North Northamptonshire Core Spatial Strategy.

4. No customer shall be admitted to, or allowed to remain in, the external courtyard outside the hours of 09.00 to 22.00 Monday to Saturday, and 10.00 to 22.00 Sunday, Bank and Public Holidays.

REASON: In the interests of residential amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

5. The premises shall not be open to the public before 07.30 hours nor remain

open after 22.00 on any day.

REASON: To protect the amenities of the occupiers of nearby properties in the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. The use hereby permitted shall not commence until details of the external appearance of the proposed cooker hood flue where it is outside any part of the building has been submitted to and approved in writing by the Local Planning Authority. The use hereby permitted shall not commence until the approved details have been fully implemented and thereafter retained in the approved form.

REASON: In the interests of the amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. A proposed scheme for separate domestic and commercial waste storage on site that has been first approved by the Local Planning Authority, shall at all times be retained whilst the uses hereby permitted occur.

REASON: In the interests of amenity and to ensure that suitable waste bins storage are retained at all time during the uses hereby approved, in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- NONE

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in paragraphs 14 and 17 and sections 2, 6 and 7 of the National Planning Policy Framework (NPPF,) policies 1, 2, 3 and 11 of the East Midlands Regional Plan (EMRP), policies 1, 9, 10, 13, 14 and 15 of the North Northamptonshire Core Spatial Strategy (CSS) saved policies 33, 99 and D2 of the Local Plan for Kettering and the Sustainable Design SPD. The relevant issues have been considered are no material considerations that indicate against the proposal.

Officers Report

3.0 Information

Relevant Planning History:

KET/2008/0841: Alteration to shop front and inclusion of roller shutters, 74 Station Road, Approved 11/12/08

KET/2011/0187: Change of use from dwelling to ground floor restaurant and first floor studio flat. Two storey rear extension and single storey front extension; Approved subject to conditions 05/07/11

KET/2012/0222: Change of use from shop/ office and dwelling to café/ bar and dwelling: Application Withdrawn 16/05/12

Site Description

Officer's site inspection was carried out on 16th July 2012.

The application site lies on the northern edge of Desborough Town Centre on a prominent corner site at the junction of Station Road and Gladstone Street. Gladstone Street is predominantly residential, whilst Station Road to the south west is primarily commercial. The site is also at the gateway to the town's conservation area.

The site is occupied by a 2 storey period property which was previously a shop at ground floor level with residential above and ancillary buildings to the rear which appear to have historically been used for storage. The building is 2 storey with a mix of red brick and blue painted brick/rendered elevations and interlocking concrete roof tiles. The shop unit fronts Station Road with its entrance door on the corner of Station Road and Gladstone Street. The elevation facing Gladstone Street reads as being separate from the shop unit due to the differences in architectural detailing, and this is part of the character of this building. The primary unit fronting Station Road has a limestone string course between the ground and first floors, windows with stone header incorporating central detailing and stone cills. The secondary elevation fronting Gladstone Street has evidence of a former industrial use with first floor timber access doors with timber lintel above and more simple windows with stone cills and cambered soldier arch above. The building has fallen into a poor state of repair and at present has an adverse impact upon the character and appearance of the conservation area. Works to develop the building have already commenced.

Adjoining the application property on Station Road is a restaurant with residential above and adjoining the application property on Gladstone Street is a residential dwelling.

Proposed Development

This application seeks planning for the use of the ground floor and basement

as a café/bistro use and the creation of 4 residential units to the rear and above.

In addition, the application seeks permission for external alterations to the building comprising of;

- a replacement bay window on the front elevation with canter levered canopy wrapping round the side of the building
- 2 new windows at ground floor level on the side elevation fronting Gladstone Street
- Canopy above part of the outdoor seating area
- Windows at first floor level on south elevation of building fronting Gladstone Street and balconies with screens on rear elevation of the building fronting Station Road.

Any Constraints Affecting The Site

Conservation Area
C Road

4.0 Consultation and Customer Impact

Town Council

No Objection subject to conditions/amendments

This is a retrospective application. Work has been going on for around 6 months and alterations and repairs appear to be mostly completed to both the exterior and interior of the building. Objections to conversion work by adjacent business and some evidence of bad workmanship.

Development is in a Conservation Area – sensitive treatment is needed. Ground floor windows should be protected by built in shutters. Car parking could be problematic if the Co-op object. The Town Council is concerned that the privacy of the occupants of adjacent property may be compromised by the balconies from 1st floor apartments.

Northamptonshire County Council permission will be needed for outside seating, 'A' Frame advert etc. This development will bring back much needed life to the town centre.

Highway Authority

No objection – recommend that a license will be required for the canopy because it protrudes over the highway.

Environmental Health

20/7/12

No objection – recommend conditions regarding hours of use of courtyard, hours for deliveries, details of a noise and ventilation scheme, refuse management scheme and refuse and litter. Also recommend an informative should be included regarding food safety and hygiene and concerns expressed about means of escape.

9/7/12

Recommend refusal due to lack of information

Northamptonshire Police

No Objection – recommend informative regarding security standards.

Neighbours

7 letters of objection and a petition with 44 signatures for the following reasons:

- traffic generation
- lack of parking
- increase in anti-social behaviour
- increase in noise pollution and litter
- overlooking and loss of privacy due to balconies
- businesses struggling in the town
- no more food premises needed
- no opening hours on plans
- new work comes out from wall on the shared access
- concern that works commenced without approval
- use will conflict with neighbouring restaurant
- narrow pavement near front door
- concern about shower room window facing into walkway access to the neighbouring property.

5.0 Planning Policy

D2. Desborough: Environmental Improvement

64. Shopping: Development Within Established Shopping Areas

National Planning Policy Framework (NPPF)

Core Principles

Section 2 – Ensuring the vitality of town centres

Section 6 – Delivering a wide choice of quality homes

Section 7 – Requiring good design

Development Plan Policies

East Midlands Regional Plan (EMRP)

P. 1 Regional core objectives

P. 2 Promoting better design

P. 3 Distribution of new development

P. 11 Development in the southern sub-area

P. 27 Regional priorities for the historic environment

North Northamptonshire Core Spatial Strategy (CSS)

P. 1 Strengthening the network of settlements

P. 9 Distribution and location of development

P. 10 Distribution of housing

P. 13 General sustainable development principles

P. 14 Energy efficiency and sustainable construction

P. 15 Sustainable housing provision

Local Plan (LP)

P. 33 Advertisements, signs and shops

P. 99 Leisure: Class A3 Uses

P. D2 Desborough: Environmental Improvement

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 upon residential amenity
3. Noise and amenity
4. Impact upon character and appearance of the Conservation Area
5. Impact upon highway safety
6. Sustainability
7. Bin storage
8. Comments on other points raised by proposal

1. Principle of development

The NPPF sets out in paragraph 17 that proposals for sustainable economic development, mixed use developments and housing to meet the needs of the area should be supported. In addition, Policy 2 states the importance of promoting competitive town centre environments and that a sequential approach should be taken when considering applications for main town centre uses; including uses such as the café/bistro proposed. Furthermore, housing applications should be considered in the context of the presumption in favour of sustainable development. Policies 1, 3 and 11 of the EMRP and policies 1 and 9 of the CSS all direct new development, both commercial and residential, to existing built up areas. Policy 99 of the LP is supportive of café and restaurant uses in town centres provided the proposal is acceptable in all other respects, including the scale of the proposal, the impact upon the character of the locality and whether the proposal would result in an over concentration of such uses that would have a detrimental impact upon the town centre.

The application property which lies within Desborough town centre is currently empty at ground floor level and it has been for a number of years. The proposal is for a café/bistro use and the applicant has requested that it can open at 7.30am to allow for the breakfast trade and encourage trade throughout the day and into the evening with the café/bistro closing at 10pm. The proposed development would bring the building back into a commercial use. Policy 99 of the LP states that it is important that an overconcentration of A3 uses is avoided where it would harm the character of the area, however there are no specific policies for Desborough which set out the level of non-A1 uses that

should be permitted within the town centre. Although there are restaurant/take-away uses nearby these would not cater for the same early morning and day-time trade as the café/bistro use and there is also a large retail unit adjacent and residential uses. It is therefore considered that the proposal would not result in a concentration of A3 uses that would harm the character of the locality. Therefore it is considered likely the proposal would increase footfall within the town centre and attract trade into the town centre which would have a positive impact upon the economy in Desborough and would contribute to improving the vitality and viability of the town centre.

The scheme also includes 4 residential units making use of the first floor and the rear part of the building. These dwellings would make good use of the whole building and be located in a sustainable location with good links to services, community facilities and sustainable modes of transport. The units are small dwellings which are considered acceptable in this town centre location as part of a mixed-use scheme. It is therefore considered that the proposed residential aspect of the development is acceptable in principle.

The proposed residential and commercial uses are considered to be appropriate for the location of the site within a town centre and the proposed commercial use would not have a negative impact upon the town centre. Therefore the proposal accords with the NPPF, EMRP, CSS and the LP and is considered to be acceptable in principle.

2. Impact upon residential amenity and Noise

Policy 13(l) of the CSS states that development should not have an unacceptable impact upon neighbours as a result of noise or light pollution and overlooking, among other factors, and one of the core principles of the NPPF is that planning should ensure a good standard of amenity for all existing and future occupiers of land and buildings.

The adjoining property to the south west (72 Station Road) is a 2-4 storey building with a restaurant/take-away use at ground floor level with flats above. The property has a rear garden through which which 1 of the flats is accessed and there it could be used as a residential garden or as external seating for the restaurant. The access to 72 Station Road is via a walkway which crosses the application site. The walkway runs between the bin store/ground floor part of unit 1 and courtyard to be used by the cafe/bistro. The adjoining property to the north west is a 2 storey dwelling with a 2 storey rear projecting element with a blank flank wall adjoining the application site.

The scheme as submitted would have resulted in serious overlooking of the adjoining property to the south west, and also inter-looking between the units proposed. However the scheme has been amended to omit the balconies proposed for units 1 and 2. In addition, the plans have been amended to include a 1.8m screen around the balconies serving units 2 and 3 to prevent interlooking and overlooking of the adjoining property. The windows to all 4 flats now primarily face High Street and Gladstone Street with only 2 obscured glazed and fixed shut windows facing the adjoining property.

It is considered that due to the measures proposed to protect the privacy of the properties within the development and the adjoining property the proposal would not result in overlooking and that proposed commercial use, including the use of the garden as a courtyard for the cafe/bistro, would not have an unacceptable impact upon the amenities of neighbours or the wider area.

3. Noise and amenity

Policy 13(l) of the CSS states that new development should not have an adverse impact upon neighbours or the wider area as a result of noise. Environmental health have been consulted on the proposed development and they have confirmed that subject to conditions regarding the hours of use of the courtyard and submission of details for the ventilation and extraction system the proposal would not have an adverse impact upon the amenity of neighbours or the wider area as a result of noise. The proposed ventilation system would run through the building rather than externally, which is preferable in terms of the impact upon the conservation area, and details of the scheme have now been submitted.

However, the additional plan dated 26 July 2012 indicates that the 'cooker hood flue to be taken through the existing wall, rise through the roof and boxed in on outside of building' An external elevation detail of this is to be conditioned.

Any additional comments from environmental health will be included in the update for committee.

In addition to the conditions suggested by environmental health it is considered appropriate to restrict amplified music being played and external illumination within the courtyard in order to protect the amenities of the residential units proposed and the neighbouring properties.

Concerns have also been raised by third parties and Environmental Health about the bin storage provision proposed to ensure that adequate storage is provided in the interests of the amenity of the area and neighbours. During the course of the application bin storage area has been increased to address these concerns and further amended plans have recently been received showing separate bin store for the residential and commercial uses. Environmental Health has been consulted on these amended plans and their comments will be provided in the update to committee.

It is considered that based on the information submitted to date that subject to conditions the proposed development would not have an adverse impact upon neighbours or the wider area in terms of noise or other amenity issues such as the provision of adequate bins storage. The proposal therefore accords with policy 13 of the CSS.

4. Impact upon character and appearance of the Conservation Area

S. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities (LPA's) to have special regard to the desirability of conserving and enhancing the conservation area. In addition

Section 12 of the NPPF, Policy 27 of the EMRP and Policy 13(o) of the CSS all require new development to respect and enhance the built environment and protect designated heritage assets.

The existing building on the site has been vacant for a number of years, it was previously altered and is in a poor state of repair as such does not at present have a positive impact upon the appearance and character of the conservation area. A number of changes are proposed to the elevations fronting Station Road and Gladstone Street including a replacement bay window, a pitched roof canopy, partial rendering and the re-painting of existing blue render and brickwork with cream. These alterations would significantly improve the appearance of the building, providing a positive gateway into the Conservation Area.

The windows are currently in a poor state of repair and are in the process of being replaced. The replacement windows are oak effect UPVC, and whilst replacement timber windows would be preferable in a conservation area, this site is surrounded by properties with white upvc windows and therefore it is considered difficult to resist the use of upvc on principle. Furthermore, the windows are recessed fully operational sliding sash windows with relatively fine vertical glazing bars. It is therefore considered that these replacement windows do not detract from the existing building and do not harm the character and appearance of the Conservation Area. They form part of the regeneration of this building which will as a result improve the visual amenity of the locality. In addition 2 new windows are proposed at ground floor level facing Gladstone Street. These windows are different in proportion to the other windows on this elevation, however they would match in terms of materials and would be sliding sash windows. It is considered that the additional of the 2 windows proposed would not detract from the character or appearance of the existing building, they would in fact add to the quirkiness of this part of the building. Furthermore, they are simple in design with straight brick soldier course above where there is space, which is appropriate given they would be located on the less formal part of the building. It is considered that a condition requiring full details of the proposed windows would be appropriate to ensure that the windows reflect the design and materials of the other windows on this part of the building.

Alterations are also proposed at the rear of the building, and these include a canopy over the part of the rear courtyard, an infill extension at the rear of the proposed café/bistro, enlargement of an existing outbuilding to provide a bin storage area and alterations to fenestration. Due to the siting and scale of these works they would not have impact upon the visual amenity of the surrounding area and therefore would not have a significant impact upon the character and appearance of the Conservation Area.

It is considered that the proposed alterations and extensions to the building would improve the overall appearance of the building and as such would have a positive impact upon the locality and the character and appearance of this part of the conservation area. The proposal therefore accords with the NPPF, the EMRP and the CSS in respect of the impact upon the conservation area as

a heritage asset.

5. Impact upon highway safety

Policy 13(n) states that new development should not have an adverse impact upon the highway network and will not prejudice highway safety. The proposed development does not benefit from any off-street parking, however the site lies in the centre of a town and the residential units are small units with 1 or 2 beds. Furthermore, the proposed development would result in only a slighter more intensive use of the site than the previous use with a shop and 2 flats. Concerns have been raised by third parties about the proposal generating additional traffic, however the Highways Authority has been consulted on the proposed development and it has been confirmed that there is no objection to the proposal. It is therefore considered that due to the location of the application site; which being in the town centre is a sustainable location with access to public transport; and the scale of the proposal that the scheme would not have an adverse impact upon the highway network or highway safety. The proposal therefore accords with policy 13(n) of the CSS.

6. Sustainability

Policy 14 of the CSS and the Sustainable Design SPD require new development to incorporate sustainable methods of construction and energy efficiency measures. The application is accompanied by a Sustainable Design Checklist and an Energy Efficiency and Sustainable Construction statement which confirm that where possible reclaimed materials, efficient insulation and double glazing will be used in the construction and improvement works. In addition energy efficient white goods, lighting and water saving low flush wc's and flow regulators for taps will be installed. In addition provision will be made for recycling bin storage.

It is considered that appropriate sustainable construction and energy efficiency measures are being incorporated to make this scheme sustainable in accordance with the relevant policies.

7. Bin Storage

Amended Plans were received on 26 July 2012 identifying the layout of the proposed bin store. Earlier advice that the proposed domestic and commercial bin stores be separated has been shown on the amended plan.

On 31st July 2012 the Council received the applicant's 'Waste and Bin Management Policy. Whilst this would appear to follow best practice, within the constraints of the site, Council's Waste Education Officer has been re consulted so that any remaining issues can be addressed, if necessary by condition.

Comments on other points raised by proposal

The Environmental Health team have expressed concerns about the means of escape to unit 1 because it would be via the kitchen. However an escape window from the bedroom is proposed on the front elevation. This is a matter building regulations will address if necessary. All of the letters of objection and the petition are based on the scheme as submitted and many of these

concerns have been addressed by the amendments submitted, or will be addressed by the imposition of appropriate conditions.

During recent months, concerns about the effect of proposed alterations on the physical condition of neighbouring property (70-72 Station Road) have been investigated. The reference to a damp patch on the neighbour's side is an issue to be resolved outside the planning application. However, Building Control have assisted in seeking to identify the causes of damp and it is expected that as the works at the site are completed and all parts dry out, the parties concerned will have been able to have resolved this.

Conclusion

S. 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless other material considerations indicate otherwise and the NPPF sets out the presumption in favour of sustainable development where developments accord with the development plan. The proposed development would bring an empty unit back into use resulting in additional economic activity in Desborough which would contribute to improving the vitality and viability of the town centre. In addition subject to conditions it would not have an adverse impact upon the amenity of neighbours or the wider area, and the proposed alterations to the building would largely improve the appearance of the building thereby conserving the character and appearance of the Conservation Area. The proposal accords with the paragraphs 14 and 17 and sections 2, 6 and 7NPPF, policies 1, 2, 3 and 11 of the EMRP, policies 1, 9, 10, 13, 14 and 15 of the CSS, policies 33, 99 and D2 of the LP and the Sustainable Design SPD and is therefore recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Fjola Stevens, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

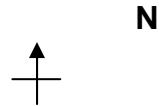
74 & 76 Station Road, Desborough
Application No.: KET/2012/0394



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Cafe/Bistro 74/76 Station Road, Desborough, NN14 2RS

Waste & Bin Management Policy

(to be incumbent upon the tenant and included within the lease)

1. The purpose of this document as an appendix to the lease is to ensure that the cafe/bistro premises are kept clean and clear of all waste materials and to monitor the way in which such materials are disposed of.
2. The Tenant will ensure that the requirements of this appendix are complied with at all times and non compliance will be viewed as a breach of the terms of the lease.
3. All areas of the premises, including the outside seating areas, are to be kept clear of any waste products at all times and inspections of all areas by the Tenant should be carried out at regular intervals to ensure that this requirement is being fully met.
4. All food waste will be returned to the kitchen and placed in a dedicated food waste bin with insert sealable bags for hygienic disposal.
5. All glass will be placed into separate bins and taken directly to the nearest recycle centre for disposal.
6. All waste will be placed in the dedicated bin store for disposal and will under no circumstances be left in any other area of the premises. The bin store will be kept locked when not in use.
7. The bin store will be cleaned and cleansed on a daily basis to ensure that there is no possibility of build up of any waste material.
8. The Tenant agrees to allow the Landlord to periodically inspect all areas of the premises during opening hours in order to ensure that these requirements are being adhered to.
9. The Tenant shall ensure that all bins are put out for collection by the Local Authority on the morning of collection and returned to the bin store as soon as possible after collection.
10. If collection dates are missed, it is incumbent upon the Tenant to arrange for private collection and disposal within 24 hours of the missed collection.