

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 09/10/2012</b>	<b>Item No: 5.4</b>
<b>Report Originator</b>	<b>D Law Development Officer</b>	<b>Application No: KET/2012/0489</b>
<b>Wards Affected</b>	<b>St. Michaels and Wicksteed</b>	
<b>Location</b>	<b>1A(i) Headlands, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Change of use of unit 1A(i) Headlands from office to tattoo studio and painting studio</b>	
<b>Applicant</b>	<b>Mr M Kaye, Creation Custom Tattoo,</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 two car parking spaces hereby approved for the tattoo studio and painting studio shall be retained and kept available for car parking in association with the approved use.

REASON: To ensure adequate on-site parking provision for the approved building and to discourage parking on the adjoining highway in the interests of local amenity and highway safety.

3. The use hereby permitted shall not be carried out before 10.00 hours or after 18.00 hours on Mondays to Saturdays, nor open at any time on Sundays or any recognised public holidays.

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.

4. No development shall commence on site until details of a scheme for the storage and collection of refuse has been submitted to and approved in writing by the Local Planning Authority. The use of the building shall not commence until the approved scheme has been fully implemented and shall be retained as approved

thereafter.

REASON: In the interests of general amenity and to ensure that no obstruction is caused on the adjoining highway 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 Paragraph 2,7,4,11 17 and 70 of the National Planning Policy Framework, Policies 3, 18, 20 and 22 of The East Midlands Regional Plan, Policies 1, 9 and 13 of the North Northamptonshire Core Spatial Strategy, Policies 12 and 24 of the Kettering Town Centre Area Action Plan and Policy 58 of the Local Plan for Kettering Borough. There are no material considerations that indicate against the proposal.

## **Officers Report**

### **3.0 Information**

#### **Relevant Planning History**

KB/1973/0216 – Change of use from residential to Doctor's surgery  
KE/1984/0035c – Change of use from Doctor's surgery to offices

#### **Site Description**

Officer's site inspection was carried out on 11/09/2012  
The application site lies within the Kettering Conservation Area on The Headlands, a leafy urban residential area close to the town centre and characterised by large, detached or semi detached Victorian villas set within their own grounds complimented by mature trees and landscaping. It is a predominantly residential area with scattered A2 and B1 uses, these being mainly legal or medical in nature. The majority of the surrounding properties are constructed of the local red brick however number one stands out due to its white gault brickwork. The site is on the eastern and northern extent of The Headlands at the junction with Bowling Green Road and comprises a large 2 storey double bay building facing Headlands but having the largest impression on the Bowling Green Road street scene. There is a recognized grand front entrance on Headlands and a lesser entrance on Bowling Green Road. The property has been divided up into four units with only one on the ground floor currently occupied by an architect. It currently benefits from 8 parking spaces, 2 per unit all accessed via Bowling Green Road. It presently has A2 office use.

#### **Proposed Development**

This application seeks permission for a Change of use of Suite 1A(i) Headlands from office to tattoo studio and painting studio. No external works are proposed as a result of the change of use and it is proposed to utilise the door on the Bowling Green Road elevation.

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

Conservation Area

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

#### **Highway Authority**

No objection

#### **Environmental Health**

No objection subject to condition regarding a scheme for storage of waste.

## **Neighbours**

4 objections –

Neighbour objection

- Should return to residential, this should be in Yards/Station quarter
- 4 customers a day not realistic, size of waiting room suggests more
- parking already an issue on unregulated Headlands
- waste collection suggests extra illegal parking
- opening hours not acceptable for residential area especially Saturdays

Neighbour objection

- should return to residential

Neighbour objection

- should return to residential
- retail have higher volume of visitors and higher visible profile
- business use will be far from discreet and will negatively affect 'ambiance' of area
- this is the wrong location for this type of use

Neighbour objection

- should return to residential
- inappropriate type of development for location
- insufficient parking therefore would lead to congestion
- would require detracting signage
- against Kettering Town Centre AAP

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Section 2 – Ensuring the vitality of town centres

Section 7 – Requiring good design

Section 4 – Promoting sustainable transport

Section 11 – Conserving and Enhancing the historic environment

Paragraph 17 – Core Planning principles

Paragraph 70 – delivering social and, recreational and cultural facilities and services

### **East Midlands Regional Plan**

P3. Distribution of new development

P18. Regional priorities for the economy

P20. Regional priorities for employment land

P22. Regional priorities for town centres and retail development

**North Northamptonshire Core Spatial Strategy**

1 – Strengthening the Network of Settlements

9 – Distribution and Location of Development

13 – General Sustainable Development Principles

**Kettering Town Centre Area Action Plan**

Policy 12 – Heritage Conservation and Heritage

Policy 24 – The Headlands Quarter

**Local Plan for Kettering Borough**

Policy 58

**6.0 Financial/Resource Implications**

None

**7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principal of Development
2. Impact on Character
3. Amenity
4. Highways and Parking

**1. Principal of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.

With regard to the protection of heritage assets, Section 72 of the planning (Listed Buildings and Conservation Areas) Act 1990 places a legal duty on local planning authorities to have special regard to the desirability of preserving or enhancing the character and appearance of a Conservation Area.

Part 1 of the National Planning Policy Framework (NPPF) sets out the Governments commitment to ensuring that the planning system does everything it can to support sustainable economic growth and the planning system should not create undue barriers to business development. Whilst this is so, Part 2 emphasises the importance of maintaining the vitality and viability of town centres as the primary focus for commercial development. In addition, policies 3 (b) 18, 20 and 22 of the East Midlands Regional Plan (EMRP) establish the need to support town centre vitality through promoting contributory uses within existing buildings, and safeguarding employment sites. This approach is further emphasized by policies 1, 9 and 11 of the North Northamptonshire Core

Spatial Strategy (CSS) and policy 58 of the Local Plan for Kettering Borough.

Given the sites location within the growth town of Kettering's town centre boundary, as defined by the Town Centre Area Action Plan, the scheme is considered to be in accordance with policies 1, 9 and 11 of the North Northamptonshire Core Spatial Strategy and policies 3b, 18, 20 and 22 of the East Midlands Regional Plan which provide for growth being focused within the growth town of Kettering to aid in delivering economic prosperity.

Policy 13 of the CSS provides for changes of use of the kind proposed subject to specific criteria being fulfilled In particular; development should be appropriate in terms of its type, scale, positioning and design; it should respect the character of the existing building and surrounding Conservation Area; it should not detrimentally impact upon the amenity of existing or future occupiers of adjoining properties; and it should form a suitable relationship with the highway network. In addition, Policy 24 of the Town Centre Area Action Plan states that new development proposals will only be considered acceptable if the external residential character of the property is retained, a single point of vehicular access are retained, not widened and the single entrance point is maintained as such. No alterations are proposed either to the access pint, the entrance or the external appearance of the property hence conforming to policy 24 and 12 (Heritage) of the Town Centre Area Action Plan.

It is considered that the proposals are supported by planning policy, and are therefore acceptable in principle, subject to the detailed matters discussed below.

## 2. Impact on Character of conservation area

Policy 13(h) of the CSS requires developments be of a high standard of design, architecture and landscaping and respect and enhance the character of its surroundings. Policy 12 of the AAP is supportive of development that preserves or enhances the existing historic environment, and policy 24 considers proposals on the Headlands acceptable where the external residential character of the property is retained. The scheme proposes no alterations to the external elevations of the building so it is felt that the residential exterior of the property will be retained and maintained and the character of the Headlands will be preserved. It is also considered that the use of the site as a gallery and a tattoo studio will not alter the character of the building or of the area as again, a result of there being no external changes. Objections have been received expressing concerns over a non residential use in this location but having delved into the planning history of the site, its current permitted use is B1 offices, is it has not been in residential use since 1973. Additionally, previous uses as medical premises or offices would have had similar or higher amounts of foot and vehicle traffic than the proposed and there are other existing uses than residential along Headlands that coexist with the residents. The applicant proposes a

maximum of four appointments per day as the nature of work proposed often necessitates a lengthy sitting. This is an acceptable amount of traffic to the premises and will have no negative impacts on the character of the conservation area.

### 3. Amenity

Policy 13 of the North Northamptonshire Core Spatial Strategy requires that development would not result in an unacceptable impact on the amenities of neighbouring properties, by reason of noise, vibration, pollution, loss of light or overlooking. Objections received highlight the potential impact of additional signage at this location but as there is none proposed and there will be no external changes to the property, this is not an issue to be considered. An informative reminding the applicant of the restrictions with regard to signage is to be included in any decision. The proposed use sits comfortably within its town centre environment, and would not cause a risk to residential amenity through noise as the business proposed would not produce any external noise. The opening hours requested (mon – sat 10.00 to 18.00) are deemed acceptable and the Environmental Health team were consulted on the application and have no objection, though they recommend a condition relating to refuse. As a result, the application is considered to meet the requirements of policy 13 of the North Northamptonshire Core Spatial Strategy in so far as it deals with matters of amenity.

### 4. Highways and Parking

Policy 13(n) of the North Northamptonshire Core Spatial Strategy requires that developments do not have an adverse impact on the highway network and will not prejudice highway safety. The proposed use would not involve an increase in the type or frequency of traffic generated by the previous use. There are two off street parking plots to be provided which is considered suitable for the site and the number of proposed visitors; particularly considering the town centre location, which benefits from public car parking located on London Road and to various bus routes. Northants Highways raised no objection to the application. The application therefore accords with policy 13 of the CSS with respect to highways matters, as well as policies 46 and 48 of the EMRP.

### Conclusion

The application is in accordance with the Development Plan and there are no material planning considerations that would indicate against approval.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

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

Ref:

Date:

D Law, Development Officer on 01536 534316

# SITE LOCATION PLAN

1A(i) Headlands, Kettering  
Application No.: KET/2012/0489



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