

BOROUGH OF KETTERING

Committee	Full Planning Committee - 07/05/2013	Item No: 5.3
Report Originator	D Law Development Officer	Application No: KET/2013/0091
Wards Affected	William Knibb	
Location	5 Horsemarket, Kettering	
Proposal	Full Application: Change of use from offices to substance misuse rehabilitation centre (Class D1)	
Applicant	Mr G Turner CRI	

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 premises shall not be open to the public before 09:00 hours or remain open after 17:30 hours on Mondays to Fridays, nor before 09:00 hours or after 13:30 hours on 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.

3. Prior to the commencement of the use hereby approved, a scheme for the storage and collection of refuse and clinical waste shall be submitted to and approved by the LPA. The approved scheme shall be implemented prior to first use and thereafter retained.

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

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Policies 1,2,4,7 and 12 of the National Planning Policy Framework, Policies 8, 9 and 13 of the North Northamptonshire Core Spatial Strategy, 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

KET/2004/0011 - Redevelopment to provide 5 no. apartments and use classes A1, A2 & B1 (offices) together with access and car parking for residential use - Approved

Site Description

Officer's site inspection was carried out on 08/04/2013

The application relates to the office frontage of an existing 3 storey mixed use unit, located in the secondary shopping frontage in Kettering town centre Conservation Area. Residential apartments are located immediately to the west and other nearby uses include A1 retail, A4 public houses and A5 hot food takeaways. The office unit is of modern design and construction having a large full height glass frontage of tinted glass in dark grey uPVC windows facing the recently regenerated Horsemarket area of Kettering Town centre. The unit was previously occupied by the Citizens Advice Bureau offices (a B1 use) and is currently vacant.

Proposed Development

Change of use from offices to substance misuse rehabilitation centre (Class D1). The application does not propose any external changes. The centre will provide a borough wide substance misuse service incorporating care planned counselling services, clinical interventions and group work. There will be 14 full time employees who will be encouraged to use public transport.

Any Constraints Affecting the Site

Kettering Town Centre Conservation Area

4.0 Consultation and Customer Impact

Highway Authority

No objection

Northamptonshire Police

Northamptonshire Police has no formal objection to the Change of use application in principle and suggest that a number of recommendations which if implemented will reduce the likelihood of crime, disorder and anti-social behaviour occurring.

Environmental Health

No objection - recommend Refuse & Clinical Waste condition

Neighbours

10 third party objections received highlighting issues including:-

- Not in keeping with area of residential, retail, bars and restaurants
- Users could block parking entrance to Crown Apartments
- Proposal could put off potential investors
- Safety concerns for parents of young children resident in Crown Apartments
- Contrary to Local Plan to improve retail and residential facilities in this area of town
- Lack of privacy for users of the centre
- An increase in crime,
- Proximity of gambling establishments
- Already high levels of litter, disturbance and anti-social behaviour, development has the potential to increase these
- Council have a duty of care to vulnerable, elderly and disabled in area
- Concerns over increase in staff numbers and opening hours
- Noise and disturbance as users congregate outside
- Introduction of CCTV will move users of centre to outside existing businesses on Horsemarket
- Horsemarket already busy road and bus station
- Risk to pedestrians with needles or any other harmful substances left on floor

5.0 Planning Policy

National Planning Policy Framework

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
4. Promoting sustainable transport
7. Requiring good design
12. Conserving and enhancing the historic environment

Paragraph 7 – sustainable development

Paragraph 9 – positive improvements in peoples quality of life

Paragraph 17 – improving health and deliver sufficient community facilities and services to meet local needs

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 8: Delivering Economic Prosperity

Policy 9. Distribution & Location of Development

Policy 13. General Sustainable Development Principles

Local Plan

58. Employment: Within Towns

Kettering Town Centre Area Action Plan

3. Primary Shopping Area (Primary and Secondary Frontages) and the Evening Economy

12. Heritage Conservation & Archaeology

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. Design, Character and Appearance
3. Residential Amenity
4. Impact on the Conservation Area
5. Parking and Highway Matters

1. The Principle of Development

Number 5 Horsemarket is an established commercial unit within the secondary shopping frontages in the primary shopping area of Kettering town centre and in walking distance of the bus and train stations. The proposal seeks a D1 use for a substance misuse rehabilitation centre. The site is within the defined boundary of Kettering and is within an area that is predominantly commercial in nature as per Local Plan policy 58.

The overarching principle in the National Planning Policy Framework (NPPF policies 1 and 7) is a presumption in favour of sustainable development in accordance with the Development Plan to deliver a strong, responsive and competitive economy in areas which favour sustainable transport modes. Outlined in paragraphs 7, 9 and 17 of the NPPF is how development should seek to contribute to sustainable development by supporting local services, positive improvements in people's quality of life, to improve health and to deliver community facilities that meet local needs. The provision of a community facility in a sustainable town centre location fulfils these requirements.

Policy 3 of the Kettering Town Centre Area Action Plan (AAP) seeks to maintain the town centre by protecting the primary shopping area from inappropriate changes of use, through the designation of primary and secondary shopping frontages. The primary shopping frontages shape the principal focus for maintaining and enhancing the retail offer within the town centre, with the secondary shopping frontages, located at the edge of the primary shopping area, providing a 'complimentary retail

offer' in order to maintain and enhance the vitality of the town centre.

This policy (3 of the AAP) allows for a greater mix of uses within the secondary shopping frontages, and is supportive of changes of use provided they do not erode the overriding A1 retail function of the area. There are six criteria within the policy to be satisfied before a proposed use can be considered acceptable for inclusion within the secondary shopping frontages. The relevant criteria to this policy are considered below.

Criteria xi) requires, where appropriate, an active and well designed frontage which positively contributes to the street scene. The application submitted does not propose any changes to the existing frontage. The existing frontage is appropriate to the D1 use proposed and does positively contribute to the street scene.

Criteria vi) requires proposals to avoid the concentration of similar uses whose cumulative impact would be detrimental to the retailing function, environmental quality, amenity or parking and would increase the risk of anti-social behaviour. The D1 classification of the proposed use is unique within the secondary shopping frontages in the vicinity of the proposal with A4 and residential use on either side of the site. It is considered that the introduction of this D1 use in the area is not dissimilar to the current B1 use and will have no discernible impact on the retail function of the area. The unit is within the pedestrianised area of the town centre and the proposed use would not lead to a cumulative impact on the environmental quality, amenity or parking. Anti-social behaviour issues will be considered below. As such criteria vi) is satisfied.

The proposal for the change of use is established subject to the satisfaction of policies in the development plan, as discussed below.

2. Design, Character and Appearance

Policy 13 (h) of the CSS all seek improvements in design and for development to be in keeping with the character of the surrounding area. The proposed development does not involve any external alterations to the building so the visual impact and appearance of the property will remain consistent. In addition, as the proposed use is not dissimilar to the current B1 use as a Citizens Advice Bureau, the change of use to D1 would not lead to any discernible change to the character of the immediate or wider area. Therefore, no adverse impact would result upon the design, character or appearance of the buildings or the wider area in accordance with policy 13 (h) and policy 7 of the NPPF

3. Residential Amenity

Policy 13(l) of the North Northamptonshire Core Spatial Strategy requires new development not to result in an unacceptable impact on the amenities of neighbouring properties and Policy 13 (b) of the CSS

seeks to design out anti-social behaviour, crime and reduce the fear of crime by applying the principles of 'Secured by design' Scheme.

Third party objections were received in response to the application which focused on:

- the anti social behaviour of the clientele resulting in safety fears,
- increase in noise as users congregate outside
- a potential for increase in crime

The hours of use and the nature of the service provided is not considered to lead to an increased risk of anti-social behaviour in the area. The proposed use is within an existing commercial unit in the secondary shopping frontages of the town centre and is considered to be a town centre use with similar opening hours as surrounding retail uses. There is a mix of surrounding development at ground floor level of A1, A4 and A5 uses within the immediate area and residential uses on first floors and above.

There is no evidence to suggest that the change of use proposed will increase any propensity for crime and anti-social behaviour in the area and through consultation, the police have raised no objection to the change of use proposed. They have also suggested a number of measures which, if implemented, will reduce any likelihood of crime, disorder or anti-social behaviour. (concerning controlled access, CCTV etc...) These will be added to any permission as informative notes.

With regard to concerns over noise, given the urban context and town centre location near to late night A4 and A5 uses, the opening hours and potential for noise are not considered unacceptable when judged against Core Spatial Strategy Policy 13. There are residential properties to the west (13m away) and north west (26m away) but the change of use to D1 is not considered to have any additional impact when compared to the previous B1 use as again, this is a town centre location where there is a surrounding mix of uses.

The proposal is in accordance with policy 13 (b) and (l) of the North Northamptonshire Core Spatial Strategy which requires new development not to result in an unacceptable impact on the amenities of neighbouring properties and to design out anti-social behaviour, crime and reduce the fear of crime.

4. Impact on the Conservation Area

The application site stands within a designated conservation area; section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

As stated, there are no changes proposed to the external appearance and the use will take place internally within the commercial unit. As a result, the character and appearance of the Conservation Area in this

part of Kettering town centre is not adversely affected by the proposal. It is therefore considered that the proposed use will not impact on the requirement to preserve or enhance the character and appearance of the Conservation Area as set out in Section 72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. It also accords with policy 12 of the AAP and policy 13(o) of the North Northamptonshire Core Spatial Strategy which require new development to conserve the character of designated assets and their settings.

5. Parking and Highway Matters

The highway orientated aims of Policy 13 d) and n) state that proposals should have a satisfactory means of access, provide for parking, and not have an adverse impact on highway safety. Third party objections were received with concerns about potential increases in parking issues resulting from the change of use from B1 to D1.

The scheme provides for no on site car parking, however the site is located in a highly sustainable location within Kettering town centre close to both the bus interchange and nearby public car parks (Queen Street and London Road car park are within 250m of the site). Given this town centre location it is not considered necessary for on-site parking to be provided, this stance is supported by the principles contained within policy 13 (e) of the CSS and policy 4 of the NPPF.

Notwithstanding this, the proposed development is unlikely to generate additional traffic compared with the previous B1 use and so this proposed D1 use would not result in any change to the highway network. The Highway Authority has not raised any objection. The scheme is therefore considered compliant with policy 13(n) of the North Northamptonshire Core Spatial Strategy.

Conclusion

The proposed change of use will not adversely impact on the retail offer or amenity of this area of the town centre, is in accordance with the National Planning Policy Framework and policies in the Development Plan and is recommended for approval.

Background Papers

Title of Document:
Date:
Contact Officer:

Previous Reports/Minutes

Ref:
Date:

D Law, Development Officer on 01536 534316