

BOROUGH OF KETTERING

Committee	Full Planning Committee - 01/07/2014	Item No: 5.2
Report Originator	Alan Davies Development Officer	Application No: KET/2014/0102
Wards Affected	Desborough St. Giles	
Location	74 Federation Avenue, Desborough	
Proposal	Full Application: Change of use from dwelling house to mixed use of dwelling house and canine spa, fitness and grooming centre and erection and use of canine spa to rear garden	
Applicant	Mrs B Moore	

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 use of the canine spa, fitness and grooming centre hereby permitted shall not be carried out before 09.00 hours or after 17.00 hours on Mondays to Saturdays (excluding Thursdays when the business will remain open until 20.00), 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 canine spa, fitness and grooming centre hereby approved a scheme for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. Development shall not proceed other than in accordance with the approved details, and these facilities shall be retained at all times thereafter.

REASON: In the interests of public health and residential amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. In accordance with the details specified on the document dated 3rd March 2014 except no commercial kennelling shall occur on site, this permission shall enure

for the benefit of Mrs Beverly Moore only and shall not enure for the benefit of the land and the use hereby permitted shall be discontinued on the date when Beverly Moore ceases to occupy the premises.

REASON: To ensure that the use is restricted for the purposes as set out in the application form only and therefore protect amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The use hereby permitted shall not commence until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenities and privacy of the neighbouring property in the interests of amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0102

3.0 Information

Relevant Planning History

KET/1977/0391 – Car port. Approved 04/05/1977.

Site Description

Officer's site inspection was carried out on 11/04/2014.

The application site is a two storey post-war semi-detached dwelling on the south side of Federation Avenue, Desborough. The rear garden is approximately 10 metres wide by 30 metres long. To the east is number 72 Federation Avenue, a detached bungalow, and to the immediate west is 76 Federation Avenue, part of the pair of semi-detached properties. The boundary fences in the rear garden of the application property are approximately 1.2 metres high.

Proposed Development

Change of use of the property from dwellinghouse to mixed use of dwellinghouse, canine spa and dog grooming centre. A new timber shed with a footprint of 3.65 metres by 6.70 metres will be installed in the rear garden as part of this proposal.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Town Council

No objection.

Highway Authority

No objection.

Environmental Health

No objection provided a condition restricting opening hours and requiring details of the collection of refuse is imposed.

Neighbours

Two objections have been received. Both refer to the impact of parking on the highway. One, from the neighbouring dwelling, also refers to the loss of amenity/overlooking.

5.0 Planning Policy

National Planning Policy Framework

Policy 1. Building a strong, competitive economy

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 9. Distribution & Location of Development

Policy 11. Distribution of Jobs

Policy 13. General Sustainable Development Principles

Local Plan

58. Employment: Within Towns

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Parking
3. Residential amenity

1. Principle of development

74 Federation Avenue is a dwellinghouse in the town of Desborough, but outside of the town centre. Saved Policy 58 of the 1995 Local Plan for Kettering Borough states that proposals for new industrial or commercial uses within existing areas of the Borough's towns will be considered favourably. Industrial or commercial uses in predominantly residential areas will not normally be granted planning permission... unless there would be no significant adverse effect on the amenity, the environment or the highway network of the surrounding area; and there would be operational, amenity or environmental benefits.

In this particular case it is considered that the proposal is of such small scale that it will not have a detrimental impact upon surrounding amenity, the environment or the highway network. It is considered that there are significant operational benefits of operating such a business from a domestic setting, primarily no external or economic pressure on the business to expand to an unsustainable level simply to survive. As such it will continue to be a small scale domestic business that does not have a detrimental impact upon the wider area. Policies 9 and 11 of the North Northamptonshire Core Spatial Strategy also support the location of this business, as does Section 1 of the National Planning Policy Framework which supports sustainable economic development.

2. Parking

Two objections to the proposal have been received from neighbouring residents. They both refer to the potential negative impact upon parking levels

in Federation Avenue. To the northeast of the proposal site (approximately 300 metres) is an existing factory whose employees all use on-street parking and as such the pressure for parking space in that part of the street is significant. It is the view of the objectors that this proposal will exacerbate the existing situation. However, on the day of the site visit it was noted that very few vehicles were parked in the vicinity of the application site and that the majority of employees cars associated with the factory to the northeast had parked in the vicinity of the factory. There was a clear distance between cars parked in and around the factory and the application site, where levels of parking were more akin to a low density residential street. As such it is considered that this proposal would not exacerbate the existing situation.

However, in order to ensure that there is no detrimental impact upon highway safety or residential amenity in respect of parking significant consideration has been given to imposing a condition to somehow restrict parking to ensure that not more than one customer vehicle at a time is ever parked on the highway in the vicinity of 74 Federation Avenue. It is neither considered enforceable nor justified to impose such a restrictive condition when the same level of parking could just as easily be generated by visits from friends of the applicant. Therefore provided that the hours of operation of the business are restricted and it is solely the applicant authorised to operate the business it is considered that the proposal will accord with Policy 13 of the North Northamptonshire Core Spatial Strategy in respect of parking and highway safety as it will not generate a sufficient level of parking above the level associated with an average-sized dwellinghouse.

3. Residential amenity

One of the two aforementioned objections covered various other concerns, many of which are not material planning considerations. However, the objector has raised the issue of overlooking from the new shed structure and the impact of their enjoyment of their rear garden. The shed will be positioned on the west side of the rear garden of the application site and will have windows facing onto the objectors garden, which is separated by a 4 foot high timber fence. As a result it will be possible for visitors to look into the neighbour's garden. As such the impact upon amenity will be far more detrimental than at present.

However, if a 2 metre high boundary fence had already been erected then overlooking of the neighbour's property would not be possible. As such it is considered necessary to impose a condition requiring details of boundary treatment to be submitted in order to ensure that overlooking of both neighbouring gardens is no longer possible. In addition, the use shall be restricted to the applicant only based on the intention to book customers by appointment with only one at any time using the facilities. The operating hours of the business will be restricted by condition to between 09.00 and 17.00 Monday to Saturday, with late night appointments until 20.00 on Thursdays. This will ensure that the proposal accords with Policy 13 of the North Northamptonshire Core Spatial Strategy in respect of amenity.

Conclusion

Provided the proposed conditions are complied with the scheme will accord with national and local planning policy. It is considered to be of such a small scale so as to prevent any significant detriment to the amenity of the occupants of neighbouring dwellings by virtue of overlooking, increased parking or greater visitor numbers. This proposal will result in a small scale commercial development that is at a level commensurate with its residential setting and therefore permission should be granted.

Background Papers

Title of Document:

Date:

Contact Officer:

Alan Davies, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

