

BOROUGH OF KETTERING

Committee	Full Planning Committee - 18/11/2014	Item No: 5.7
Report Originator	Louise Jelley Senior Development Officer	Application No: KET/2014/0588
Wards Affected	William Knibb	
Location	Unit 3, 2 Horsemarket, Kettering	
Proposal	Full Application: Change of use from hair salon to tattoo parlour	
Applicant	Mr A Hamid	

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 0900 hours or after 1900 hours on Mondays to Saturdays, nor open before 1100 hours or after 1600 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. No development shall commence on site until details of a scheme for the storage and collection of clinical and general waste 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 public health in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0588

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

3.0 Information

Relevant Planning History

Various planning history relating to all unit numbers within No.2 Horsemarket.

KET/13/0793 – Replacement shop front and door - APPROVED

KET/13/0367 – Canopy and illuminated notice board – APPROVED

KET/11/0749 – Change of use from retail unit to café with exterior seating – APPROVED

KET/11/0757 – Fascia sign and plaque sign - APPROVED

KET/05/558 – Extended change of use from licensed boulangerie and patisserie to restaurant – REFUSED

KE/03/677 – Change of use from Class A1 retail to Class A3: Daytime café – REFUSED

Site Description

Officer's site inspection was carried out on 18th September 2014.

The application site is situated within the boundary of Kettering Town Centre as defined by the Kettering Town Centre Area Action Plan and the designated Conservation Area of Kettering. The unit is located along the Horsemarket which is an area of town which has seen a number of public realm improvements including new bus stop facilities. The application site borders both the Silver Street Quarter and the Yards area of the town. The unit is situated within a row of existing shops which forms part of the Secondary Shopping frontage area of Kettering Town Centre. The Lee Gardens restaurant sits above the application site at first floor level and the unit is accessed at ground floor level but set back from the main building line via an archway.

Proposed Development

This proposal is for a change of use from a hair salon (vacant premises) to a tattoo parlour.

Any Constraints Affecting The Site

Kettering Conservation Area
Secondary Shopping Frontage

4.0 Consultation and Customer Impact

Highway Authority

Response received 22nd September 2014. No observations.

Economic Development – Kettering Borough Council

Response received 30th September 2014. It would be a positive addition to Kettering Town Centre and should therefore be approved.

Small businesses such as this one should be supported to ensure that they are retained within the area, and furthermore this particular business would link well with developments in the Soan's Yard area of the town. One final thought is that the unit, which is quite compact, is probably not suitable for a retail use.

Environmental Health – Kettering Borough Council

Response received 22nd October 2014. No objection, but recommend a condition in respect of the storage and collection of clinical and general waste and also an informative advising the applicant that the premises must be registered with Environmental Health before opening.

Neighbours

Third party objection received 13th October 2014.

'A tattoo parlour in this area is totally out of keeping with the area and is situated next to Cransley Hospice tea room and shop. This row of premises is in what appears to be an upgraded area of Kettering with a nice row of businesses and a tattoo parlour would go against this. The sign writing has already been put all over the glass door and is of a skull with a hat on. This is not suitable next to the hospice premises where people go to support those who are terminally ill. It appears that the applicants are already preparing to open the premises. Does that mean that they have already been told that it is approved?'

5.0 Planning Policy

National Planning Policy Framework

Policy 1. Building a strong, competitive economy

Policy 2. Ensuring the vitality of town centres

Policy 7. Requiring good design

Policy 12. Conserving and Enhancing the historic environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1. Strengthening the Network of Settlements

Policy 8: Delivering Economic Prosperity

Policy 9. Distribution & Location of Development

Policy 12. Distribution of Retail Development

Policy 13. General Sustainable Development Principles

Kettering Town Centre Area Action Plan

2. Urban Quarters, Urban Codes and Development Principles

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

18. Soans Yard

22. The Silver Street Quarter

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 the character and appearance of the Conservation Area
3. Impact upon residential amenity
4. Highway matters
5. Other matters

1. Principle of development

Part 1 of the National Planning Policy Framework (NPPF) sets out the Government's 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

Given the site's location within 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, 8 and 9 of the North Northamptonshire Core Spatial Strategy which seek for growth to be focused within the town of Kettering to aid in the delivery of economic prosperity.

Policy 3 of the Kettering Town Centre Area Action Plan (AAP) defines the site as forming part of the secondary shopping area. The policy clearly states that although a greater mix of uses can be accommodated within secondary shopping frontages, changes of use must not erode the overriding retail function of the area and must avoid an over concentration of similar non-retail uses that detract from the character and amenity of the area. Therefore, changes of use in these parts of the town are permissible provided that the overall shopping character of the designated area is maintained and complies with other policy requirements.

The application site has recently become vacant (as of Aug 2014). Details taken from the most recent monitoring check reveal that the unit was still occupied in July 2014. As such, this commercial unit has been marketed for a relatively short period of time.

The Kettering Town Centre Health Check Monitoring Report October 2013 update set out that the Secondary Shopping Frontage of Kettering comprised

40% (39.99%)
of A1 (retail) frontages in the first half of 2013. By September 2013, total A1 frontages comprised 39.6%. The figures have been affected by a shift towards 'other' uses including a clear trend for Sui Generis beauty / tanning / nail salons which reflect a current market trend within the town. This application if approved would result in a decrease to 39.1%. Although the proposal would ultimately result in the loss of a vacant A1 unit, it is considered that this is not so detrimental (from assessment of the figures) that the change of use of this unit would adversely impact upon the shopping character of this area of the town. Coupled with this, is the fact that the unit has a relatively small frontage (6.5m) when compared to other units within the town centre. It is also set back from the main building line of commercial units along this stretch of the Horsemarket with key town centre uses both adjacent to and above the unit, which further adds to the vibrancy and vitality of this secondary shopping frontage.

The table below shows the previous, existing and proposed percentage of A1 frontages and the previous, existing and proposed percentage of 'other' frontages e.g. Sui Generis within the secondary shopping frontage of Kettering town centre.

Year	% A1 frontages	% 'other' sui generis frontages
2012	39.99%	8.11%
2013	39.61%	8.68%
2014 (if application approved)	39.1%	9.18%

Taking all the above factors into account it is considered that a change of use to a tattoo parlour is acceptable in terms of principle and the proposal complies with the key policies of the Kettering Town Centre Area Action Plan, the North Northamptonshire Core Spatial Strategy and the National Planning Policy Framework.

2. Impact upon the character and appearance of the Conservation

Area

The building falls 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. The scheme proposes no alterations to the external elevations of the building and any such changes would be the subject of separate applications e.g. advertisement consent and/or shop front planning application. Therefore, it is considered that the exterior of the building can be controlled in order to help preserve and maintain the character of the conservation area. It is also considered that the use of the site as a tattoo parlour will not alter the character of the building as a result of there being no external changes proposed as part of this application. A letter of objection has been received in respect of the proposed change of use not being in keeping with the immediate area. I am of the opinion that this application as submitted will not adversely affect the character and appearance of Kettering Conservation Area.

3. Impact upon residential 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. 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 09.00 to 19.00 and sun and bank holidays 11.00 – 16.00) are deemed acceptable for this use and location of the unit. Environmental Health raise no objection to the proposed change of use from an amenity perspective but recommend a condition in respect of the storage and collection of clinical and general waste. This has been added as a condition in order to address disposal of waste from the unit. 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. Highway matters

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. No off-road parking is provided for the proposal, however, the use is sustainably located in a central and accessible part of the town centre, adjacent to new bus stops and public realm enhancements within the Horsemarket area and is within walking distance of the train station and numerous car parks. Taking the above into account, it is considered that there will not be any adverse impact on the highway network or on highway safety arising from the proposal. Northamptonshire highways raise no objections to the proposal, it accords with policy 13(n) of the North Northamptonshire Core Spatial Strategy and as such is acceptable in terms of highway matters.

5. Other matters

The letter we have received objecting to the proposal also raises concerns about the advertisement symbol which has been displayed within the window of the shop unit. This does not form part of the current change of use application and in any case this particular type of advertisement would require consent under Schedule 1 Part I of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. As such I feel this matter can be controlled when an advertisement consent application is made, at which point the visual amenity of the area and its position within the Conservation Area of Kettering will be a material consideration when determining the advertisement application.

Conclusion

Taking all the above factors into account, this proposal for a change of use from a hair salon to a tattoo parlour is considered to accord with Development Plan Policy, support the vitality and viability of the town centre and its secondary shopping frontage and preserve the character and appearance of Kettering Conservation Area when taking into account the need for advertisement consent and an application for shop front changes where advertisements and/or exterior changes are proposed. Subject to the proposed conditions, this application is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Louise Jelley, Development Officer on 01536 534316