

BOROUGH OF KETTERING

Committee	Full Planning Committee - 08/03/2016	Item No: 5.3
Report Originator	John Hill Development Officer	Application No: KET/2015/0937
Wards Affected	Slade	
Location	13 High Street, Broughton	
Proposal	Full Application: Change of use from mixed retail and residential to create 1 no. two storey dwelling	
Applicant	Mr A West	

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. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples have been submitted to and approved in writing by the Local Planning Authority. These materials shall be both traditional and natural. The development shall not be carried out other than in accordance with the approved details.

REASON: Details of materials are necessary prior to the commencement of development in the interests of the visual amenities of the area in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the rear (east) elevation and south elevation of the outbuilding or roof plane of both elevations/out building.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. The windows on the first floor rear(east) and rear (south) elevations shall be 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.

5. No development shall take place on site until a scheme for boundary treatment defining the rear boundary of the site has been submitted to and approved in writing by the Local Planning Authority. Any submitted scheme shall have a minimum height of 1.8m measured from ground level. The dwelling shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details and thereafter retained at all times.

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

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B, C, D and E of Part 1 of Schedule 2 of the Order shall be erected or constructed on the application site.

REASON: To safeguard the amenities of the neighbouring residential occupiers in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

7. Notwithstanding the submitted proposal details of the alterations to the shop front which are NOT hereby approved, there shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, a scheme of repair or where necessary replacement joinery for all parts of the shopfront, and details of the paint finish for all external surfaces. The proposal shall replicate the existing shop front design. Thereafter only the approved scheme shall be implemented. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and/ or re-enacting that Order with or without modifications, no alterations to the shop front shall occur apart from those approved.

REASON: Details of alterations to the shop front are required prior to the commencement of development in the interests of safeguarding the character and appearance of the conservation area in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

8. Notwithstanding the submitted details prior to the commencement of development details of a scheme demonstrating in detail how the approved scheme will incorporate techniques of sustainable construction and energy efficiency, make provision for waste reduction and recycling and water efficiency and water recycling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the measures agreed shall be provided in full in the delivery of the approved development.

REASON: Details of the scheme requested are required prior to the commencement of development in the interests of delivering a sustainable development in accordance with Policy 14 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2015/0937

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

3.0 Information

Relevant Planning History

KET/2014/0115 Change of use of post office to 1 no. dwelling. Withdrawn
KET/1984/0219 Alterations to form a self-contained flat. Approved 11.4.84

Site Description

Officer's site inspection was carried out on the 13th January and 10th February 2016.

The application site is the former post office with residential accommodation above that is now vacant and in a very poor state of repair both externally and internally. It takes the form of a two storey terraced property sitting on the east side of the High Street. It is adjoined by two residential properties on either side, nos. 11 or 15 High Street. To the rear is a small private amenity area which adjoins the much larger open yard and outbuildings of 11 High Street, which is accessed directly off High Street via a pair of timber gates. This access is understood to be in the ownership of no.11 High Street. No. 13 also has a small rear two storey extension which adjoins the outbuildings of no.11. To the other side of the property there is a covered alleyway which leads to the rear yard of the property.

It would appear the 1884 planning permission to convert the first floor to a self-contained flat was never implemented as this included an external staircase to be built on the rear of the property to give access direct to the first floor. This does not exist.

Proposed Development

The proposal is to change the use of the premises from A1 retail on the ground floor, the former post office and the first floor residential accommodation to a single 3 bed dwellinghouse. Planning permission is only required because the property is located within the Broughton Conservation Area otherwise the change would be permitted under Schedule 2 Part 3 Class M of the Town and Country Planning (General Permitted Development)(England) Order 2015.

Internally the existing alleyway providing access to the rear would be lost as a result of extending the ground floor accommodation into this area.

Any Constraints Affecting the Site

Broughton Conservation Area

4.0 Consultation and Customer Impact

Broughton Parish Council

Object for the following reasons:

- The loss of commercial space is not justified. Have been other commercial enquiries one for a fast food outlet and one for a pharmacy demonstrating demand.
- Would have an adverse impact on amenity of occupiers of no.11 High Street through loss of privacy and overlooking of primary habitable room windows and amenity space.

- Bin storage and the courtyard arrangement to the rear completely disregards the lack of private access rights through the adjacent archway to the High Street. As the scheme proposes the closing off of the existing route from the front to the rear residents will either leave their bins in the street or bring them through the house neither of which is sustainable.
- On street parking serving the proposed use is unrealistic. All the locations mentioned are already heavily used out of work hours and on street parking would exacerbate existing traffic problems detrimental to road safety. High Street is also on a school route. The proposed frontage treatment will not enhance the appearance of the conservation area and would be detrimental to the historic street scene.
- The internal layout is such that it cannot accommodate the proposed scheme without significant alterations to the roof height and form. Such changes are not shown and would likely be unacceptable in the conservation area.
- The deterioration of the property is not justification for the proposal. The Council should serve a S215 Notice to address the deterioration in the condition of the property.

Environmental Health

No comment or objection to make on this application

Neighbours

2 Darlow Close - Object - Misleading to state that there is adequate on road parking in Darlow Close. Already issues with parking related to existing dwellings, shoppers and shop deliveries. Resulting in blocked driveways, parking on the grass verge and pavements. Bentham Close also has parking problems. Not acceptable to constantly load very restricted roadways with additional vehicles. Disingenuous to suggest the occupants will likely not have many vehicles.

34 High Street – Object – Do not wish to object against the whole principle of the change of use but do object on parking issues. Supports the change of use to a dwelling, considered this is the most obvious use and will improve the appearance of the High Street. Car parking provision proposed is already oversubscribed and at times can be detrimental to pedestrian safety. Since the building was last used Darlow Close has been built, the chip shop opened and the Post Office is now in the Co-op. Parking made worse, Darlow Close now being used by visitors to Co-op and Chip shop as well as residents. Have been accidents on the pedestrian crossing. Traffic flow has notably increased in the last two years. Written to Parish Council but have had no effective action.

11 High Street - Object (2 Objections from different persons from the same address).
Objector 1 .

- i. The submitted drawings are inaccurate. The plans do not show how the front elevation will look after the conversion. Refer to the Broughton Conservation Area Appraisal and that it states traditional shop fronts should be maintained.
- ii. The plans show the existing access onto the street being closed off and no other alternative route other than using our land which they have no right of access over.
- iii. The application whilst for 1 dwelling has plans that show two one being the flat upstairs remaining. This means they can amend the plans at a later date to create two flats having another big impact on parking.
- iv. The plans for the rear of the property are the same as the previously withdrawn scheme which attracted many objections. Same objections still relevant. These include invasion of privacy from the roof windows, loss of feature/change of character with having

to raise the roof height of the barn which will impact on 11, 15 and 17 High Street causing possible overshadowing of gardens.

v. Little mention of parking. Notes it is stated the previous tenants had no issue with parking. This is because the former tenants had no vehicles and the tenancy was given on the basis of no parking. Any additional cars will have an adverse impact locally and there will be at least the need for one car if not two.

Objector 2

i. It is unclear exactly what is proposed.

ii. Refer to objection submitted in relation to earlier withdrawn application which raised the following issues: blocking up of existing access from front to rear; owner broke padlock to gain access via gated entrance to rear; dispute as to where the rear boundary line is; the current owner does not have a right of access to the rear via my access including for vehicles; the proposal to convert the attached outbuildings to no.13 will compromise privacy; the use of the outbuilding for residential accommodation will require raising the roof having an adverse impact on the courtyard and changing the back room of the upper flat into kitchen space and incorporating additional windows will cause overlooking.

5.0 Planning Policy

National Planning Policy Framework

Core Planning Principles

Part 7 Requiring good design

Part 12 Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy (CSS)

Policy 13 General Sustainable Principles

Policy 14 Energy Efficiency and Sustainable Construction

Local Plan for Kettering (LP)

RA3 Rural Area: Restricted Infill Villages

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are

1. Principle of Development
2. Design, Character and Appearance
3. Impact on Residential Amenity
4. Parking
5. Sustainability
6. Other Matters

1. Principle of Development

The site is located within the centre of the village of Broughton which is identified in the LP under Policy RA3 as a Restricted Infill Village where residential development is permitted in principle subject to compliance with a number of criteria which in essence have been superseded by Policy 13 of the CSS. These are discussed in detail below. Additionally Policies 1 and 10 of the CSS direct development to within village boundaries.

In the above circumstances the principle of the proposed development is considered acceptable.

2. Design, Character and Appearance

Part 7 of the NPPF requires good design. Policy 13 (h and i) of the CSS states development should be of a high standard of design and respect and enhance the character of its surroundings and create a strong sense of place. The site also lies within the Broughton Conservation Area therefore Policy 13 o) of the CCS applies which states in part that new development will conserve and enhance designated built environmental assets and their settings which reflects the guidance in Part 11 of the NPPF. When considering applications that affect a conservation area special attention must also be paid to the desirability of preserving or enhancing the character or appearance of that area. Finally regard has been had to the recent review of the Broughton Conservation Area.

One of the key considerations is to determine if the proposed changes to the front elevation associated with the change of use have an acceptable impact on the street scene and in particular the character and appearance of this part of the conservation area.

There are no proposed changes indicated on the submitted plans to the existing first floor windows serving the residential accommodation nor to the existing arched window on the southern side of the elevation serving the former Post Office. It is proposed however to alter the existing former Post Office main shop window through the subdivision of the existing large glazed areas with new additional vertical glazing bars and introduce 2 painted panels. Whilst it is acknowledged that some alteration may be required associated with a change of use to residential this needs to be sensitively done and it is considered the proposed design is not sympathetic to the existing character and appearance of the building. Therefore if planning permission is granted a condition should be attached to any permission requiring the submission of further details of any alteration to the shop front. The only other alteration proposed to the front elevation is to rebuild the existing, rather crude infill two storey connection that physically links 13 High Street to 15 High Street using stone to match the existing. This is considered acceptable and would improve the appearance of the building subject to a condition requiring the submission of any materials to be used.

There is one matter which the applicant has been asked to clarify and will likely require the submission of a revised drawing and this relates to the proposed front elevation where the elevation drawing details the retention of a door in the infill part between 13 and 15 High Street. The proposed floor plan drawing details this being in-filled with stone. Either element is considered acceptable and would be covered by the aforementioned materials condition.

Subject to attaching the aforementioned conditions to any planning permission the proposed alterations to the front elevation should overall have a positive effect on the

character and appearance of the street scene and the conservation area in accordance with Policy 13 of the CSS.

Having regard to the proposed alterations to the rear of the building this would not be open to view by the general public and not have an impact on the character and appearance of the conservation area or street scene. Nevertheless they have to be assessed to ensure they are of an acceptable design.

At the present time the rear of the building is in a poor state of repair. The proposal at ground floor, includes altering a number of existing openings, blocking some up and making a number of new ones all of a domestic scale, this includes the ground floor of the two storey attached outbuilding. At first floor, the residential accommodation, in the main rear elevation it is proposed to reposition two windows, block up one and retain one and in the two storey attached outbuilding insert one. In the rear roof plane it is proposed to introduce three roof lights and a further one in the roof of the two storey outbuilding. The existing windows are either in a very poor state of repair or of a modern design or both.

In these circumstances subject to a condition requiring details of the proposed new windows and doors the proposed alterations are considered acceptable and in accordance with Policy 13 of the CSS.

There are no proposals to extend the building including its height as suggested by two of the objectors.

3. Impact on Residential Amenity

Policy 13(I) of the CSS looks to secure development that does not result in an unacceptable impact on the amenity of neighbouring properties or the wider area.

The private amenity area position at the rear of 13 High Street is somewhat unusual. The property has only a relatively small area that is shown to run from the rear elevation southern corner across what is an open yard area to the corner of the end of the outbuildings that go with the property. Beyond this is the remainder of what is a larger open yard with additional adjoining outbuildings to the rear in the ownership of 11 High Street which adjoins no.13 to the south. There is currently no boundary treatment delineating this boundary above ground level.

The existing situation clearly gives rise to overlooking of this rear yard from both ground and first floor windows and the use of the ground floor as a shop and the first floor as a flat could commence again without the need for planning permission. The first floor residential accommodation based on looking at the existing plan arrangement submitted with the 1884 planning application shows the rear room with the two windows to be a lounge overlooking the rear yard area. These windows remain in place today.

The proposal would not result in any overlooking from the three proposed new windows. These would serve an en-suite shower room and two bathrooms which are all shown to be fitted with obscure glazing. The third existing small window serves a proposed walk in wardrobe. All the windows to these rooms could be conditioned to be obscure glazed and non-opening including the walk in wardrobe area. This is possible for the bathroom/wc's because they are proposed to have roof lights over which would provide ventilation. There is no reason to suggest these roof lights cannot be provided as suggested by two of the

objectors the internal arrangement of the building having been inspected. Subject to a condition requiring details to be submitted as to the precise height of the roof lights above the floor, to prevent overlooking out of them, the proposed first floor arrangement and treatment of windows would be a better situation for the neighbouring occupiers who own and use their part of the yard.

Having regard to the proposed alterations to the ground floor the proposed windows/openings would give rise to overlooking of the neighbours part of the yard. However it is considered this can be satisfactorily addressed by requiring the erection of a 1.8m high boundary fence/wall which would afford privacy for both future occupiers of the proposed dwelling and the neighbours which can be conditioned if planning permission is granted.

In the above circumstances it is considered through the use of appropriate conditions the proposal would not have an adverse impact on the neighbours amenity by reason of overlooking from the proposed windows and openings and is therefore in accordance with Policy 13 of the CSS.

4. Parking

Policy 13d) and n) of CSS requires proposed development to have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards and not have any adverse impact on the highway network and will not prejudice highway safety.

In this case the site circumstances are such that there is no off street parking provision proposed as none is available. Supporting information with the application states that the neighbouring streets can accommodate any parking generated by the proposed use. This is disputed somewhat by local residents who have objected to the scheme on parking grounds stating that existing parking arrangements are already causing problems.

The appropriate assessment to be applied is will the proposed use generate parking demand over and above what the existing legitimate uses (retail and residential) would generate if they were to start again and would it be materially greater and have a detrimental highway impact.

Any retail use is likely to generate some traffic movements additional to which the associated existing residential use could for instance generate parking demand for two adults who could readily occupy such accommodation. It is difficult to see how the proposed three bed unit would generate a material increase in this level of demand that could arise if the existing legitimate uses were to commence again.

In these circumstances the proposal is considered in accordance with Policy 13 of the CSS.

5. Sustainability

Policy 14 of the CSS requires that for a development of this scale it should incorporate techniques of sustainable construction and energy efficiency, the provision of waste reduction and recycling and provision for water efficiency and water recycling.

Whilst some information has been submitted to address this issue in the application it is considered insufficient to meet the requirements of the Policy therefore a condition should be attached to any planning permission requiring the submission of a scheme setting out in detail how the Policy will be complied with. Subject to this condition the proposed development can be considered to be in accordance with Policy 14 of the CSS.

6. Other matters

As mentioned above there is only a small private amenity area associated with 13 High Street and this located to the rear of the property. This area would expect to be used ordinarily for any related external storage including such things as waste bins and in fact a bin store is shown on the submitted plans to the rear.

As the existing access to this area through the site itself is being lost as a result of the proposed internal layout access externally would only physically be available via the gated access immediately to the south, adjacent to 11 High Street and which 11 High Street own. This is one of the grounds of their objection.

The applicant's agent has submitted on the applicant's behalf a copy of a legal agreement which they state includes a clause which gives them a 'right of way' 'for all 'reasonable purposes' in effect to access the land at the back of no.13.

This is fundamentally a legal dispute and a private matter as to what any of the parties legal rights are regarding access over the land.

If it was determined in effect any future occupier of the dwelling could not make use of bins for the disposal of waste and use the Council's waste collection service they would have to make their own private arrangements for the disposal of waste. It would not be acceptable or indeed permissible to keep any waste bins permanently at the front of the property on the public highway as suggested might happen by one of the objectors. The application does not warrant refusal solely on this basis as there would still be a means available to any future occupier to address the matter of waste disposal.

Fundamentally it is the developers choice to determine if they wish to provide a scheme where future occupiers will be able to make use of the Local Authority waste collection service or not.

Conclusion

The proposed development is considered compliant with the relevant policies of the development plan and therefore it is recommended that planning permission be granted subject to conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

John Hill, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: