

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 22/05/2012</b>	<b>Item No: 5.3</b>
<b>Report Originator</b>	<b>Richard Marlow Development Officer</b>	<b>Application No: KET/2011/0801</b>
<b>Wards Affected</b>	<b>Northfield</b>	
<b>Location</b>	<b>Former Kwik Fit / Esso Garage, Lower Street, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Temporary change of use for car sales and valeting</b>	
<b>Applicant</b>	<b>Mr S Hogg</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. This permission shall be limited to a period expiring 1 year from the date of this planning permission. At or before the expiration of this period the use of the land and building hereby permitted shall be permanently discontinued and the building hereby permitted shall be permanently removed.

REASON: To enable the Local Planning Authority to re-assess the impacts of granting this application on neighbouring amenity, in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

2. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenity of occupants of neighbouring properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. The use hereby permitted shall not be carried out outside the hours of 09:00 to 17:00 Mondays to Saturdays and 10:00 to 15:00 on Sundays and Bank Holidays.

REASON: To protect the amenities of the occupiers of nearby properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. The valeting hereby permitted shall not be carried out other than in accordance with the approved block plan submitted with the application and received 30 April 2012.

REASON: To protect the amenities of the occupiers of nearby properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- The Environment Agency have made the following informative comments on the application:

The trade effluent from vehicle washing and cleaning should be disposed to the main foul sewer. This is the preferred environmental option as effluent is carried to a purpose built, closely monitored sewage treatment plant. Please be advised that permission is needed from the local sewer provider to discharge vehicle washing and cleaning effluent to a public foul sewer. Please contact your local sewer provider for further information.

The Environment Agency have issued a series of downloadable Pollution Prevention Guidelines (PPGs) which are accessible at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk). Each PPG is targeted at a particular industrial sector or activity and aims to provide advice to developers on their statutory responsibilities and good environmental practice. Given the nature of the proposed development, it would be advisable that the applicant refers to these notes for further information - specifically PPG 13.

### **Justification for Granting Planning Permission**

The proposal is in accordance with national and local policies as set out in paragraph 7 and Section 1 of the National Planning Policy Framework, Policies 1, 9 and 13 of the North Northamptonshire Core Spatial Strategy and Policy 3 of the East Midlands Regional Plan. There are no material considerations that indicate against the proposal.

## **Officers Report**

### **3.0 Information**

#### **Relevant Planning History**

KET/2008/0177, Landscaping for KE/2004/0514. Approved 18/04/08

KET/2007/0493, Erection of 28 no. new apartments arranged over three and four storeys with associated external works. Approved 22/4/08

KE/04/0514, Outline for demolition of single storey industrial unit and construction of 20 no. two bed flats with associated external works. Approved 12/8/04.

#### **Site Description**

Officer's site inspection was carried out on 06/03/2012. The site is located at the junction of Lower Street and Railway View and extends west towards Northfield Avenue. The site is bounded by residential properties to the north and east, the Slade Brook to the west and mixed uses to the south, and slopes gently from east to west towards the Brook.

#### **Proposed Development**

Temporary change of use for car sales and valeting.

#### **Any Constraints Affecting The Site**

Flood Zones 2 and 3.

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

#### **Highway Authority**

No comments.

#### **Environmental Health**

No objection

#### **Environment Agency**

No objection to the proposed development.

#### **Neighbours**

Comments received from two neighbouring properties. The main considerations raised relate to:-

1. Overlooking and loss of privacy.
2. Loss of light.
3. Highway safety concerns, access issues and there is no legal right of access over Railway View which is a private unadopted road.
4. Noise disturbance caused by valeting.

## 5.0 Planning Policy

### **National Policies**

National Planning Policy Framework

### **Development Plan Policies**

#### **East Midlands Regional Plan**

Policy 1 Regional Priorities

#### **North Northamptonshire Core Spatial Strategy**

Policy 1 Strengthening the Network of Settlements

Policy 11 Distribution and Location of jobs

Policy 13 General Sustainable Development Principles

## 6.0 Financial/Resource Implications

None

## 7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Flood Risk
3. Impact on character
4. Residential Amenity
5. Highway Safety and Access

### 1. Principle of development

The application site is within the town boundary of Kettering, as defined by Policy 35 of the Local Plan. Policy 3 of the East Midlands Regional Plan and Policies 1 and 9 of the Core Spatial Strategy (CSS) direct development to existing urban areas and indicate that Kettering is a 'Growth Town'.

The National Planning Policy Framework through paragraph 17 '*encourage(s) the effective use of land by reusing land that has been previously developed (Brownfield land)*'. This brownfield site was formerly a petrol filling station and then a rapid-fit tyre and exhaust centre and has more recently been approved for 2 different residential led schemes. The site is currently in a redundant state with a small number of structural steels in place associated with the residential uses.

The site is located on existing bus routes, and within walking and cycling distance of all the town centre facilities. In terms of securing a sustainable location it is considered that this site scores positively in satisfying the core planning principles set out in paragraph 17 of the National Planning Policy Framework.

The National Planning Policy Framework details how planning authorities should apply the presumption in favour of sustainable development and through paragraph 7 states that there are three dimensions to sustainable development: economic, social and environmental. The temporary change of use of the site within a mixed use area to the north of Kettering town centre that can be accessible by a range of transport modes can be considered to be helping to achieve sustainable economic development through responding to changes in economic circumstances whilst protecting the built environment. The proposal will bring economic activity to a redundant site in an accessible sustainable location employing 5 full time and 4 part-time employees and therefore scores highly in satisfying the core planning principles set out in the National Planning Policy Framework.

## 2. Flood Risk

The site is within Flood Zone 2 'medium probability' of fluvial flooding and part of the site falls within Flood Zone 3 'high probability' as defined in the Technical Guidance to the National Planning Policy Framework. Though no operational development is planned in Flood Zone 3. The proposed use is classed by the Technical Guidance as 'Less vulnerable'. The applicant has resubmitted a detailed, site-specific Flood Risk Assessment (FRA) on the site which had been previously produced to examine the potential for residential uses. The applicants have not submitted a sequential test in this instance and this is wholly consistent with paragraph 104 of the National Planning Policy Framework. This states that applications for minor development and changes of use should not be subject to the Sequential or Exceptions Tests but should still meet requirements for site-specific flood risk assessments.

The Environment Agency's response to consultation on this application states that the agency has no objection to the proposed development. Given the above it is considered that the application accords with section 10 of the National Planning Policy Framework and criterion q of CSS policy 13 which seek to avoid inappropriate development in areas at risk of flooding and should not increase the risk of flooding on the site or elsewhere.

## 3. Impact on character of the area

Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires developments to be of a high standard of design, architecture and landscaping and respect and enhance the character of its surroundings. The scheme would involve the parking of vehicles for sale and an area for car valeting, together with a sales office to the north of the site. Whilst the site forms part of a key gateway into Kettering Town Centre the temporary change of use would be consistent with its edge of town centre location on a key arterial route. It is not considered that the proposal will alter the character of the area and as such is in accordance with policy 13(h) of the North Northamptonshire Core Spatial Strategy.

## 4. Residential amenity

Policy 13(n) of the North Northamptonshire Core Spatial Strategy states that development should not have an unacceptable impact on the amenities of neighbouring properties or the wider area by reason of noise, vibration, smell,

light or other pollution, loss of light or overlooking.

The sales office comprises of a single portacabin unit positioned midway along the north of the site in close proximity to the boundary with No. 17 Railway View. The flat roofed unit would be 2.4m in height, extend for 7.2 m in length and have no windows or openings on its north or west elevations and would be situated due south of the rear garden of No. 17. The boundary between the site and No. 17 comprises of a 1.8m close boarded fence with follows the topography of the ground, sloping from east to west towards the Slade Brook.

Given the natural path of the sun and existing orientation of buildings the impact of the sales office on the amenity of the neighbouring residents and in particular overshadowing will be extremely limited. No rear or side windows are proposed in the sales office and therefore there are no issues of overlooking that will result from this proposal.

Due to the nature of the proposal which is for a temporary change of use and an ancillary portacabin, a key consideration is whether the proposal would have an adverse impact on neighbours as a result of noise and disturbance from the use. The site layout plan shows the proposed location of the valeting and car sales elements on site, with the valeting positioned to the east of the site but a minimum 25m from habitable rooms of neighbouring properties on Railway View.

The applicant has provided the hours of opening which would be;

Monday- Friday	9.00 –17.00
Saturday	9.00 - 17.00 and
Sunday and Bank Holidays	10.00 -15.00.

It is considered that given the location of the site the proposed hours are reasonable. In terms of noise the activity on site would be limited to the hours specified above, which can be imposed as a condition on any grant of consent, thereby protecting residential amenity during unsociable hours.

Given the separation distance between properties and having received no objection from Environmental Health, it is considered that this temporary change of use would not result in additional adverse impacts on neighbouring amenity by way of noise disturbance. The temporary nature of the planning permission, which can be secured by condition, will ensure that the planning authority can reassess the impact of the use on neighbouring residents after 1 year, should the operators wish to extend the temporary use beyond this period.

A condition can also be imposed on the application to ensure that any external lighting that may be required will have to be approved through a discharge of condition application, thus ensuring no unacceptable amenity impact by way of light.

Based on the above the proposal is considered to be in accordance with

criterion n of Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Highway Safety and access

The Highway Authority have raised no comments on the application which will utilise the two existing access points into the site which remain from the site's previous use as a petrol station and a rapid fit tyre and exhaust centre. One access point links directly with Lower Street at the west side of the site whilst the other is accessed from the junction of Railway View and Lower Street to the south east of the site. Although a small number of structural steels are in place on the site, and will remain through this application, their positioning does not block the existing entrance points, which appear sufficiently wide to accommodate vehicles movements. As such the access and parking proposed are considered appropriate in terms of highway safety and will not have an adverse impact on the highway network so are in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

**Conclusion**

The application would result in the temporary change of use of a redundant brownfield site within an existing town and therefore accords with Policy 3 of the East Midlands Regional Plan and Policies 1 and 9 of the Core Spatial Strategy which direct development to sustainable locations within existing urban areas. The proposal is deemed not to have any significant impacts upon the occupiers of the surrounding properties due to the location of the site and the positioning of uses within it, and the proposed opening hours.

**Background Papers**

Title of Document:

Date:

Contact Officer:

Richard Marlow, Development Officer on 01536 534316

**Previous Reports/Minutes**

Ref:

Date:

# SITE LOCATION PLAN

Former Kwik Fit / Esso Garage, Lower Street, Kettering  
Application No.: KET/2011/0801



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