

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 03/06/2014</b>	<b>Item No: 5.4</b>
<b>Report Originator</b>	<b>Trevor Feary Development Officer</b>	<b>Application No: KET/2014/0213</b>
<b>Wards Affected</b>	<b>Ise Lodge</b>	
<b>Location</b>	<b>Former Ise Lodge Bakery, 71 St Johns Road, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Change of use from bakery to betting shop. Install roller security shutter, 2 no. air conditioning units and 1 no. satellite dish</b>	
<b>Applicant</b>	<b>Mr P Goodyear BG Bet</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. 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 proposed external plant shall be acoustically insulated to a scheme submitted to and approved in writing by the Local Planning Authority before the development commences. The scheme shall ensure that both daytime (07:00 - 22:00) and night time (22:00 - 07:00) background noise levels at the boundary of the site or the nearest noise sensitive dwelling do not increase.

REASON: To prevent an increase in background noise levels in order to protect the amenity of any residents.

3. No customer shall be admitted to, or allowed to remain on, the premises outside the hours of 07.00 - 22.00 Monday to Sunday, including Bank and Public Holidays.

REASON: In the interests of residential amenity.

4. Prior to the commencement of the use hereby approved, a scheme for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be retained at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of public health.



## **Officers Report for KET/2014/0213**

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

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### **3.0 Information**

#### **Relevant Planning History**

KET/2001/0549 Change of use to mixed Use Class A3/A1 Granted  
06/09/2001

The change of use allowing an existing bakery to also produce hot food for consumption off the premises

(Use Class A3 at the time of this Application equating to the Use Class A5 within present day legislation).

#### **Site Description**

Officer's site inspection was carried out on 14/05/2013

This parade of outlets comprises of 6 retail units plus "The Woolcomber" Public House.

Of the 6 units the largest is the "Co-operative Food" store, followed by "Concept Flooring and Carpets" and "Jo's Traditional Fish and Chips" Number 71 is one of the three smaller units being the now vacant "Breadman" and adjoining "Isle Lodge News", "Mr Pickford's" pharmacy.

The communal car park is marked out to accommodate 28 vehicles. The Public House has its own car park.

#### **Proposed Development**

The submission requests a change of use of one unit from a bakery (a primarily a Use Class A1) to a betting shop (Use Class A2).

The submission also requests a roller shutter (to be fixed to the front of the premises) with 2 air conditioning units and a satellite dish to be fixed to the rear of the unit (the air conditioning at ground level).

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

Nene Valley NIA Boundary

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

#### **Environmental Protection Officer (KBC)**

There are no objections to the Application subject to the following Conditions being applied:

- 1) the building and external plant to be acoustically insulated to ensure that background noise level does not increase
- 2) no customer shall be admitted or allowed to remain outside the hours 07.00 – 22.00 Monday to Sunday; including Bank and Public Holidays

3) Agree a scheme for the storage and collection of waste

### **“Neighbours”**

37 representations have been received (all from different households) raising objection to the principle of establishing a Betting Shop here:-

- not appropriate on a family residential estate
- a betting shop will add no benefit to the estate
- no use to the majority of residents on the estate
- will increase traffic which is already a problem at present. Existing parkers are generally of a transient nature, some users of betting shop are likely to remain longer and clog up parking spaces.
- too close to 3 local schools and 2 nursery schools – a great number of children pass these shops daily who should be discouraged from gambling.
- people living in the area will feel vulnerable. There are a number of elderly residential bungalows just behind
- will encourage drug users and alcoholics to hang around the shops
- smokers hanging around outside, together with other hangers-on on the narrow footway.
- will increase crime in the area
- vandalism and violence
- little police presence around this area.
- will increase litter in the area
- public, especially the elderly, could feel intimidated when visiting the Co-op and chemist.
- noise and nuisance after closing time
- there are enough betting shops in the town centre and surrounding streets.
- other more preferable applicants for the premises are available.
- a “coffee shop” should be put there to encourage community get-togethers and give teenagers a place to “hang out”.
- devaluation of property

4 representations have been received supporting the proposal:

- we should all support independent businesses
- a welcome addition to local facilities
- a number of people have expressed the opinion (it is understood a petition of over a 100 signatures has been created) the estate should have a bookmakers
- every time someone leaves the estate to place a bet this is losing a potential customer for the estate’s current shops
- a bookmakers is a service presently not provided and will not threaten the existing businesses.

A petition in support of the proposal containing 155 signatures has been received.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Para 17 Core Planning Principles

Section 1 Building a Strong, Competitive Economy

## Section 7 Requiring Good Design

### **Development Plan Policies**

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

Policy 13 General Sustainable Development Principles

#### **Local Plan (Saved Policies).**

Policy 33 Advertisements, Signs, and Shop Fronts

Policy 52 Changes of Use to Small Offices

#### **Local Development Document – Site Specific Proposals (Option Paper)**

Option 41 Protection of village and Neighbourhood Facilities

### **6.0 Financial/Resource Implications**

None

### **7.0 Planning Considerations**

Obviously an alternative use within Use Class A1 would not have required a further Planning Permission. A Use Class A2 includes financial and professional services such as banks and building societies, estate agents, employment agencies, pay day loan shops, betting shops would require planning permission.

The Applicant has specified the proposal as a betting shop but unless a condition were imposed to the contrary any use within A2 could occur were the application to be approved.

The key issues for consideration in this application are:-

1. vitality and viability of the Neighbourhood centre
2. provision of and design of the roller shutter
3. impact upon the amenity of existing occupants
4. other issues raised within representations

#### **1. Vitality and Viability of the Neighbourhood Centre**

The National Planning Policy Framework confirms that maintaining viability of urban areas, high quality design, and maintaining good standards of amenity for nearby occupiers are aims to be supported. Otherwise apart from requesting Local Planning Authorities to view proposals favourably wherever possible the NPPF provides little on how a submission such as this should be viewed, Apart from its requirements under Policy 13 the North Northamptonshire Core Spatial Strategy adds little to the NPPF.

As can be seen from the various representations received as set out above the submission has provoked a number of emotive responses. Many, however, include issues which are outside the scope for consideration under the Town

and Country Planning Act; e.g. the act of gambling per se, the perceived type of clientele.

Indeed considerations are presently limited to:

- the facility being lost
- the future vitality and viability of the neighbourhood centre
- Saved Policy 52 which accepts changes of use to small A2 uses (as requested) so long there is no significant adverse effect on the character of the building, the character or amenities of the locality, and any increases in traffic having an adverse impact upon the highway network.

The previous use of the building as mainly as a bakers is already largely catered for within the Co-op premises adjacent and in that respect whilst choice of premises will become restricted the facility to purchase these products will remain. As such the viability of this Neighbourhood Centre is unlikely to be affected by any degree and a variety of retail uses will remain. An additional use not already catered for is likely to attract additional customers to the parade of shops as a whole increasing its vitality (and viability).

It is understood from the Agents marketing the property on behalf of the freeholder (the Co-op) that they have been doing so since the end of last year. During this period 3 offers were made for the premises but the Agent indicates that the Co-op has chosen the Applicant since it is an established business (not a start up venture) and the Co-op obviously prefer to have a non-food operator next door.

#### 2. Provision of and design of roller shutter

The only physical change to the locality, and the building itself, will be the increase in depth of the present advertisement fascia to accommodate the proposed roller shutter. This change will be almost unperceivable during opening hours. The adjoining shops all currently have almost identical roller shutters and this element cannot be objected to.

#### 3. Impact on occupiers amenity

Equally almost all of the existing shop units have air conditioning units and satellite antennae within the service roadway to the rear. Again these elements of the submission cannot be objected to.

#### 4. Other relevant issues raised

The Applicant expects that his customers will be drawn from within the surrounding estate and that few will arrive by car or if they do it will be to visit the adjoining shops also. Should there become long term parking by his customers then the Co-op as owners of the car park can introduce relevant measures to deal with any problem.

### **Conclusion**

The viability and vitality of the Neighbourhood Centre will remain and the

proposal is acceptable. Conditions need to be imposed as suggested by Environmental Health.

**Background Papers**

Title of Document:

Date:

Contact Officer:

Trevor Feary, Development Officer on 01536 534316

**Previous Reports/Minutes**

Ref:

Date: