

BOROUGH OF KETTERING

Committee	Full Planning Committee - 29/07/2014	Item No: 5.1
Report Originator	Richard Marlow Development Officer	Application No: KET/2014/0183
Wards Affected	Northfield	
Location	Belgrave Retail Park, Northfield Avenue (land within), Kettering	
Proposal	Full Application: MOT and service garage	
Applicant	Burney Kettering Ltd	

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 a S.106 OBLIGATION being entered into, and to the following conditions:-

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 development shall not be carried out other than in accordance with the approved plans, drawing numbers 3134-PL01, 3145-PL06b and 3145-PL09 received on 17.03.2014 and drawing numbers 3145-PL03h, 3145-PL04C, 3145-PL05b, 3145-PL07b and 3145-PL08a received on 17.06.2014 by the Local Planning Authority.

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

3. Notwithstanding the details shown on the approved plans, 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. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority which

details how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

REASON: To ensure if any contaminated soil or groundwater is encountered during development is dealt with appropriately in accordance with the requirements of policy 13 (q) of the North Northamptonshire Core Spatial Strategy.

5. The development shall not be carried out other than in accordance with the approved landscape plan drg no 3145-PL08a received 17.06.2014. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity in accordance with policy 13 (h) of the North Northamptonshire Core Spatial Strategy

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

REASON: In the interests of visual amenity of the development in accordance with policy 13 (h) of the North Northamptonshire Core Spatial Strategy.

7. The premises shall not be open to the public other than between the hours of 08:00 and 19:00 Monday to Saturday, or between the hours of 10:00 and 16:00 on Sundays and Bank Holidays.

REASON: In the interests of amenity in accordance with policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

8. Deliveries to the premises shall not take place other than between the hours of 08:00 and 19:00 Monday to Saturday and at no time on a Sunday.

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

9. No development shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the building is first occupied.

REASON: In the interests of visual amenity in accordance with policy 13 (h) of the North Northamptonshire Core Spatial Strategy.

10. 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. There shall be no external illumination outside of the hours of operation.

REASON: In the interests of the amenities of the area and adjoining residential properties in accordance with policy 13 (h) (l) of the North Northamptonshire Core Spatial Strategy.

11. The development hereby permitted shall not be occupied until the access and vehicle parking area has been constructed, surfaced and marked out in accordance

with the approved plan 3145_PL03h received 17.06.2014 and with give way lines at the entrance to the site, and that area shall thereafter be reserved solely for the parking, loading and unloading of vehicles.

REASON: In the interests of highway safety in accordance with policy 13 (d) of the North Northamptonshire Core Spatial Strategy.

12. No development shall commence on site until details of a scheme for the storage of refuse 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 to ensure that no obstruction is caused on the adjoining highway in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

13. Notwithstanding the details shown on the approved plans, prior to the use hereby permitted commencing, cycle storage shall be provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be retained as approved for that purpose in perpetuity.

REASON: To encourage the use of sustainable modes of transport in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

14. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:

- the parking and turning of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- details of measures to prevent mud and other such material mitigating onto the highway from construction vehicles;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for waste minimisation and recycling/ disposing of waste resulting from the construction works;
- design of construction access;
- hours of construction work;
- measures to control overspill of light from security lighting

The approved method statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

REASON: In the interests of highway safety and residential amenity in accordance with policy 13 (d) (n) of the North Northamptonshire Core Spatial Strategy.

15. No development shall take place until a plan prepared to a scale of not less than 1:500 showing details of the proposed final ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. The

development shall not be carried out other than in accordance with the approved details.

REASON: To prevent the increase in flood risk in accordance with policy 13 of North Northamptonshire Core Spatial Strategy.

16. No equipment, materials, products, parts, containers, waste or any other articles shall be stacked or stored on the site at any time except within the building.

REASON: In the interests of the appearance of the site and the visual amenities of the surrounding area in the interests of amenity in accordance with policy 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

17. Any 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 the background noise level at the boundary of the site or the nearest noise sensitive dwelling does not increase. For the avoidance of doubt calculated noise levels at the measurement point should be 0dBA below the existing background level during (7am - 11pm) and -3dBA during night time (11pm -7am).

REASON: To prevent an increase in background noise levels and protect the amenity of residents in accordance with policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

18. Prior to the commencement of development, a scheme demonstrating how the scheme incorporates sustainable construction and energy efficiency, waste reduction/ recycling and water efficiency/ recycling shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved scheme.

REASON: In the interests of sustainable development in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

19. The premises shall be used only for the servicing, repair and MOT testing of vehicles and for no other purpose whatsoever (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order with or without modification). For the avoidance of doubt the premises shall not be used for the performance tuning or bodywork repair and refinishing of vehicles.

REASON: To accord with the submitted noise impact assessment and to protect the amenity of residents in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0183

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

3.0 Addendum

Following the deferral of the application at the 1 July 2014 Planning Committee the applicant has responded to the request that the proposed building be turned around so that the principal garage doors face away from the direction of the houses on the east side of Northfield Avenue.

The applicant has submitted a site plan (reference 3145 PL10) to show how a mirrored site plan would appear. This is included as an appendix to this report. Third party neighbours have been consulted to ensure that they are fully aware of the additional plan and information submitted by the applicant.

The applicant has submitted the following to accompany the rotated site plan. They state:

“This is not a viable option for the following reasons:

1. The building will need to be positioned outside of the 1/100 year flood zone. When providing the minimum distance of 6 metres between the building and the proposed car spaces (for adequate manoeuvring) the parking area is placed outside of the application boundary.
2. The building cannot be positioned closer to Northfield Avenue due to the existing cables (Main substation cable route) and rights granted to Power Networks for un-obstructed access.
3. These cables continue along the side boundary, therefore the building cannot be moved any closer to the northern site boundary.
4. The eastern proportion of the land cannot be included within the scheme as this is outside of ownership
5. The access as shown on the proposed plan is the only position which enables access for service vehicles, such the scheme would not work if the access was moved to suit the building position at the front of the site.

Therefore taking above into consideration items 1 & 2 do not allow the building to be positioned far enough forward to achieve any car parking with the scheme. And item 3 ensures that we cannot move the building any further to the north (right when viewed from the road). Item 4 reconfirms that legal access would not be achieved even if items 1 to 3 achieve a viable option. Irrespective of all of the above the proposed tenant who has signed up to the pre let would not progress the letting if the plans could have worked showing the shop doors facing the brick wall of the adjacent unit. The purpose for siting this use on a retail park is that many of the principles of the operator are the same of that of retail where passing cars can see empty car space and recognise the premises to be an MOT service centre by the doors etc, as well as the signage. If we could have achieved the 180' option requested we would

not want to lose a tenant. Finally we believe that three very

blank walls facing the road would produce a very uninteresting building from a planning perspective, especially on the front of the retail park”.

The applicants also state:

“With regards to points noted in your email, we would like to re confirm the following:

6. The submitted noise impact assessment confirms that the building in its current position will have no adverse impact upon residents
7. The Local Authority noise assessors have no objection to the submitted report or the results
8. The submitted highways assessment confirms that the building and its current position has no adverse impact upon the highways
9. The Highways department have no objection to the submitted report or the proposed building and entrance position.

We would not have proposed a building of this nature in this location if we could not achieve and meet the appropriate standards. This would have wasted our clients and our tenants time and money. We confirm once more the high background noise levels from the existing road are far above the proposed noise levels of this unit”.

Having considered the supplementary information the application is again recommended for approval subject to conditions and completion of a S106 obligation.

Background Papers

Title of Document:

Date:

Previous Reports/Minutes

Ref:

Date: