

BOROUGH OF KETTERING

Committee	Full Planning Committee - 01/07/2014	Item No: 5.3
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 drawing 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 and the application requires an agreement under s.106.

3.0 Information

Relevant Planning History

*KET/2011/0157 Erection of a steel framed building for A3 and A5 use.
Approved on appeal 8 February 2012.*

KET/2007/0132 Erection of 3no. bulky goods non-food retails units and additional mezzanine, access, servicing, car parking, landscaping and renewal and repositioning of car wash APPROVED 28/08/08.

Site Description

Officer's site inspection was carried out on 02/06/2014.

The application site is located to the west of Northfield Avenue within the wider Belgrave Retail Park that sits to the north west of Kettering town centre. The site comprises of vacant land to the east of the existing retail units which is prominent due to its position between the retail units and Northfield Avenue (A6003). The level wasteland site has previous approvals for a relocation of a former car wash facility, as part of the retail units development, and a A3 and A5 use neither of which have been implemented. To the north east of the site sits an electricity sub-station which is set behind the PCworld retail unit.

Proposed Development

The application seeks permission for a MOT and service garage that would measure 6.2m to the ridge with a width of 29.8m and a depth of 15.1m comprising of 6 vehicle bays and a mezzanine floor element to the south of the building comprising of the reception and staff facilities. Adjacent to south of the main building is a smaller square single storey old tyre store with a 4.1m ridge and 5.4m width and depth.

Any Constraints Affecting The Site

*A Road
Flood Plain*

4.0 Consultation and Customer Impact

Highway Authority

No objection to the proposal and have requested a pooled developer contribution of £7500 towards highway improvements in the vicinity of the development. The applicant has agreed to this contribution.

Environmental Health

No objection subject to conditions regarding refuse, hours restrictions, external plant, paint spraying and a construction method statement.

Environment Agency

No objection subject to a condition which ensures a suitable remediation strategy for any contamination encountered during redevelopment of the site. Part of the site lies in Flood Zone 2 and the application should be considered under the Environment Agency's standing advice. Informatives recommended regarding hazardous waste and surface water drainage.

Neighbours

2 objections received from third parties on the following grounds:

- Noise and light pollution from existing premises is a nightmare and to have another building facing our property with the noise and light involved is just beyond a joke.
- Lights left on all night at existing premises.
- Unsecured car park used as racetrack and meeting place for cars and motorbikes.
- Orientation of building facing residential properties and hours of opening.
- Weekday opening hours of 7am to 7pm is not appropriate in such proximity to residents, being in a valley any noise in the area will wake up households.
- Background noise early in morning is not at a sufficient level to mask the noise given off by power tools. A neighbour would not use tools at such a time and would expect professionals not to do so also.
- Noise levels quoted seem extremely low and jack noise is likely to be extremely loud if you were in an adjacent residential property.
- Mechanics like to play loud music all day which is not conducive to the enjoyment of someone's property.
- It would be better if the entrance/ garage doors to the building faced PC World and possibly some conditions ensuring that the doors are shut when in use.

5.0 Planning Policy

National:

National Planning Policy Framework

Section 1 Building a strong competitive economy

Section 4 Promoting sustainable transport

Section 7 Requiring good design

Section 10 Meeting the challenge of climate change, flooding and coastal change.

Saved Local Plan policies:

58 - Employment: Within Towns

Core Strategy policies:

1 Strengthening the network of settlements

6 Infrastructure delivery and developer contributions

8 Delivering economic prosperity

- 9 Distribution & location of development
- 11 Distribution of jobs
- 13 General sustainable development principles
- 14 Energy efficiency and sustainable construction

Supplementary Planning Documents

Sustainable Design SPD

6.0 Financial/Resource Implications

Section 106

The proposed development would result in an increase in the traffic using the highway network. The Highways Authority has therefore requested a contribution of £7,500 towards improving the highway infrastructure in Kettering Borough. The applicant has agreed to pay this contribution and the obligation is currently being drafted.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. *Principle of development*
2. *Design and appearance*
3. *Neighbouring amenity*
4. *Highways*
5. *Flood Risk*
6. *Contaminated Land*
7. *Sustainable Construction and Design*

1. Principle of development

Policy 14 of the National Planning Policy Framework (NPPF) details the presumption in favour of sustainable development requiring that development proposals that are in accordance with the Development Plan are approved without delay. Policies 18 and 19 of the NPPF further underline the Government's objective to promote sustainable economic growth and for planning to encourage, rather than impede, such growth. The proposal would provide commercial development to the west of Northfield Avenue in an area that is characterised by bulky goods retail and further north other commercial activities. Such commercial uses are not main town centre uses and therefore there is no requirement to locate such uses within sequentially preferable sites within the town. The proposal would accord with the NPPFs encouragement of economic development.

Northfield Avenue is located within the town boundary of Kettering as defined by Policy 58 of the Local Plan in an established industrial area. Development within this town boundary is acceptable in principle and confirmed by Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy which directs new development to the growth town of Kettering. Policy 8 of the CSS also suggests that developments that would create employment opportunities will

be encouraged within the Borough. In addition, policy 13 of the CSS is supportive of development provided the proposals do not result in adverse impact upon neighbouring properties or the highway network and that the scheme presents a good standard of design.

As such, the principle of such commercial development in this area is established and the proposal is, therefore, considered acceptable in principle.

2. Design and Appearance

Policy 13 (h) of the CSS requires development to be of a high standard of design and to respect the character of its surroundings. The proposal has been designed to complement the adjacent retail units and is set lower than the neighbouring buildings. A mix of composite cladding panels and brickwork to all elevations will compliment the surrounding retail units and provide a cohesive overall design which is supplemented by a glazed entrance and high levels windows to the south of the building. Revised plans submitted during the course of the application process have revised the roller shutters making the slightly wider and therefore the intersecting piers narrower. The proposed roller shutters are functional and industrial in design, which respects the character and appearance of the locality. Colours of the facing materials and metal sheeting roof have been specified within the submitted plans and will be conditioned, together with samples, to ensure an appropriate design approach across the site.

The building is orientated to face Northfield Avenue providing a simple structure with a highway facing presence and marks the transition to the higher and more visually prominent retail units to the west. The orientation is in part governed by the need to maintain the right of access to the electricity sub-station located to the north west of the site and the elongated shape of the site. The use of a hipped roof through this proposal also allows the overall height of the building to be reduced when compared to the existing retail units resulting in a subservient form of development which respects the character of surrounding development and the wider street scene.

Soft landscaping details have been submitted which include the use of cherry trees to soften the visual impact of the development when viewed from Northfield Avenue and provide a element of screening and visual interest to the transition between the site and highway. These details are considered appropriate for the development and as such conditions will be imposed to ensure that the landscaping is established and maintained to appropriate standards. A knee high post and rail fence is evident to the east of north of the existing site but no boundary details have been provided. Conditions securing appropriate boundary treatments and hard landscaping will be imposed to ensure an appropriate form of development.

A tree report has been submitted with the application which provides justification for the removal of the former Hornbeam tree on site. Whilst its retention had been secured by condition on previous applications the tree had no statutory protection and the report indicates that the tree had become dangerous due to rot in the main limb which had made it unstable. Its removal

has no bearing on this planning application which proposes additional soft landscaping.

Subject to the imposition of conditions the proposal accords with the requirements of criteria (h) of policy 13 within the North Northamptonshire Core Spatial Strategy.

3. Neighbouring Amenity

Policy 13(l) of the Core Spatial Strategy requires that development does 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 building would stand within an existing commercial area and would be surrounded by similar retail/ commercial uses. To the east of the site beyond the A6003 (Northfield Avenue) and the Slade Brook lies an area of residential development located off Leicester Close. The nearest dwelling would be located 36 metres from the boundary of the site and approximately 44 metres when measured wall to wall. 4 third party objections from 2 residents have been received relating to the application and these primarily relate to noise and light disturbance resulting from the proposal due to its orientation, location and opening hours.

The applicants have submitted a noise impact assessment that concludes that noise generated from the proposed use would have no significant effect at the nearest sensitive property. Environmental Health do not object to the proposal subject to conditions which restrict hours for deliveries and collection and ensures that any external plant is acoustically insulated in accordance with a scheme approved by the Local Planning Authority prior to its installation. Having visited the site it is considered that the separation distance between this proposal and residential properties which are intersected by the A6003, the Slade Brook and screening by vegetation is sufficient, with the imposition of conditions, to ensure that no unacceptable impact on neighbouring amenity would result by reason of noise. A condition restricting changes of use will also ensure that the operation of the premises remains as assessed within the submitted noise impact assessment and within acceptable levels. Discussions about the use of air driven wrenches for the removal and refitting of wheels are ongoing and additional information will be provided within the committee update.

Given the distance between the proposal and the elevated position of the neighbouring residential properties the proposal would not have an overbearing impact upon neighbours or result in a loss of light. The scale of the development with a maximum height of 6.2m is limited and due to the distance would not have an unacceptable impact in terms of overlooking.

No external lighting details have been proposed and therefore conditions will be applied to ensure that any external lighting proposed is designed sensitively and turned off during set hours as agreed in writing with the Local Planning Authority.

Subject to conditions the proposal would not have an unacceptable impact on the amenities of neighbouring properties and therefore the proposal accords with policy 13(l) of the CSS.

4. Highways

Policy 13(d) and (n) of the North Northamptonshire CSS requires that developments have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards and do not have an adverse impact on the highway network.

The proposal will utilise the existing access point from the Belgrave Retail Park onto the adopted highway and was accompanied by a Transport Assessment to assess the impact of the proposal upon the highway network. An increase of 10 two-way trips in the am and pm peak was highlighted and subsequently no objections have been received from the Highway Authority. They have however requested a contribution of £7,500 towards transport improvements in the surrounding area to mitigate the impacts of the proposal, which the applicant has agreed to pay. As such the proposal is considered to accord with criteria d and n of policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Flood Risk

Policy 13(q) of the CSS states that new development should not increase the risk of flooding on the site or elsewhere.

The proposed development site is shown to be partly within Flood Zone 2, defined as an area of land with a medium probability of river flooding. The applicants have submitted a Flood Risk Assessment (FRA) to justify their proposals which considers fluvial and surface flooding. Applying the Flood Risk Vulnerability Classification in National Planning Practice Guidance (NPPG) the proposed development is classified as less vulnerable development. Table 3 of the NPPG states that such development is appropriate in zone 2.

The building sits entirely outside of flood zone 2 with the FRA demonstrating that the floor levels of the building would be higher than the 1 in 100 year flood event level and therefore would be safe in the event of flooding. The majority of the site, including the building, lies within flood zone 1 and therefore provides safe refuge in the event of flooding. In addition, the development will incorporate a permeable paving and a surface water drainage system to prevent an increase in the risk of flooding on the site or elsewhere. Subject to conditions which secure an appropriate finished floor level (minimum of 70.15m AOD) and hard landscaping details including permeable surfacing it is considered that the proposed development accords with policy 13(q) of the CSS.

6. Contaminated Land

The application site was historically a cattle market and the desk top study submitted with the application identifies that there is very low risk of there being significant contamination linkage at this site and it is not anticipated that remedial works will be required. The Environment Agency has requested that a contaminated land monitoring condition is imposed to ensure that any

contamination that has not previously been identified is suitably managed.

7. Sustainable Construction and Design

Policy 14 of the CSS requires new development to meet the highest standards of resource and energy efficiency and reduction in carbon emissions. Development proposals should; incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and provide for water efficiency and water recycling. A condition is therefore recommended to ensure that a sustainable construction plan is submitted prior to development commencing and that the development is carried out in accordance with the approved details.

Conclusion

The proposed development is acceptable in principle and in accordance with relevant policies of the development plan and the NPPF. The development is recommended for approval subject to conditions and completion of a S106 obligation.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Richard Marlow, Development Officer on 01536 534316