

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 18/11/2014</b>	<b>Item No: 5.3</b>
<b>Report Originator</b>	<b>Marie Down Development Officer</b>	<b>Application No: KET/2014/0095</b>
<b>Wards Affected</b>	<b>William Knibb</b>	
<b>Location</b>	<b>The Swan Public House, 44 Montagu Street, Kettering</b>	
<b>Proposal</b>	<b>s.73A Retrospective Application: Change of use to hand car wash</b>	
<b>Applicant</b>	<b>Mr W Ordynowski The Swan Kettering Car Wash Ltd,</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 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 permission on neighbouring amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

2. The use hereby permitted shall not be carried out before 09.00 hours or after 17.00 hours on Mondays to Saturdays, nor before 10.00 hours or after 15.00 hours on Sundays or any recognised public holidays.

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

3. There shall be no additional 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.

## **Officers Report for KET/2014/0095**

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

### **3.0 Information**

#### **Relevant Planning History**

No relevant planning history.

#### **Site Description**

Officer's site inspection was carried out on 15/08/2014 and 09/09/2014. The application site is located on the southern side of Montagu Street and comprises the car park of the public house adjacent to the site. The public house is currently vacant and has been for some time. A hand car wash and valeting business has been operating from the site since November 2013. The car washing and valeting takes place to the rear of the site which has been laid with hardstanding. The remainder of the site is gravelled and provides parking for 10 vehicles. There is a drain running across the hardstanding where it meets the gravel surface. A portacabin style building has been erected in the south western corner of the site. This provides a staff room for employees. The entrance to the site is secured by a fence and gate and there are various forms of signage at this entrance. Development adjacent to the site along Montagu Street consists of a mixture of A1, A3 and A5 uses at ground floor level. Immediately west of the site is the vacant public house. There is residential development to the east and south east along with a warehouse to the south west.

#### **Proposed Development**

The application is a retrospective application for a change of use of a car park to a hand car wash. The application was submitted following an enforcement investigation into the unauthorised change of use. The signage at the entrance to the property is subject to a separate enforcement investigation which is ongoing.

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

Conservation Area  
A Road

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

#### **Highway Authority**

Initial response received on 03/04/2014:

- Acceptable in general terms.
- Visibility splays are acceptable but the applicant should be encouraged to keep the area to the side of the entrance clear of bins as these are in the visibility splays for pedestrians.
- The access width should be 4.5 metres.

Response following reconsultation received on 05/06/2014:

- No observations.

### **Environmental Health**

Initial response received on 14/05/2014:

- Object and recommend refusal on the grounds of insufficient information. No information has been submitted as to how noise will be controlled on the site or how refuse will be disposed of.

Response following reconsultation received on 09/06/2014:

- The applicant has considered the previous concerns raised and given Environmental Protection have not received any complaints about the site the objection is withdrawn.

### **Environment Agency**

Assessed the proposal as having a relatively low environmental risk. No further comments to make.

### **Neighbours**

The proposal was subject to four separate complaints during the course of the enforcement investigation. Each complainant was notified in writing about the submission of the retrospective application. One representation was received as a result of this raising the following concerns:

- The car wash has been operating from the site since at least October 2013, not 15<sup>th</sup> November 2013 as stated in the planning application form.
- All vacuum cleaners and jet washers are stored outside and not inside as stated in the application.
- The opening hours are 8am to 6pm and sometimes after 6pm.
- The business results in competition with existing businesses in the area.

One further representation received raising concerns about lack of drainage and connection to the main sewer.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Paragraph 14 – Presumption in Favour of Sustainable Development

Paragraph 17 – Core Planning Principles

Policy 1 – Building a Strong, Competitive Economy

Policy 2 – Ensuring the Vitality of Town Centres

Policy 7 – Requiring Good Design

### **Development Plan Policies**

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

Policy 1 – Strengthening the Network of Settlements

Policy 8 – Delivering Economic Prosperity

Policy 9 – Distribution and Location of Development  
Policy 11 – Distribution and Location of Jobs  
Policy 13 – General Sustainable Development Principles

**Local Plan**

Policy 58 – Employment: Within Towns

**Kettering Town Centre Area Action Plan**

Policy 3 – Primary Shopping Area and the Evening Economy

**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 and Impact on Character
3. Impact on Neighbouring Amenity
4. Parking and Highway Safety
5. Flood Risk and Drainage
6. Other points raised

**1. Principle of Development**

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development and Paragraph 14 states that development proposals that are in accordance with the Development Plan should be approved without delay. Paragraphs 18 and 19 of Policy 1 of the NPPF underlines the Government's commitment to promoting sustainable economic growth and states planning should encourage and not act as an impediment to sustainable growth. Paragraph 17 encourages the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value.

The application site is located within the town boundary of Kettering as defined by Policy 58 of the Local Plan. Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy (CSS) direct development towards the growth town of Kettering. Policy 8 of the CSS suggests that developments that would create employment opportunities will be encouraged within the Borough.

The front of the application site, for 12 metres back from the highway, is located within the town centre boundary as defined by Policy 3 of the Kettering Town Centre Area Action Plan (AAP) and it forms part of the Secondary Shopping Frontages (SSF). Policy 3 states that a greater diversification of appropriate town centre uses can be accommodated within the SSF, providing it does not erode the overriding A1 retail function of the area. It states changes of use will be considered on its

merits and proposals should avoid the concentration of similar uses, whose cumulative impact would be to the detriment of the retailing function, environmental quality, amenity or parking and would increase the risk of anti-social behaviour. The site itself is not classified as a frontage in the calculation of various uses for monitoring purposes and as such the use of the site as a hand car wash will not impact upon the aims and objectives of the Policy 3 of the AAP. Nevertheless, before commencement of the hand car wash use the site was a redundant car park used in association with the public house. It therefore appears that the car park was not accessible for general town centre parking and as such there is no impact on the level of car parking available in the town centre. The site is now secured at night with a set of gates and the business brings a redundant site back into use and somewhat enhances the visual amenity of the area and reduces potential for anti-social behaviour and misuse of the site. Policy 3 sets a range of additional criteria against which proposed changes of use in the SSF should be assessed but as these relate to A3, A4 and A5 uses they are not relevant considerations in the determination of this application.

The application site comprises the car park of the adjacent public house which is currently vacant. The proposal brings economic activity to a redundant site in an accessible and sustainable location employing two full time and two part time staff and therefore scores highly in satisfying the core planning principles set out in Paragraph 17 of the NPPF. Although a hand car wash is not a typical town centre use provided there is no adverse impact on character and appearance, neighbouring amenity and highway safety it is considered acceptable in principle.

## 2. Design and Impact on Character

Policy 7 of the NPPF requires good design while Policy 13 (h) of the CSS requires development to be of a high standard of design and to respect and enhance the character of its surroundings. The application site is located within the Conservation Area and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires development to preserve and enhance the character and appearance of the Conservation Area.

The application site was formerly a car park associated with the adjacent public house. As a result of the change of use to a hand car wash an area of hardstanding has been laid to the rear of the site to facilitate the washing and valeting of cars. A portacabin style building has also been erected in the south western corner of the site to provide a staff room. The majority of the site, and that which is most visible from Montagu Street, provides car parking for 10 vehicles. Therefore, much of the site retains the character and appearance of a car park and as a result it is considered the proposal does not have a significantly adverse impact on the character and appearance of the Conservation Area to warrant a refusal of planning permission in this instance. The proposal therefore, complies with Policy 7 of the NPPF and Policy 13 (h) of the CSS.

### 3. Impact on Neighbouring Amenity

Policy 13 (l) of the CSS requires development not to result in an adverse impact on neighbouring amenity by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

A portacabin style staff room has been erected in the south western corner of the application site, adjacent to the boundary with the former public house to the west and a warehouse to the south. The portacabin is 3.9 metres in length by 2.1 metres deep and has a flat roof with an overall height of 3 metres. There is one window and door which face into the site. It is not considered that there will be any adverse impacts on neighbouring amenity in terms of loss of light or overlooking.

Due to the nature of the hand car wash and associated operations a key consideration is whether the use would have an adverse impact on neighbours as a result of noise and disturbance. The site layout plan shows the location of the car washing and valeting services take place to the rear of the site approximately 5 metres from first floor residential flats to the east on Victoria Street and approximately 11 metres from terraced dwellings to the south east, also on Victoria Street.

The applicant has applied to open from 9.00 – 17.00 on Mondays to Saturdays and on Sundays and Bank Holidays. Environmental Health has been consulted on the proposal and initially raised concerns due to the lack of information supplied with the proposal. Following reconsultation with additional information, Environmental Health advised that as the applicant has considered previous concerns raised in respect of noise and given that no complaints have been received about the use from neighbours they have no objection to the proposal. Neighbouring properties have also been consulted on the application and no objections have been received from such neighbours.

However, despite this it is considered that the opening hours on Sundays and Bank Holidays are unreasonable and neighbours, particularly those in the flats to the east on Victoria Street, should be afforded some respite from noise and disturbance at the weekend. As such it is recommended that opening hours on Sundays and Bank Holidays should be restricted to 10.00 – 15.00. It is also recommended that a temporary one year permission be granted to allow the Council to review the impact on the development on neighbouring amenity at this time. This was discussed and agreed with the applicant on site on 09/09/2014.

The applicant has stated that there is no additional external lighting on site over and above that which was in place for the previous use of the site as a car park. A condition will be imposed on the application to ensure that any additional 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 Policy 13 (l) of the CSS.

#### 4. Parking and Highway Safety

Policy 13 (n) of the CSS requires development not to result in an adverse impact on the highway network or to prejudice highway safety. This element of Montagu Street is a one way street with a 30 mph speed limit. The Highway Authority has been consulted on the proposal and has not raised any objection. The access is of sufficient width and pedestrian visibility splays are also acceptable. The site is located within the town centre and the previous car park was not accessible and as such there will be no impact on the level of town centre parking available. It is also considered that the use of the site as a hand car wash will not generate a significant level of additional traffic over and above its previous use as the car park for the adjacent public house. A set of gates have been installed at the entrance and these have been hung to open into the site and as such there will be no obstruction to the highway. The site provides sufficient parking for vehicles awaiting washing/valeting or awaiting collection following the service and as such it is considered the proposal complies with Policy 13 (n) of the CSS.

#### 5. Flood Risk and Drainage

Policy 13 (q) of the CSS states that new development should not increase the risk of flooding on the site or elsewhere. The application site is shown to be within Flood Zone 1 'low probability' as detailed on the Environment Agency's Flood Zone Maps where all land uses are appropriate. An area of hardstanding has been laid to the rear of the site with a linear drain inserted where the hardstanding meets the gravel surface. The Environment Agency has been consulted on the proposal and has assessed the use as having a relatively low environmental risk. Officers have requested that the applicant submit further drainage details. Subject to receipt of acceptable drainage details it is considered the proposal accords with Policy 13 (q) of the CSS.

#### 6. Other points raised

In the course of the enforcement investigation concern was expressed by a member of the public that a public right of way existed through the site. This member of the public has not raised an objection to the planning application. Nevertheless, Northamptonshire County Council has confirmed that there is no public right of way recorded on the Definitive Map of Rights of Way.

It was also brought to the Council's attention that a caravan was being stored at the front of the property. The caravan was removed from the site on 8<sup>th</sup> October 2014.

Competition has been raised as an objection but this is not a material planning consideration in the determination of this application.

## **Conclusion**

The proposal complies with national policy and policies in the Development Plan. It raises no adverse impacts in respect of character and appearance and highway safety. Although no objections have been received from neighbours in the immediate vicinity of the site it is recommended that opening hours are reduced to 10.00 – 15.00 on Sundays and Bank Holidays to afford neighbours some respite from noise and disturbance. It is also recommended that a temporary one year permission is granted to allow the Council to reassess the impact of the use following a substantial period of operation. It is recommended that the application be approved subject to acceptable drainage details being submitted and thereafter the decision delegated to the Head of Development Services.

### **Background Papers**

Title of Document:

Date:

Contact Officer:

Marie Down, Assistant Development Officer on 01536  
534316

### **Previous Reports/Minutes**

Ref:

Date: