

BOROUGH OF KETTERING

Committee	Full Planning Committee - 08/03/2016	Item No: 5.4
Report Originator	Andrew Smith Senior Development Officer	Application No: KET/2015/0952
Wards Affected	William Knibb	
Location	55 Northall Street, Kettering	
Proposal	s.73 Application: Variation of condition 3 of KET/2011/0652 in respect of openings hours for gymnasium	
Applicant	Mr P James JLL,	

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 building shall be used only as a gymnasium and for no other purposes whatsoever (including any other purposes in Class D2 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).

REASON: To allow the Local Planning Authority to have control of the development in the interests of residential amenity in accordance with Policy 13(l) of the North Northamptonshire Core Spatial Strategy.

3. The use hereby permitted shall not be carried out before 06:00 hours on Mondays, nor after 2100 hours on Fridays, nor before 08:00 hours or after 18:00 hours on Saturdays, Sundays or any recognised public holidays.

REASON: To reflect the terms of the application and to protect the amenities of the occupiers of nearby properties in the interests of amenity in accordance with Policy 13(l) of the North Northamptonshire Core Spatial Strategy.

4. The use hereby permitted shall at all times be operated in full compliance with the list of 'key issues' contained within the approved ' Impact Statement' (received 5th February 2016).

REASON: In the interests of safeguarding the amenities of surrounding residential occupiers in compliance with Policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2015/0952

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

3.0 Information

Relevant Planning History

KET/2011/0652 Change of use from A1 retail to Gymnasium (D2 leisure)
APPROVED SUBJECT TO CONDITIONS 12/12/2011

KET/2007/0053 Sub-division of one of the existing retail units in to three individual retail units including changes to mezzanine level, two new entrances and changes to existing external landscaping APPROVED SUBJECT TO CONDITIONS 21/06/2007

KET/1997/0055 Development of 2no. Class A1 (non-food) retail units with associated customer parking & service areas APPROVED SUBJECT TO CONDITIONS 05/01/1998

Site Description

Officer's site inspection was carried out on 11/02/2016.

The application site constitutes a single-storey gymnasium that is contained within the same building as a neighbouring retail unit to its southern side. It is served by a shared car parking area to its eastern side that is accessed via Nothall Street to the north. The main pedestrian entrance to the building is situated to the eastern elevation. There are a mix of uses in the area – including other commercial units to the east, residential units to the south and west and a doctor's surgery to the north.

Proposed Development

It is proposed that the approved hours of operation of the gym are extended. The current hours (controlled by permission *KET/2011/0652*) are 0600-2130 Mondays to Fridays, 0800-1800 on Saturdays and 0900-1800 on Sundays and Bank Holidays.

The newly proposed hours are 24 hours per day Monday to Friday (but opening at 0600 on Mondays and closing at 2100 on Fridays) and 0800-1800 on Saturdays, Sundays and Bank Holidays.

Any Constraints Affecting The Site

Classified C Road (Nothall Street)

4.0 Consultation and Customer Impact

Local Highway Authority: No observations

KBC Environmental Health: No comment or objection

Neighbours: Notification letters were sent out to close proximity neighbours, 1 no. response was received and can be summarised as follows.

Flat 1, Northall Mews, Upper Street, Kettering: Objection on noise grounds, a trial period should be used to see if trouble-free. Pedestrians walking by and talking can be audible from inside; an increase in this would not be desirable.

The consultation period expires on 3rd March 2016 – any further comments received shall be reported by way of the Committee Update.

5.0 Planning Policy

National Planning Policy Framework

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 13: General Sustainable Development Principles

Kettering Town Centre Area Action Plan

Policy 5: Culture, Tourism and Leisure

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Residential Amenity
3. Highways

1. Principle of Development

The principle of development has already been established by the granting of KET/2011/0652 (change of use to a gym). The scheme would provide extended hours of operation at an existing commercial premise located within the town boundary (and defined central area) of Kettering. The scheme would therefore strengthen the network of settlements within the Borough in compliance with Policy 1 of the Core Spatial Strategy; the principle of development is considered to be acceptable subject to detailed considerations in respect to the potential amenity and highways impacts of the proposal.

2. Residential Amenity

There are residential properties located within close-proximity to the site, i.e. to its western and southern sides. Whilst the main entrance and car park are located to the eastern side of the building, there still exists the potential for surrounding residential amenity to be impacted upon by the introduction of a 24-hour commercial use in this locality.

However, the application is supported by an Impact Statement that states that any extended hours of operation between 9:30pm and 06:00am would operate without the playing of any music; i.e. no classes or group exercises would take place. Only a small number of overnight customers are anticipated (i.e. 15no. per night), there would therefore be limited associated noise-creating activity including vehicular movements. Furthermore, the existing external lighting would not be altered from existing overnight levels.

The Council's Environmental Health Department has stated no comment or objection to the proposed extension of operating hours. A residential occupier in the vicinity of the site has objected on the basis of potential noise concerns and has requested that – in the interests of prudence – consent is granted upon a temporary basis in the first instance.

It is not considered necessary to restrict the consent to a temporary time period. Given the site's location within the town centre, it is situated adjacent to a classified road that would already attract a steady flow of vehicular movements during overnight hours; i.e. any new late-night activity (such as occasional car and pedestrian movements) would be set against an extant low level of background noise. Also, on the basis that the proposed increase in operating hours would not be expected to lead to a notable increase in on-site activity given the limited number of expected people (15no.), no objection has been received from Environmental Health. The amenities of close-proximity residential occupiers would be safeguarded accordingly in compliance with Policy 13 (l) of the Core Spatial Strategy. In the interests of prudence, a planning condition should be added to any consent to ensure that the premise is operated in full compliance with the submitted Impact Statement.

3. Highways

The Local Highway Authority has responded with no observations to the application. The proposed additional hours of operation would be at off-peak hours at times when the site's car park and surrounding road network would be operation at well below full capacity. The scheme would not therefore adversely impact upon the highway network or prejudice highway safety in compliance with Policy 13 (n) of the Core Spatial Strategy.

Conclusion

The proposed development would not have a significantly negative impact upon surrounding residential amenity and would not prejudice highway safety in compliance with Policy 13 of the North Northamptonshire Core Spatial Strategy and the guidance contained within the National Planning Policy Framework.

Background Papers

Title of Document:

Date:

Contact Officer:

Andrew Smith, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

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