

BOROUGH OF KETTERING

Committee	Full Planning Committee - 21/04/2016	Item No: 5.5
Report Originator	Duncan Law Development Officer	Application No: KET/2016/0127
Wards Affected	Burton Latimer	
Location	42 High Street, Burton Latimer	
Proposal	s.73A Retrospective Application: Replacement air condensing unit	
Applicant	Rishy 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 the following Condition(s):-

1. Within 28 days of the date of this permission, a noise assessment shall be submitted to and approved in writing by the LPA that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of residents. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this form

REASON: In the interest of residential amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2016/0127

This application is reported for Committee decision because there is an unresolved, material objection to the proposal

3.0 Information

Relevant Planning History

None relevant

Site Description

Officer's site inspection was carried out on 26/02/2016

The application relates to a retail unit on the west side of the main shopping street in Burton within the Established Shopping Area of Burton Latimer. The unit stands within a row of two storey terraced building which present a range of commercial uses at ground floor level. There is an open storage area to the rear accessed from High Street.

Proposed Development

This is a retrospective application regarding the installation of a replacement air condenser on the rear elevation of the unit at ground floor level.

Any Constraints Affecting The Site

None relevant

4.0 Consultation and Customer Impact

Neighbours

Objection from 44 High Street

- Poorly sited and installed incorrectly causing vibrations
- Noise
- Pipework inappropriate to conservation area

Environment Health

No objection to the application subject to condition(s) applied, should consent be given.

Town Council

No objection

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

Paragraph 123 – Noise mitigation

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 13. General Sustainable Development Principles

Local Plan for Kettering Borough Council

B2. Burton Latimer: Environmental Improvement

64. Shopping: Development Within Established Shopping Areas

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. Design, character and appearance

1. Principle of development

Policy 14 of the National Planning Policy Framework (NPPF) advocates 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 is for the replacement of an air condenser to facilitate the use of an existing retail development. The proposal would assist the operation of a retail business, and therefore accords with the NPPF's encouragement of economic development.

The High Street is within the town boundary of Burton Latimer as defined by Policy 35 of the Local Plan and within the established Shopping Areas as defined by Policy 64 of the Local Plan. Policy 64 seeks to protect the Town Centre as a 'shopping' destination and prevent development which would have an adverse impact on the Town Centre. Development within this town boundary is acceptable in principle which is confirmed by Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy (CSS) that direct development to the growth towns. 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 and that the scheme presents a good standard of design.

The place making principles outlined in Policy 8 of the emerging North Northamptonshire Joint core strategy 2011–2031 states that development should ensure quality of life and safer and healthier communities by protecting amenity by not resulting in an unacceptable impact on the amenities of future

occupiers, neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking, have adequate parking and responds to the character of the site immediate and wider context. The North Northamptonshire Joint Planning Unit (JPU) considers that significant weight can be given to the JCS given the policies have been tested through the Examination Hearings and Main Modifications have been published for consultation.

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

2. Residential amenity

Paragraph 17 of the NPPF states that planning should always seek a good standard of amenity for all existing and future occupiers of land and buildings. Policy 13 (l) of the CSS states that development should not result in an unacceptable impact on the amenity of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking. The installation of the air condenser unit is unlikely to have an unacceptable impact in terms of smell, loss of light, overlooking or other pollution as its location directly abutting the rear elevation at ground floor level of the store negating any adverse overshadowing or loss of light impacts.

The key issues are therefore noise and vibration resulting from the development. The nearest noise sensitive residences are the residences of the flats above the shops and numbers 44 to 48 High Street. Through consultation, Environmental Health stated they had no objection to the proposal. The location of the plant prevents any views from the public realm and minimise both its visual and acoustic impact upon the surrounding area and nearby residences. Notwithstanding this, a condition will be applied to ensure that the proposal is assessed by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. As a result, the proposed scheme is considered acceptable and conforms to policy 13(l) of the North Northamptonshire Core Spatial Strategy, and emerging policy 8 b) ii) and paragraph 123 of the NPPF that require development to not result in an unacceptable impact on the amenities of neighbouring properties.

3. Design, character 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 and Section 7 of the NPPF sets out the importance of good design. There will be no impact to the streetscene as the development benefits from its location at ground floor level in a private service area. The air condenser unit is industrial in appearance which is not considered unacceptable within the context of the locale being a rear service yard of a retail unit. A comment was received stating that the pipework was inappropriate to the Conservation Area however its presence along the southern flank of the building by the shared access drive is relatively discrete and non-injurious to the visual amenity of the Conservation area.

As a result the development is considered to be in conformity with CSS policy 13 part h) and 8 d) and e) of the emerging JCS that have regard to matters of design and character and NPPF paragraph 17.

Comments on other points raised by proposal - none

Conclusion

The proposed development is in compliance with both national and local planning policies, with no other material considerations outstanding. The application is therefore recommended for approval, subject to conditions

Background Papers

Title of Document:

Date:

Contact Officer:

Duncan Law, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

