

Mr T Adams  
ATS Property,  
Action House  
35-41 Montagu Street  
Kettering  
Northamptonshire  
NN16 8RA

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## NOTICE OF APPROVAL

### TOWN & COUNTRY PLANNING ACT 1990 (as amended)

REFERENCE No: **KET/2015/0680**  
APPLICANT: **ATS Property, Mr T Adams**  
DEVELOPMENT: **Change of use from training facility to retail supermarket**  
LOCATION: **Action House, 35-41 Montagu Street, Kettering**

KETTERING BOROUGH COUNCIL, having considered a valid application submitted on 28 August 2015, for the above development in pursuance of their powers under the above mentioned Acts,

## GRANT PERMISSION

for the development as described and in accordance with the application and plans submitted, subject 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. Prior to the commencement of development a noise assessment shall be submitted to and approved in writing by the Local Planning Authority. The noise assessment shall outline 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. The development shall then be carried out in accordance with the approved details.

REASON: A noise assessment is required prior to the commencement of development to protect the amenity of neighbouring properties in accordance with policy 13(I) of the North Northamptonshire Core Spatial Strategy.

3. The premises shall not be open to the public before 0800 hours or remain open after 2330 hours on Monday to Sunday or any recognised public holidays.

REASON: 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. No vehicles shall make deliveries to or from the site between the hours of 2000 and 0600 hours Mondays to Saturdays and no deliveries on Sundays or recognised public holidays.

REASON: To minimise noise disturbance to neighbouring residents in the interests of amenity in accordance with policy 13(l) of the North Northamptonshire Core Spatial Strategy.

5. 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: Refuse details are necessary prior to the commencement of development 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.

Notes (if any):-

1. The application as submitted was acceptable and did not require the Local Planning Authority to work positively and proactively with the applicant to seek solutions to problems arising from the application.

The applicant should be aware that the local planning authority requires the noise from any external plant in a noise sensitive location to be a minimum of 5dB(A) below the existing background level of noise, with no significant tonal characteristics. This is to ensure that there is no impact on residential amenity and reduces the likelihood of a cumulative increase in background noise from all developments in the area.

Should consent be given the applicant is reminded that the premises must be registered with Environmental Health at least 28 days before opening. An application form and additional information is attached. Further information regarding food safety and hygiene can be obtained by contacting [healthprotection@kettering.gov.uk](mailto:healthprotection@kettering.gov.uk) or by telephone on 01536 410333.

[www.hse.gov.uk/business/must-do.htm](http://www.hse.gov.uk/business/must-do.htm) contains information on starting a new business and the requirements under certain Health & Safety regulations.

The applicant is requested not to make deliveries from Eskdail Street due to the blind bend and the Highway restrictions in place (double yellow lines). Vehicles must not drive or park on the footway, this is an offence and may cause pedestrians to step out into the traffic flow. The applicant must take care that their deliveries do not cause obstruction or undue congestion within the highway.

The applicant's attention is drawn to the Traffic Management Act 2004 where three month notice periods to allocate road space (for works within the highway) is required prior to the commencement of works. Such notice can not be submitted or commence until the completion of an appropriate license or Agreement with the local highway authority.

The applicant is advised that this permission is in respect of a change of use of the premises only and any external alteration to the building will require a separate planning permission or advertisement consent.

No part of the sign hereby permitted, shall encroach upon the adjacent highway or Public Right of Way.

The means of illumination shall not be of a flashing or intermittent kind with the light source screened so as not to be visible from the adjacent highway[s] or Public Rights of Way.

A minimum vertical clearance of 2.4m from the highway surface to the lower surface of the projecting / overhanging sign shall be provided.

The Applicant's attention is drawn to the requirement for a Licence from the local highway authority under Section 177 of the highways Act 1980 for the permitted overhanging sign. This advertisement consent does not give or imply such local Highway authority consent.

This type of building will sell goods often targeting by thieves. The applicants should ensure that the buildings are fully secured. On this basis it is advised that you contact Northamptonshire Police, Crime Prevention Design Officer, Kelly McDermott for advice on 07557 776113 or via Kelly.mcdermott@northants.pnn.police.uk.

The plans and documents, as subsequently referenced by the LPA and set out below, form the basis for this decision:

Title	KET Ref.	Agent's Ref	Received Date	Status
Location plan	KET/2015/0680/1		18/08/15	Approved
Proposed Ground Floor plan	KET/2015/0680/3		28/08/15	Approved
Existing Ground Floor plan	KET/2015/0680/2		28/08/15	Information
Transport Assessment and Sustainable Design and Energy Statement	KET/2015/0680/4		28/08/15	Information
SPD Checklist	KET/2015/0680/5		28/08/15	Information

Date of Decision: 09 October 2015



Robert Harbour  
Head of Development Services

Contact:-

Mr T Adams  
ATS Property

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1. In accordance with paragraphs 186 to 192 of the National Planning Policy Framework the Local Planning Authority has acted positively and proactively in dealing with this application.
2. Planning approvals may be monitored to ensure compliance. If development is found not to be in full accordance with the permission, the Council may stop the work, invite a fresh application and/or take enforcement action against the developer/owner. I would urge you to notify the Case Officer at least 8 weeks prior to commencement of any works by completing and returning the attached "Notice of Intention to Commence" form, so that any outstanding matters can be identified.
3. Please pay attention to the requirements of any conditions imposed on the approval, in particular, to any schemes and details that need approval **before development commences**. Under Article 27 of the Town & Country Planning (Development Management Procedure) (England) Order 2015, the Council has a further 8 weeks to agree conditions once details are submitted
4. Any details requiring approval by the Council must be submitted on the relevant form "Application for approval of details reserved by condition" (attached). There is a fee for requests to discharge conditions of Planning Permissions: currently £28 per submission for householder developments and £97 for all other developments. There is no fee to discharge conditions of other types of consent. Your development will be liable to enforcement action if you do not comply with the approved plans and all of the conditions.

This permission refers only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulations.

## Appeals Against Decision

The rules for lodging an appeal against this decision are set out in Article 37 of Town & Country Planning (Development Management Procedure) (England) Order 2015. The following is a summary of the rules:

1. If you wish to appeal against this decision you must do so on the Planning Appeal form. Appeals may be made online at <http://www.planningportal.gov.uk/pcs>. If you are unable to use the online service, please contact the Planning Inspectorate's Customer Services Team on 0303 444 5000 and ask for a Planning Appeal form.
2. Completed appeals (forms and supporting documents set out in the appeal form) must be received by the Planning Inspectorate within the relevant time scale set out in the table below. The Secretary of State has the power to allow a longer period for you to give notice of an appeal, but he will not normally exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.:

Appeal Type	Time Period
Appeal against decision where no enforcement action taken or pending	Six months from date of this decision notice
Appeal against decision where enforcement notice served in respect of substantially the same development: <ul style="list-style-type: none"> <li>• within two years before the date of the planning application, or</li> <li>• before the date of this planning decision and still in force.</li> </ul>	28 days from date of this decision notice
Appeal against decision where enforcement notice served in respect of substantially the same development: <ul style="list-style-type: none"> <li>• on or after the date of this planning decision, and</li> <li>• is still in force.</li> </ul>	The <b>earlier</b> of the following dates: <ul style="list-style-type: none"> <li>• 28 days from date enforcement notice is served, or</li> <li>• Six months from date of this decision notice</li> </ul>

These time scales are in relation to the appeal against the planning decision.

**The time scales for appeals against the enforcement notice (as set out in the enforcement notice) are not affected by this decision.**

## Purchase Notices

If permission is refused, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.