

ENFO/2017/00169

Freshpol, 35-41 Montagu Street, Kettering, NN16 8XG

Statement from Development Services

16th April 2018

Planning permission (KET/2015/0680) was granted on 9th October 2015 to change the use of the ground floor of 35-41 Montagu Street from a training facility (Use Class D1) to a retail supermarket (Use Class A1). This was subject to planning conditions that secured the following measures in the interest of safeguarding residential / general amenity:

- the submission of a noise assessment for approval setting out any measures necessary to ensure that noise does not affect the local amenity of residents (and any agreed measures' subsequent implementation)
- the premises shall not be open to the public before 0800 hours or remain open after 2330 hours on any given day.
- no vehicles shall make deliveries to or from the site between the hours of 2000 and 0600 Mondays to Saturdays and no deliveries shall be made on Sundays or recognised public holidays.
- full details of a scheme for the storage of refuse shall be submitted for approval and the approved use of the building shall not commence until the approved scheme has been implemented in full.

Details were submitted to Development Services to allow the conditions relating to the noise assessment and the refuse storage scheme to be discharged. The noise assessment was not a technical submission, but pointed out the comparable noise activities already associated with the training use of the building and the intended installation of more modern, quieter heating and air conditioning equipment at the premises. The approved refuse storage details consist of the arrangements that had previously been used at the premises; i.e. a defined internal area at the northeast end of the site with double-door access on to Eskdall Street (indicated by a hatched area of approximately 10 sq. m. in area upon a submitted plan – see attached).

In terms of compliance with the planning conditions, Development Services have been made aware of a number of alleged breaches of the specified conditions – most commonly through liaison with internal colleagues in Environmental Protection. An Enforcement File was opened in September 2017 at the point in time that a 'Community Protection Notice – Written Warning' was issued by the Council (which required bin storage to occur within the building and that business related activities (including vehicular movements) are undertaken in such a way that does not cause detrimental impacts on others).

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Website: www.kettering.gov.uk

Development Services have clear on-site photographic evidence of instances of bins being stored on the highway rather than within the defined internal storage area. It is understood that this has been a continuous rather than an intermittent occurrence, therefore constituting a breach of planning control. It is also understood that deliveries have regularly been witnessed occurring outside of the hours set out in the relevant planning condition controlling these activities; again a breach of planning control. Whilst some evidence of breaches has been collated, this has not – as yet – escalated to formal planning enforcement proceedings.

Most recently, on 24th March 2018, it was alleged to Development Services that a commercial car garage is being run from the premises. This has indeed been verified on-site by a Council colleague on-site. It is understood that a separate planning application is to be made retrospectively for this use, which shall be the subject to further investigation and scrutiny in due course.



Andrew Smith
Development Team Leader
Development Services

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