

BOROUGH OF KETTERING

Committee	Full Planning Committee - 24/04/2012	Item No: 5.1
Report Originator	Tom Shields Development Manager	Application No: KET/2011/0691
Wards Affected	Desborough St. Giles	
Location	3, 5, and 7 Federation Avenue (land to rear of), Desborough	
Proposal	Full Application: Change of use from residential gardens to commercial car park	
Applicant	Mr D Sands The Furniture Centre,	

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 REFUSED for the following reason(s):-

1. The proposed development, by virtue of its nature as a car park and its unsustainable location outside of the town centre would encourage use of the private motor vehicle. It would fail to promote a modal shift towards more sustainable forms of transport and would therefore be contrary to policy 13(e) of the North Northamptonshire Core Spatial Strategy and guidance contained in Part 4 of the National Planning Policy Framework.
2. The proposed parking area would appear as a visual anomaly within an otherwise uniform row of long back gardens which form part of a Victorian street pattern. The parking area would be prominent on views from the public realm and would therefore detract from the character and visual amenity of the area contrary to policy 13(h) and (i) of the North Northamptonshire Core Spatial Strategy.
3. The proposed development would intensify vehicular movements and their associated noise and disturbance in close proximity to residential properties to the detriment of amenity. The proposed development is therefore contrary to policy 13(l) of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- NONE

Justification for Granting Planning Permission

Not applicable

Officers Report

3.0 Information

Relevant Planning History

KET/1999/0819 – Change of use of house gardens to parking space for use by employees of Eveden factory – REFUSED 08/02/2000

KET/1999/0497 - Change of use of house gardens to parking space for use by employees of Eveden factory – REFUSED 22/11/1999

KET/1999/0023 - Change of use of house gardens to parking space for use by employees of Eveden factory – WITHDRAWN 15/01/1999

Site Description

The site comprises garden land to the rear of three residential properties fronting onto Federation Avenue. The land has been subdivided and is in a generally unkempt condition. Access is gained from the B576 via the existing factory car park.

Proposed Development

Change of use to car park for 14 vehicles, provision of hard surface and erection of boundary fences.

Any Constraints Affecting The Site

Culvert.

4.0 Consultation and Customer Impact

Parish/Town Council

Support the application as a sensible solution to the parking problems at Eveden. It will free up access for delivery lorries, reduce congestion and enable better access to the retail shop for clients.

Highway Authority

No objection. The existing vehicular access is sufficient in width however the route through the existing car park should be clearly marked along with in and out arrows. Parking restrictions should be imposed directly outside the entrance to avoid the presence of parked vehicles in conflict with the access. The proposed car parking spaces could lead to reduced visibility from the access at Federation Avenue and its use should therefore be restricted.

Environmental Health

No objection subject to a condition which restricts the hours of use to those specified by the applicant.

Environment Agency

No objection as the development will have a relatively low environmental risk.

Neighbours

Letters of objection from 7 neighbours for the following reasons:

- Insufficient consultation.
- Security.
- Loss of privacy.
- Noise and disturbance.
- Lack of need for parking.
- Potential damage to third party property.
- Loss of trees.
- Parking should only be used by Eveden.
- Potential light pollution.
- Pollution.
- Loss of amenity.
- Access to the parking area would result in the loss of existing spaces.
- Drainage.
- Highway safety.
- Potential for further development in the future.
- Previous applications were refused.
- Impact on setting and character of the factory.
- Ecological impact/nesting birds.

5.0 Planning Policy

National Planning Policy Framework

Part 1 – Building a strong, competitive economy

Part 2 – Ensuring the vitality of town centres

Part 4 – Promoting sustainable transport

Part 7 – Requiring good design

Part 10 – Meeting the challenge of climate change, flooding and coastal change

Part 12 – Conserving and enhancing the historic environment

Development Plan Policies

East Midlands Regional Plan

2 – Promoting Better Design

North Northamptonshire Core Spatial Strategy

1 – Strengthening the Network of Settlements

8 – Delivering Economic Prosperity

9 – Distribution and Location of Development

13 – General Sustainable Development Principles

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, Character and Appearance
3. Residential Amenity
4. Highways Matters
5. Flooding and Drainage
6. Trees, Landscaping and Ecology

1. Principle of Development

Part 4 of the National Planning Policy Framework (NPPF) seeks to locate development in sustainable locations and avoid a reliance on private motor vehicles in favour of more sustainable modes of travel. The very nature of the development as a car park would make it easier to utilise private motor vehicles and run contrary to the aims of the NPPF. Furthermore, policy 13(e) of the Core Spatial Strategy (CSS) requires that developments contribute to an overall target of 20% modal shift towards more sustainable modes of travel and this would not be the case for the development proposed.

Part 11 of the NPPF makes it clear that brownfield land should be prioritised for development. Gardens are not a priority for development and hence the proposed development would not utilise previously developed land.

This application has not been made by the owners of the Eveden factory site and there is no evidence of need for extra factory parking submitted in the application by, or on behalf of, Eveden. The applicant has no control over access to the proposed parking area and consequently there is no guarantee that the proposed parking area would ever be used by employees of the factory, or indeed by anyone else. If the development were commenced but never used it would simply alter the status of the land from garden land to brownfield land making it harder to resist applications for other forms of development which could be less desirable.

Applications for parking provision on areas of similar garden land have been refused by the Council in the past due to concerns regarding character and amenity issues. The former applications were on the basis of ad-hoc pieces of garden land which did not represent a comprehensive form of development and determined in accordance with former Local Plan policies. Policy 13 of the CSS maintains an emphasis on protecting character and amenity however and these remain important considerations.

2. Design, Character and Appearance

The application involves a parcel of garden land associated with three properties fronting Federation Avenue and the site now presents a somewhat unkempt appearance. The proposals involve clearance of the site and grading

the land to meet the existing car park associated with Eveden's factory through which it would gain access. The area would be hard surfaced with tarmac matching the existing car park and marked out with parking bays. A 1.8m fence would be erected along the north and west boundaries which adjoin residential gardens along with a low level crash rail to prevent future damage.

Whilst the design and appearance of the car park would reflect that of the adjacent car parking area, the position of the site to the rear of existing properties would appear somewhat of an anomaly in the context of the surrounding Victorian street pattern. Long rear gardens are a characteristic of this period and their loss and replacement with a car-parking forecourt would detract from the established character to the detriment of the visual amenity of the area.

3. Residential Amenity

The gardens adjoining the site already adjoin the existing car park and service yard associated with the adjacent factory use however it is noted that the proposed change of use would introduce parking provision in closer proximity to the dwellings themselves. Some level of disturbance is unavoidable where residential and commercial uses stand in such close proximity however the increase of 14 parking spaces would intensify activity within the site and its proximity to the residential dwellings. The Council's Environmental Health team has suggested that a condition be used to restrict the hours of operation for the parking area so as to minimise the potential for adverse impact to neighbouring amenity. The existing car park is not however subject to any such restriction and it would not therefore seem reasonable or enforceable to apply such restrictions.

No external lighting has been proposed as part of the application however a condition would need to be used to restrict installation without approval so as to protect neighbouring amenity if permission were to be granted.

4. Highways Matters

The application proposes access to the development via the existing vehicular access off St Anthony's Hill and the Highway Authority has confirmed that this remains acceptable. It is however suggested that the access route be marked out to avoid conflict between vehicles. A suitable scheme of markings could be secured by condition.

It is further suggested that formal parking restrictions are introduced on the public highway however this would fall outside the scope of the planning application being out of the applicant's control. In any case, the car park is likely to reduce parking on the public highway rather than increase it, it is therefore not necessary or reasonable to impose such a requirement. Inappropriate parking on the public highway is however enforceable by the Police. The Highway Authority notes that visibility for drivers entering the site from Federation Avenue towards the proposed parking area could be restricted however this would have no impact on the public highway or the safety of its users.

The Council could not control the ultimate users of the car park and the development would therefore result in parking provision which is located in an unsustainable location which would encourage the use of the private motor vehicle. This is contrary to the policies set out above.

5. Flooding and Drainage

A culvert runs under the site however this would not be impacted by the development and the Environment Agency has raised no objection.

Concerns have been raised regarding potential flooding and drainage issues however the application details suggest that this would be managed using soakaways and porous materials and this is considered a proportionate approach to the development proposed.

6. Trees, Landscaping and Ecology

Some small trees and shrubs would need to be removed in order to accommodate the parking area however these do not offer significant public amenity benefit and are certainly not worthy of protection using a Tree Preservation Order. Whilst the loss of landscaping is therefore regrettable, the adverse impacts will not be such as to warrant the refusal of planning permission. The potential for ecological impact is considered negligible given the nature of the site as garden land surrounded by commercial car parking. Concerns have been raised regarding nesting birds however disturbance is already prohibited under the Wildlife and Countryside Act 1981; this could be brought to the applicant's attention through an informative note if permission were to be granted.

Conclusion

The proposed development would encourage the use of private motor vehicles contrary to the objectives of the NPPF and the development plan. The development would also result in a detrimental impact on the character of the area and planning permission should therefore be refused.

Background Papers

Title of Document:

Date:

Contact Officer:

Tom Shields, Development Manager on 01536 534316

Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

3, 5, and 7 Federation Avenue (land to rear of), Desborough
Application No.: KET/2011/0691



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