

BOROUGH OF KETTERING

Committee	Full Planning Committee - 09/10/2012	Item No: 5.3
Report Originator	Chris Rose Development Officer	Application No: KET/2012/0300
Wards Affected	William Knibb	
Location	1 Horsemarket, Kettering	
Proposal	Full Application: Change of use from shop to takeaway/restaurant with staff living accommodation to first floor	
Applicant	Mr Z Abubica Mazza Restaurants 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. 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 development hereby permitted shall not be carried out other than in accordance with the approved plans and details shown on drawing numbers 4073.12.03 (Rev D) (received by the Local Planning Authority on 10/09/12) and 4073.12.04 (Rev B) (received by the Local Planning Authority on 06/08/12).

REASON: In the interests of amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Prior to the commencement of the use hereby approved the cooking equipment installed shall have an associated air extraction and odour control system; details of which shall be submitted to and approved by the Local Planning Authority. The scheme and any required works shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. No development shall commence on site until a scheme for limiting the transmission of noise between the ground floor and 1st floor staff accommodation has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved

scheme and the scheme shall be completed before any of the units of accommodation are occupied.

REASON: To protect the amenity of occupants of the proposed staff accommodation in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Prior to the commencement of the use hereby approved a scheme for the sound insulation of the kitchen extraction system to prevent the emissions of noise affecting surrounding noise sensitive premises shall be submitted to the local planning authority for approval.

REASON: To protect the amenity of occupants of the proposed staff accommodation in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

6. Upon completion of all works to implement the approved sound insulation scheme, testing shall be carried out and a report submitted to the Local Planning Authority to verify the schemes effectiveness. The scheme approved by the Local Planning Authority shall be fully implemented in accordance with the approved details before the use, the subject of this consent, commences. The scheme and any required works shall thereafter be maintained in accordance with the approved details.

REASON: To protect the amenity of occupants of the proposed staff accommodation in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

7. Prior to the commencement of the use(s) hereby approved, a scheme for the storage and collection of waste shall be submitted to and approved by the Local Planning Authority. These facilities shall be retained at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of public health and amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

8. No development shall commence on site until details of the types and colours of all external facing materials and finishes to be used in the new shopfront, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

9. The yard shall not be used for the parking of vehicles.

REASON: To ensure highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

10. The occupation of the 1st floor flats shall be limited to a person employed in the business occupying the ground floor of the building.

REASON: The unit of accommodation has insufficient facilities and amenity space to be occupied separately as standalone flats. The condition is therefore in the interests of amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- In submitting schemes for the control of fume, odour and noise the developer shall have regards to the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems', a report prepared by Netcen on behalf of the Department for Environment, Food and Rural Affairs, and published in January 2005.

The provisions of the sound insulation scheme shall include physical controls, operational restrictions and administrative controls, where appropriate. The noise survey informing the scheme shall be carried out in accordance with BS4142:1997 and shall ensure that the rating level of the noise emitted from the proposed kitchen extraction equipment shall be lower than the "night-time" existing background noise level by at least 5 dB (and shall have no significant tonal component within any 1/3 Octave Band Level. Where any 1/3 octave band level is 5 dB or above the adjacent band levels the tone is deemed to be significant) between 23:00 and 07:00 hours daily, and shall not exceed the existing "daytime" background noise level at any time (and shall have no significant tonal component within any 1/3 Octave Band Level. Where any 1/3 octave band level is 5 dB or above the adjacent band levels the tone is deemed to be significant) between 07:00 and 23:00 hours daily, by measurement or calculation. The scheme shall include proposals for ensuring that the guideline levels set out in British Standard 8233:1999 for residential accommodation are complied with.

Justification for Granting Planning Permission

The application is in accordance with national policy and the Development Plan, as set out in policies 1, 8, 9 and 13 of the North Northamptonshire Core Spatial Strategy, Policy 3 of the East Midlands Regional Plan and Policies 3, 5, 11 and 12 of the Kettering Town Centre Area Action Plan. Although there is some conflict with Policies 17 and 18 of the Kettering Town Centre Area Action Plan, in this instance the issues raised do not outweigh the principle policies referred to. The proposal equates to sustainable economic development that would bring a vacant building back into viable use and contribute positively to town centre vitality and viability. There are no other material considerations that indicate against this proposal. The proposal is, therefore, recommended for approval, subject to conditions.

Officers Report

3.0 Information

Relevant Planning History

- KET/1990/1029 – Demolish existing motorcycle showroom and outbuilding and erect new shops and offices – Approved 19/02/1991
- KE/02/0854 – Change of use from retail to restaurant and installation of new shop front - Refused 23/01/2003
- PRE/ 2007/0075 – Change of use from carpet shop to car showroom – Advice given 12/03/2007

Site Description

Officer's site inspection was carried out on 29/06/2012. The site is a vacant commercial unit and its curtilage which falls within Kettering town centre and Conservation Area. Its last permanent use was a carpet shop.

The building has a distinctive historic character and is constructed of red brick, stone and slate tiled, pitched roofs. An attractive red brick frontage is presented to Horsemarket, however a generic modern aluminium shopfront has replaced what would have traditionally been there.

The building has a staggered layout with an L-shaped single storey element which adjoins a 2 storey part to the north of the site. The 1st floor is accessed via an internal staircase. Externally there is a sizeable yard to the side and rear which is contained within a red brick wall which curves with the corner of Horsemarket and Market Street and by a gate to this latter street. The building and its environs are in a state of semi-disrepair and are in need of modernisation and repair.

Proposed Development

Change of use from shop to A3/A5 restaurant with staff living accommodation.

Any Constraints Affecting the Site

Kettering Town Centre Conservation Area

4.0 Consultation and Customer Impact

Kettering Borough Council Environmental Health

No objection subject to imposition of conditions.

Northamptonshire Police

No objection.

General public

4 representations received. Objections raised on the grounds of:

- There are too many existing restaurant / takeaway businesses (x2)
- Would result in an overconcentration of Indian restaurants in this area
- Proposal would have a negative impact on the business of existing restaurants / takeaways (x2)

- Impact on town centre traffic (x2)
- Inadequate parking facilities in the area (x2)
- Unsuitable to open a restaurant in a recession

5.0 Planning Policy

National Planning Policy Framework

Section 1 – Building a strong, competitive economy

Section 2 - Ensuring the vitality of town centres

Section 12 - Conserving and enhancing the historic environment

East Midlands Regional Plan

Policy 2 - Promoting Better Design

Policy 3 - Distribution of new development

North Northamptonshire Core Spatial Strategy

Policy 1 – Strengthening the Network of Settlements

Policy 8 – Delivering Economic Prosperity

Policy 9 – Distribution and Location of Development

Policy 13 – General Sustainable Development Principles

Kettering Town Centre Area Action Plan

Policy 3 - Primary Shopping Area (Primary and Secondary Frontages) and the Evening Economy

Policy 12 – Heritage, Conservation and Archaeology

Policy 17 - The Yards

Policy 18 – Site Y2 – Soans Yard

Saved Local Plan Policy

99 – Leisure: Class A3 uses.

Supplementary Planning Guidance

Kettering Borough Shopfront Design Guidance Supplementary Planning Document (SPD)

6.0 Financial/Resource Implications

None.

7.0 Planning Considerations

The key issues for consideration in this application are:

1. Principle of Development
2. Impact on the Vitality and Viability of Kettering Town Centre
3. Impact on Character & the Conservation Area
4. Amenity
5. Highways

1. Principle of Development

Paragraph 17 of the National Planning Policy Framework is clear that

proposals for sustainable economic development should be supported. Section 2 requires Local Planning Authorities to promote town centre competitiveness, vibrancy, vitality and viability, through, amongst other ways, ensuring a viable mix of appropriate uses.

Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy and Policy 3 of the East Midlands Regional Plan encourage development to be focused within the growth town of Kettering. The site falls within the boundary of Kettering Town Centre and within the Secondary Shopping Frontages therein, as defined by the Kettering Town Centre Area Action Plan (AAP). The principle of commercial development in this area is, therefore, established. The proposed use, a restaurant, is defined in the Glossary of the National Planning Policy Framework as a 'main town centre use' so it is appropriate for the location, subject to relevant considerations of the Development Plan.

Policy 3 of the Kettering Town Centre Area Action Plan makes provision for a greater diversification of appropriate uses (than in the Primary Shopping Frontages) subject to 6 criteria being met. In this case each of the criteria set out in Policy 3 are met:

VI) avoiding the concentration of similar uses, whose cumulative impact would be to the detriment of the retailing function, environmental quality, amenity or parking and would increase the risk of anti-social behaviour; and

- Objections received cited that there are too many existing restaurant / takeaway businesses in the town centre and an overconcentration of Indian restaurants in this area. Such considerations in the Secondary Shopping Frontages must be judged against the above policy criterion. In this case, it is not considered that the proposal would be contrary to this criterion. There exists in the vicinity a mix of uses – Market Street contains numerous shops, A2 uses (financial and professional services), 2 A4 pubs, an A3 cafe, and an A5 takeaway; Horsemarket (west) includes an A2 solicitors, an A1 hairdressers, an A1 retail unit and an A3 cafe. There are, therefore, no A3 restaurants in the immediate locale. It is, therefore, not considered that any direct or cumulative detrimental impacts would result. Moreover, the area is recognised as the hub of the town centre's evening economy; the AAP recognises that this offer is currently unbalanced towards drinking establishments and large, late-night pubs. The AAP encourages a diversification of this economy and new, alternative leisure uses. The proposal for an A3 restaurant will appeal to a different market than the current offer and is in accordance with the direction in the AAP.

VII) Not resulting in more than three consecutive A3 (Restaurants and Cafés), A4 or A5 frontages in a row; and

- The scheme would not result in more than three consecutive units in A4 or A5 use – to the north is an A2 solicitors and an A1 hairdressers while to the south, in Market Street, the adjacent extant use is A1 retail.

VIII) Not resulting in more than 17% of the total frontages within the SSF being in A4 use and

- The proposal is not for A4 use.

IX) Not resulting in more than 8% of the total frontages within the SSF being in A5 use, and

- The proposal involves an element of A5, takeaway, use. However, it is clear that the overriding use of the building is as an A3 restaurant with the takeaway function ancillary to the A3 use. The proposed ground floor plan shows all of the floorspace and the Horsemarket frontage devoted to uses related to the restaurant, for example there is no dedicated takeaway counter or space set aside. For these reasons the proposal is not considered to involve an increased amount of A5 frontage, so criterion IX is adhered to.

X) Not exceeding 500m² of net total floor space for each additional A4 use; and

- The proposal is not for A4 use.

XI) Providing, where appropriate an active and well designed frontage which positively contributes to the street scene.

- The proposal involves a replacement shopfront which presents an active and attractive frontage to Horsemarket. The proposal involves 3 large windows and a door to this frontage, which is clearly 'active' and would mean the activities of the restaurant are visible to and interact with the street scene.

The site falls within the Yards quarter and partially within allocated Site Y2 - Soans Yard. Policy 17 allocates Soans Yard site Y2 as an area for redevelopment led by A1 niche retail / B1(c) craft workshops on ground floor level, with residential and commercial uses above. The policy highlights the need to provide a viable and vibrant mixture of appropriate complementary uses, although this is envisaged to be predominantly above ground floor level. Policy 18 (Soans Yard) states that site Y2 will be redeveloped with a retail-led scheme. This is not the case with the development proposal which involves an A3 restaurant use at ground floor level rather than retail use.

However, the vision for the Yards does envisage a flexible mix of appropriate uses, of which a restaurant is considered to be one such appropriate use. The policies are clear that a mix of uses will be required and that the Yards is to be retail-led not retail only. It is recognised that a vibrant mix of appropriate uses will be necessary to ensure round the clock activity and draw footfall into the area. An A3 leisure use is considered to be in accordance with these objectives and appropriate to the mix of uses envisaged for the quarter.

Policy 18 (Soans Yard) states that site Y2 will be comprehensively masterplanned. This is not the case with the development proposal which involves only part of the Y2 site and does not comprise a masterplan. Consequently there is a degree of conflict with AAP Policy 18. However, importantly the development does not involve any new build or demolition and

would not prevent the future development of the rest of site Y2 in that it retains the existing layout, will contribute to a suitable mix of uses and does not prejudice any of the 7 key objectives of Policy 18. Moreover, since the AAP was adopted, Kettering Borough Council acting as the landowner of properties in site Y2 has begun marketing site Y2 and has invited tenders for a development partner to develop the site. Importantly, the Y2 site being marketed excludes no. 1 Horsemarket as it has been considered that the redevelopment of Soans Yard is viable without its inclusion. Crucially then, the change of use of no. 1 Horsemarket to an A3 use would not prejudice the delivery of the redevelopment of site Y2, as allocated in the AAP.

The proposal is, therefore, on balance considered to be in accordance with the requirements of the AAP and is, therefore, considered to be acceptable.

In terms of the site's planning history, in 2002 a similar application for a change of use to A3 use of the site was refused (KE/02/0854). However the policy context has since changed, both nationally and in terms of the Development Plan, and the policy basis on which this application was turned down has been superseded. The reasons for refusal of this application, therefore no longer apply. In 2002 the site was classified in Local Plan Policy K20 as a 'restricted shopping frontage' where consent for A2 or A3 uses should be resisted. This policy and designation have been replaced with the classification as a Secondary Shopping Frontage in which Policy 3 of the AAP makes provision for a more flexible mix of uses, as discussed above.

Saved Local Plan Policy 99 sets criteria for new A3 uses. It is considered that the proposal is in accordance with these criteria. In any case the above AAP policies supersede this 1995 policy in the Plan Area.

The principle of having staff accommodation above the ground floor commercial use is considered sound. Section 2 of the NPPF recognises residential use as an important supporting town centre use, with paragraph 23 stating that residential development can play an important role in ensuring the vitality of centres. Policy 3 of the AAP encourages the use of upper floors of buildings and a vertical mix of complementary uses, with residential use stipulated as an appropriate use.

As has been demonstrated the proposal is in accordance with the majority of the above policy framework. For the reasons outlined above, it is considered that the proposal's accordance with numerous policy objectives outweighs the partial conflict with AAP Policies 17 and 18. The proposal is, therefore, on balance considered to be in accordance with the requirements of the AAP, and the principle of the development is, therefore, established.

2. Impact on the Vitality and Viability of Kettering Town Centre

The site is located on the prominent corner of Horsemarket and Market Street, where it is recognised that footfall and retail vibrancy is currently somewhat lower than elsewhere within the town centre, for example the upper end of High Street and Gold Street. It is also recognised that the building has been vacant for some time despite being actively marketed. This has had a negative impact

on the vitality and vibrancy of this area.

Whilst the proposal would result in a loss of an A1 retail unit, as has been outlined above this is not in conflict with AAP policy and in this case it is considered that the proposed restaurant would increase the vibrancy of this part of the town centre by introducing a leisure use. Increasing footfall and dwell time to this area could be beneficial to the health of the town centre, and could catalyse further investment in the Yards area, including the adjacent Soans Yard. The A3 use is not one which is incongruous, or in conflict with, the vision for the area - rather it compliments it. The restaurant would attract customers and create activity throughout the day and evening, and give people an additional reason to visit and stay within this area of the town centre. The introduction of an active restaurant frontage would improve the streetscene and introduce activity, vibrancy and natural surveillance to both Horsemarket and Market Street.

The proposal is considered to be in accordance with key aspirations set out in the AAP – to offer visitors an experiential offer; to encourage regeneration of underutilised areas; to encourage dwell time in the town centre; to introduce uses which are visible to and generate activity onto the streets; and to diversify the town centre's leisure offer. For the reasons described above, it is considered that the proposal would have positive impacts on town centre vitality and viability.

3. Impact on Character & the Conservation Area

Section S72(i) of the Planning (Listed Building and Conservation Areas) Act 1990 stipulates that the Local Planning Authority is to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

Notwithstanding physical alterations to the building, it is considered that the proposed change of use to a restaurant in itself would have a positive impact on the character of the area and the Conservation Area. It would enable a viable re-use and updating of a building which currently is vacant, in some disrepair and makes a poor contribution to the Conservation Area. The re-use of a historic asset and the introduction of a use which would attract visitors to the Conservation Area is a positive one, and in accordance with guidance provided in Section 12 of the National Planning Policy Framework and Policy 12 of the AAP.

The following physical external alterations to the building are proposed, with each one discussed in turn below:

Horsemarket (east) elevation:

- New shop front – The proposed replacement shop front features a more traditional design and material (timber) than the current incongruous modern aluminium treatment. Importantly the red brick pillars and curving boundary wall are retained. The design is welcomed and it is considered the proposal would make a positive contribution to this prominent frontage, and thereby this area of the

Conservation Area. The proposal is therefore in accordance with the Kettering Borough Shopfront Design Guidance Supplementary Planning Document (SPD). Final details of materials and finishes to be employed can be secured by condition.

Elevations facing the open yard / Market Street corner (south elevations):

- Covered store – this involves placing a secure front and door to an area of yard / existing open fronted store currently enclosed by the curving red brick wall which addresses the corner of Market Street and a flat roof. This part of the south elevations of the building is visible from Market Street so it is important that traditional materials are employed. The proposed wooden front is considered to be an appropriate, traditional material and one which would make a neutral impact to the setting of the Conservation Area.

Elevations facing the rear passage (west elevations):

- Lager store – the proposed lager store on the rear elevation of the Horsemarket-fronting element of the building is a small functional, lean-to structure 1.6m wide, by 0.4m deep by 1.5m tall. Its purpose is to securely house kegs of lagers and beers and associated paraphernalia necessary to server the restaurant's bar area. This addition would be somewhat incongruous to the historic character of the building; however it can be read as a similar, non-permanent structure, to the existing fire escapes to the building. Moreover, this section of building is only visible to the internal yard of the site and visually shielded from the public realm by the site's tall boundary treatments. As such the structure and materials proposed (metal sheeting) are considered acceptable.
- 2 no. chillers (air conditioning extract units) – the chiller (40cm x 40cm) to be inserted on the far south elevation is not visible to the public realm, only to the narrow, internal access passage. There is no through-visibility to this part of the site from the wider Yards area. It is possible that the top of the chiller (40cm x 40cm) to be inserted on the rear elevation of the Horsemarket-fronting element of the building may be partially visible from Market Street. However, it is not considered that this small section of visible chiller would be unacceptably detrimental to the visual amenity of the street, nor the Conservation Area. Moreover, the existing character of the rear of buildings in this area is peppered with examples of similar structures, for example air conditioning units and extraction flues, which helps contribute to the backland, functional character of the Yards. The proposed chillers would not be incongruous to this context.
- Bricking up of windows and insertion of door – these alterations would alter the historic fabric of this (west) elevation of the building by infilling 2 ground floor windows and inserting a new door. However they are necessary to enable access to the proposed 1st floor staff accommodation and for the operational requirements of the kitchen. This elevation is almost totally invisible from the public realm and wider area. The site is set down by around 1.5-2m from adjoining 2 storey buildings which exist in close proximity to the west,

meaning the lower floor of the elevation is not visible to the wider Yards area. The section is only visible to the rear passage which is very narrow and accessible only from within the site. It is therefore considered that these alterations would not be a sustainable reason for refusal and that there could be no noticeable negative impact on the character or public appearance of the building or on the Conservation Area.

- Relocated drainpipe – it is considered that this would have only a nominal impact on the appearance of this elevation which, given the context described above, would not be unacceptable.

Elevation facing side alley (north elevation):

- Chiller – A chiller (air conditioning extract) is proposed measuring 40cm x 40cm. This chiller would be totally invisible from the public realm and the side alley in which it would face is totally inaccessible, being a very narrow and no-through route accessible only from within the site sandwiched between 2, 2 no. storey buildings. There would therefore be no negative impact on the character or public appearance of the building or on the Conservation Area as a result of this alteration.

Extraction flue – the extraction flue of the kitchen extract system would protrude 40cm above the highest point of the pitched roof of the 2 storey element of the building meaning it would be slightly visible to Horsemarket and Market Street. However, the flue has been sited as such to minimise its impact as far as practicable – to the far north-west of the site and to the north plane of the roof. Taller adjacent buildings would shield the extract flue from view in this direction. The height of the flue is considered to be reasonable and would not visually dominate the surrounding roofscape. The scale and siting of the flue is, therefore, considered to be acceptable and it is not considered that it would unacceptably detract from the building or the Conservation Area.

In summary, the proposal makes a positive contribution to visual amenity at its most important and sensitive frontage – Horsemarket, and a neutral impact to Market Street. The alterations to the other frontages are not ideal and do undermine the historic fabric of the building, to a degree. However, pragmatically they are necessary to enable the conversion of the building to the proposed use and are not visible to the public realm. Overall the alterations are, therefore, considered to be acceptable, and in accordance with Section 12 of the NPPF and Policy 12 of the AAP. The net result of the development would be a positive impact on the Conservation Area.

4. Amenity

Policy 13 of the Core Spatial Strategy (General Sustainable Development Principles) states that development should not result in an unacceptable impact on amenity by reason of noise, vibration, smell, light or other pollution.

There are no existing residential dwellings in the vicinity of the application site so there would be no detrimental impact on amenity to existing residences. However, staff accommodation is proposed to the 1st floor of the building, in

the rear and far north element of the L-shape of the building. It is important that the amenity of staff in this accommodation is protected, in terms of odour and noise. To this end Kettering Borough Council's Environmental Health Service recommended the imposition of a pre-commencement condition relating to the kitchen ventilation and extraction system. This would secure a suitable system which would ensure odours from the commercial kitchen do not impact on the residents of the staff accommodation, nor the wider public amenity. The lack of surrounding residential use means there would be no issue of introduced overlooking from the proposed staff accommodation.

Further information was requested in relation to noise, waste and the staff kitchen which has now been provided. An amended noise report was submitted; revised plans now show separate commercial and domestic waste; and a small separate kitchen has been provided to the 1st floor in order to separate the commercial operations of the kitchen and the cooking associated with the staff accommodation.

In terms of noise; the noise report reference ENR/1.12./C0088/A has been updated and is accepted. The report contains recommendations with regard to the equipment required in order to achieve the required noise levels and it is the applicant's responsibility to ensure compliance with the recommendations contained in chapter 7 of the report. Environmental Health has recommended conditions which will be imposed to ensure that this is the case and to ensure residential amenity is protected. It is not considered suitable to impose an hours condition on the use, because the residential accommodation is solely for staff use and because the building is surrounded by uses which have a late night function befitting the town centre location, including a public house and takeaway.

In terms of odour; Environmental Health has indicated that the information submitted is insufficient control for the type of cooking and amount of covers proposed. Suitable conditions are, therefore, recommended which will protect residential amenity in this respect.

In terms of the kitchen of the staff accommodation; this is now considered to be adequate and not a sustainable objection.

In terms of refuse, the amended plans show separate bins for commercial and domestic refuse but there are no details to show how the applicant intends to keep the refuse separate. As commercial refuse may not enter the domestic refuse a condition is required regarding separation of commercial and domestic refuse.

Subject to the imposition of suitable conditions, Environmental Health concerns have, therefore, been addressed and it is considered that there would be no negative amenity impacts arising from the proposal.

5. Highways

Two representations received objected to the proposal on the grounds of its impact on town centre traffic and inadequate parking facilities in the area. The

Highway Authority was consulted and raised no objection to the proposal and foresaw no highways implications. It would not be reasonable to refuse a proposal for a main town centre use, in a town centre, on the grounds of wider existing traffic problems; when national policy is clear that they should be in the first instance, be located here. Town centres are designated as the most appropriate places for such developments primarily because they are centrally located and accessible using a means of sustainable transport options including walking, cycling and public transport. It is not considered that the proposed restaurant use would overly intensify the number of vehicular visits than those which would be associated with an occupied A1 retail shop, for which the site has extant consent. Additionally, many visitors to the restaurant would visit in the evenings, when traffic flow is off peak and lighter.

Ample public car parking exists in the vicinity, including on-street bays on Horsemarket and the site is easily walkable from 3 large town centre car parks – London Road, Queen Street and School Lane.

The plans show that no vehicular access or car parking is proposed to the site which is appropriate given the context of the site which adjoins the recently de-trafficked Market Street. This can be secured by a condition.

In summary, the proposal is acceptable in highways terms and in accordance with Policy 13(d) and (n) of the Core Spatial Strategy.

6. Comments on other points raised by proposal

The following issues were also raised in representations received, which are not material planning considerations:

- Proposal would have a negative impact on the business of existing restaurants / takeaways
- Unsuitable to open a restaurant in a recession

Conclusion

The application is in accordance with national policy and the Development Plan and there are no material planning considerations that would indicate against approval. The scheme is in accordance with policies 1, 8, 9 and 13 of the North Northamptonshire Core Spatial Strategy, Policy 3 of the East Midlands Regional Plan and Policies 3, 5, 11 and 12 of the Kettering Town Centre Area Action Plan. The scheme is not in accordance with every aspect of Policies 17 and 18 of the Kettering Town Centre Area Action Plan, but is in accordance with several other key objectives for the Yards and the Area Action Plan and these, and other material considerations, outweigh the conflict. The proposal equates to sustainable economic development that would bring a vacant building back into viable use and contribute positively to town centre vitality and viability. No adverse highway safety or amenity implications would ensue. The proposal is, therefore, recommended for approval, subject to conditions.

Background Papers

Title of Document:

Previous Reports/Minutes

Ref:

Date:

Contact Officer:

Date:

Chris Rose, Development Officer on 01536 534316

SITE LOCATION PLAN

1 Horsemarket, Kettering
Application No.: KET/2012/0300



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

LA078344

Date: 30/04/2012 2 Do not scale from this map. For illustrative purposes only.

