

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 09/04/2013</b>	<b>Item No: 5.6</b>
<b>Report Originator</b>	<b>Alison Riches Development Officer</b>	<b>Application No: KET/2013/0130</b>
<b>Wards Affected</b>	<b>Ise Lodge</b>	
<b>Location</b>	<b>5 St Stephens Road, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Change of use to A5 hot food takeaway</b>	
<b>Applicant</b>	<b>Mr G Beetson</b>	

### 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 use hereby permitted shall be for A5 use (Hot Food Takeaway) as defined within the Town and Country Planning (Use Classes) Order 1987, or in any statutory instrument revoking or re-enacting that Order with or without modification.

REASON: In the interests of amenity and protecting the character of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. The use hereby permitted shall not be carried out before 17.00 hours or after 23.00 hours seven days per week. The premises shall not open to the public on Christmas Day.

REASON: To protect the amenities of the occupiers of nearby properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. The use hereby permitted shall not commence until a scheme showing the position and design of ventilation and extraction equipment, including details of odour abatement techniques and acoustic noise characteristics, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the system shall thereafter be retained.

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

5. The use hereby permitted shall not commence until details of a scheme for the storage of refuse on the premises and the disposal of litter in the vicinity of it has been submitted to and approved in writing by the Local Planning Authority. The use shall not operate other than in accordance with the approved scheme.

REASON: In the interests of general amenity and the amenities of the occupiers of nearby properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

**Justification for Granting Planning Permission**

The proposal is in accordance with national and local policies as set out in Policy 1, 2, 4, and 7 of the National Planning Policy Framework, Policy 3 of The East Midlands Regional Plan, Policies 8, 9, 11, 13 and 14 of the North Northamptonshire Core Spatial Strategy, and Policies 58 and 99 of the Local Plan for Kettering Borough. There are no material considerations that indicate against the proposal.

## Officers Report

### 3.0 Information

#### Relevant Planning History

##### Application Site

KE/91/0825. Change of use from A1 to A3. Approved 14/01/1992.

KE/87/0837. Change of use from commercial drugs store to hot food take away. Refused 18/11/1987.

KE/87/1014. Change of use to estate agents and insurance brokers. Approved 25/11/1987.

KE/88/0157. Change of use of flat above to office for financial and legal services. Approved 16/03/1988.

KB/67/0044. Shops. Approved 05/05/1967.

KB/55/0027. Development. Approved 26/05/1955.

#### Site Description

Officer's site inspection was carried out on 21/03/2013.

The application site is one of a row of six district centre units in Ise Lodge, to the east of Kettering Town Centre. The units were purpose built in the late 1960s/early 1970s to support the Ise Lodge housing estate and are commercial at ground floor level and residential at first floor level. No.11 St. Stephens Road has been extended to the north at ground floor level, to form part of a larger supermarket unit.

From south to north, the ground floor units in the parade are:

- No.1 – A5 Hot food takeaway.
- No.3 – A1 Butchers (with permission for A5 hot food takeaway through KET/2012/00024).
- No.5 – Application site
- No.7 – A1 Hairdressers.
- No.9 – A5 Hot food takeaway.
- No.11 – A1 supermarket (Part of No.13 – Budgens).

There is a service yard, storage area and row of single garages to the rear of the buildings, all associated with the commercial use, with pedestrian and vehicular access to the south of No.1 St. Stephens Road, or to the north of No. 13 St Stephens Road. There are existing ventilation and extraction systems in operation at the rear of the buildings associated with the permitted uses.

To the front of the units is a wide tarmac forecourt with an off-street parking lay-by in front of it with room for approximately 10 no. vehicles.

To the north of the parade of units is a public house. Residential properties surround the site on all sides.

### **Proposed Development**

The proposal is for a change of use of No.5 St. Stephens Road to an A5 hot food takeaway (pizza shop).

### **Any Constraints Affecting the Site**

None.

## **4.0 Consultation and Customer Impact**

### **NCC Highways**

- No objection.

### **Environmental Health**

- No objection.
- Request conditions relating to ventilation and extraction.

### **Neighbours**

3A St. Stephens Road – Hong Kong Cuisine

- **Objection.**
- Further problems with parking for customers.
- Pizza delivery vehicles will compound already problematic and dangerous situation with vehicles parked aimlessly on the hard standing/pavement outside the shops.
- Numerous problems of being blocked in by vehicles parking on the shared side access way leading to the rear of the shops, where there are designated parking spaces for tenants.
- Local centre does not have sufficient parking to serve so many fast food outlets and would cause problems to surrounding house owners with the continuous flow of traffic on a predominantly residential street.

Objector has been granted permission for a hot food takeaway at No.3 St. Stephens Road under reference KET/2012/0024.

9 St. Stephens Road – Al-Amin Balti House

- **Objection.**
- Area already saturated by fast food outlets.
- Inevitable increase in litter, leading to polystyrene containers, cans, bottles, left over takeaways that will end up on our drives/front garden, discarded irresponsibly by people on their way home, or dumped on the streets.
- The proposal will have an impact on the available parking for locals.
- Negative impact on the health of locals due to yet another fast food outlet being introduced.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 1. Building a strong, competitive economy

Policy 2. Ensuring the vitality of town centres

Policy 4. Promoting sustainable transport

Policy 7. Requiring good design

### **Development Plan Policies**

#### **East Midlands Regional Plan**

Policy 3. Distribution of New Development

#### **North Northamptonshire Core Spatial Strategy**

Policy 8: Delivering Economic Prosperity

Policy 9. Distribution & Location of Development

Policy 11. Distribution of Jobs

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

#### **Local Plan for Kettering Borough**

58. Employment: Within Towns

99. Leisure: Class A3 Uses

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. The Principle of Development.
2. Residential Amenity.
3. Parking and Highway Safety.

### **1. The Principle of Development**

The National Planning Policy Framework (NPPF) makes a presumption in favour of sustainable development for a strong, responsive, competitive economy in strong, vibrant healthy communities, and establishes that proposals which accord with policies in the Development Plan should be approved without delay. Policy 1 of the NPPF requires the planning system to encourage, and not act as an impediment to, economic growth.

The application site is within the town boundary of Kettering, as defined by Policy 58 of the Local Plan for Kettering Borough. Policy 3 of the East Midlands Regional Plan and Policy 9 of the North Northamptonshire Core Spatial Strategy direct new development to existing urban areas and indicate that Kettering is a 'Growth Town' in terms of economic development. The site is however not located within the town

centre and is defined in the NPPF as an out of centre location. The NPPF also defines 'main town centre uses' with A5 takeaway uses not falling within this definition.

Saved policy 99 of the Local Plan for Kettering Borough states that proposals for A3 uses (since expanded to encompass A3, A4 and A5) will be granted where the site falls within the town boundary and is appropriate in terms of the size, form, character and setting of the settlements. The proposed A5 unit would be located within the town boundary of Kettering, within an existing parade of units in commercial use which form an established focus for A1 and A5 units serving the surrounding residential area. It is considered the proposed A5 use would be in keeping with the commercial character of the area and that the principle of an 'A' use class is established.

As the application site is not located within Kettering town centre and there are no Development Plan policies which retain A1 retail uses in commercial units outside of the town centre, the principle of the proposed development is established subject to the satisfaction of the Development Plan criteria as discussed below.

## 2. Residential Amenity

Policy 13(l) of the North Northamptonshire Core Spatial Strategy requires new development not to result in an unacceptable impact on the amenities of neighbours. Policy 99 iv) and v) of the Local Plan for Kettering Borough also require proposals to not significantly adversely impact on the amenities of neighbours, or lead to a concentration of uses which would have significantly adverse impact on the character or amenities of the area.

The proposed commercial use is to be located within a purpose built commercial unit, within a parade of shops serving the Ise Lodge housing estate. It is considered the proposed A5 takeaway use is in keeping with the commercial character of the immediate area and, when considered against the location and the other permitted uses within the parade of units, would not adversely impact on the amenities of the wider area.

Noise and activity will be generated by the proposed A5 use, but this is the case for the existing commercial units operating in the parade of shops. The proposal would not overly intensify the use of this parade, which is an established local focus for such uses.

Odours from the cooking of hot food would require the installation of extraction and ventilation systems, for which conditions will be added requiring full information to be submitted in relation to the design and installation and sound insulation.

The nearest dwellinghouses are approximately 29 metres away in St. Augustine's Close, to the east of the parade of units, and are separated from the rear elevation of the proposal by a service yard and garages. There are already other forms of extraction, ventilation and cooling equipment to the rear, side and roofs of the neighbouring units.

The hours of use proposed by the applicant include opening at 17:00 up to 01:00 hours on Friday and Saturday nights and up to 00:00 hours (12:00pm) on other nights. However, this is considered to be excessive in a predominantly residential area and would result in adverse noise impacts. As the hours of the surrounding A5 are limited to 23:00, this upper time limit will be added to maintain the proposed use in line with the surrounding uses, and therefore not adversely impact on the amenities of surrounding neighbours over and above, the current limitations.

In terms of litter, it is recognised that the commercial uses in St. Stephens Road can give rise to littering, however, no evidence has been provided to support the assertion that an increase in visitors to the parade, in support of the hot food takeaway use, would create and disperse significantly more litter than those customers who already visit the area and use the other facilities provided. It is considered that the proposed A5 use would not cause an unacceptable over intensification or concentration of uses which may create litter or, on its own, create significant amounts of additional litter so as to cause an unacceptable impact on local amenities.

As such, with the imposition of conditions relating to the opening hours, and the provision of ventilation, extraction and insulation, the proposal is considered to comply with policy 13 of the North Northamptonshire Core Spatial Strategy and policy 99 of the Local Plan for Kettering Borough.

### 3. Parking and Highway Safety

Policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy requires new development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, and not to have an adverse impact on the highway network nor prejudice highway safety. Policy 99 vii) requires new development not to give rise to significant additional traffic to the detriment of the amenities and highway safety of the area.

The parade of units was designated to serve as a district centre, as a focus for small scale commercial units, and to accommodate a fairly high frequency of short stay visitors. Provision has been made for parking in an off-street lay-by, running in front of the row of units, and which can accommodate approximately 10 vehicles at any one time. It is not considered the proposed A5 use, with its reduced opening hours of 17:00 to 23:00, will generate a materially different level of traffic and demand for parking than the previous Beauty Salon use which opened for longer hours throughout the day and operated regular appointment slots for visitors. The existing access and parking arrangements are considered adequate to support the proposed use and, in the absence of any comments from the Highway Authority, there is no reason to refuse the proposal on these grounds.

As such, the proposal conforms to policy 13 of the North Northamptonshire Core Spatial Strategy.

## **Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with their Development Plans unless material planning considerations indicate otherwise. The proposed change of use is in accordance with the relevant policies in the Development Plan and there are no material considerations which indicate planning permission should not be granted. Subject to the imposition of recommended conditions relating to hours of opening, ventilation and extraction, the proposal is recommended for approval.

### **Background Papers**

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

### **Previous Reports/Minutes**

Ref:

Date:

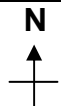


# SITE LOCATION PLAN

5 St Stephens Road, Kettering  
Application No.: KET/2013/0130



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