

BOROUGH OF KETTERING

Committee	Full Planning Committee - 27/03/2012	Item No: 5.4
Report Originator	Anne Dew Senior Development Officer	Application No: KET/2011/0423
Wards Affected	All Saints	
Location	Goody's, Hallwood Road, Kettering	
Proposal	Full Application: Demolition of public house and construction of retail unit with associated customer parking and delivery area	
Applicant	Punch Taverns	

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. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, 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 (b) of the North Northamptonshire Core Spatial Strategy.

3. No development shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels 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 details.

REASON: To preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with policies 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

4. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The

use hereby permitted shall not commence until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenities and privacy of the neighbouring property in the interests of amenity in accordance with policy 13(l) of the North Northamptonshire Core Spatial Strategy.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity in accordance with policy 13h of the North Northamptonshire Core Spatial Strategy.

6. No development shall take place on site until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be provided before first use of the building and retained as approved thereafter.

REASON: In the interests of general amenity in accordance with policies 13(h) and (l) of the North Northamptonshire Core Spatial Strategy.

7. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the area and adjoining residential properties in particular in accordance with policies 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

8. Prior to the commencement of development, details of the hard surfacing material to the car parking, access and turning areas shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the character of the area in accordance with policy 13 (h) of the North Northamptonshire Core Spatial Strategy.

9. The retail unit hereby approved shall only be used as a convenience store and the retail floor space to this unit shall be limited to 286 square metres.

REASON: To reflect the terms of the application in the interests of general amenity and the vitality and viability of Kettering Town Centre in accordance with PPS4, policies 2 and 22 of the East Midlands Regional Plan and policies 1, 9, 12 and 13 (l) of the North Northamptonshire Core Spatial Strategy.

10. No equipment, materials, products, parts, containers, waste or any other articles shall be stacked or stored on the site at any time except within the building.

REASON: In the interests of the appearance of the site and the visual amenities of the surrounding area in the interests of amenity in accordance with policy 13(l) of the North Northamptonshire Core Spatial Strategy.

11. The use hereby permitted shall not be open to the public before 0700 hours or remain open after 23:00 hours on Mondays to Sundays, including Bank 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.

12. No vehicles making deliveries to or from the site shall enter or leave the site outside the hours of 07:00 and 21:00 Monday to Saturdays, and 07:00 and 16:00 Sundays and Bank 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.

13. Prior to the commencement of development, a scheme demonstrating how the development will incorporate techniques of sustainable construction, energy efficiency, provision for waste reduction and recycling and provision for water efficiency and recycling shall 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 energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

14. Prior to the commencement of development, details of the markings to the pedestrian route across the car park adjacent to car parking spaces 13 and 16 and tactile paving on the footways either side of the 2 vehicular accesses as well as give way lines shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of highway and pedestrian safety in accordance with policy 13 (d) of the North Northamptonshire Core Spatial Strategy.

15. Prior to the commencement of development, a scheme for the provision of two new pedestrian dropped crossing points on the eastern and western sides of Hallwood Road between 40 and 59 Hallwood Road and the provision of tactile paving to the to existing pedestrian dropped crossing on the corner of Masefield Road and Hallwood Road and the two existing crossing points on the corner of Beatrice Road and Hallwood Road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first use of the building.

REASON: In the interests of pedestrian and highway safety in accordance with policy 13 (d) of the North Northamptonshire Core Spatial Strategy.

17. Prior to first occupation of the development hereby permitted, the means of access, vehicle crossings, parking and servicing facilities shown on the approved plans shall be constructed and thereafter maintained for these purposes.

REASON: In the interests of highway safety in accordance with policy 13 (d) of the North Northamptonshire Core Spatial Strategy.

18. Pedestrian visibility splays of 2.0m x 2.0m both sides of the accesses shall be

provided and thereafter permanently maintained. The splays are measured from the side of the access along the highway boundary and from the highway boundary along the sides of the access. No feature within the resultant triangular visibility splays shall exceed 0.6m above footway level.

REASON: In the interests of highway safety in accordance with policy 13 (d) of the North Northamptonshire Core Spatial Strategy.

19. The vehicular access gradient from the Highway Boundary shall not exceed 1 in 15.

REASON: In the interests of Highway Safety in accordance with policy 13 (d) of the North Northamptonshire Core Spatial Strategy.

20. Prior to the commencement of development, a scheme for the provision of secure cycle parking shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved plans.

REASON: To encourage the use of cycling and reduce the reliance on the private car in accordance with PPG13 and policy 13 (e) of the North Northamptonshire Core Spatial Strategy.

21. No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the recording of any items of archaeological interest in accordance with PPS5 and policy 13 (o) of the North Northamptonshire Core Spatial Strategy.

22. Prior to the commencement of development, a habitat and species enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved scheme prior to first occupation of the building.

REASON: In the interests of biodiversity in accordance with Policy 5 of the North Northamptonshire Core Spatial Strategy.

23. The development hereby permitted shall not be carried out other than in accordance with the approved noise assessment 'Sound Solution Consultants - Baseline Noise Assessment Technical Report - Proposed Retail Development, Former Good Companions Public House, Hallwood Road, Kettering, document reference 11728 R1-2 dated 7th February 2012.

REASON: To protect the amenity of occupiers of nearby dwellings in accordance with policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

24. Before any external mechanical or ventilation plant is used on the premises, it shall be enclosed with sound insulating material and mounted in a way which will minimise the transmission of noise, in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the amenity of residents of nearby dwellings in accordance with policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- The applicants attention is drawn to the consultation comments provided by the Police in respect of this application and these are attached to the decision notice.

To ensure compliance with the Wildlife and Countryside Act 1981, vegetation clearance should be undertaken outside the nesting bird season which extends between March and September inclusive.

In pursuance of condition 12, the applicant is advised that the delivery of newspapers to drop boxes located on the premises are not included within the delivery restrictions of this condition.

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Planning Policy Statements 1 and 4, Policies 2, 3, and 22 of The East Midlands Regional Plan, and Policies 1, 9, 12 and 13 of the North Northamptonshire Core Spatial Strategy. There are no material considerations that indicate against the proposal.

Officers Report

3.0 Information

Relevant Planning History

KET/1996/0170 Single storey extensions to front, new first floor access to rear.
Approved 20.05.1996

KET/1996/0320 Single storey extensions and conservatories. Approved
03.07.1996

KB/50/0433 Licenced Premises. Approved 24.01.1951. No Conditions.

KB/54/40 Licensed Premises. Approved 24.02.1954. No Conditions

Site Description

Officer's site inspection was carried out on 17th November 2011.
The site is located on the corner of Britannia Road and Hallwood Road. The site comprises a two storey building which is currently vacant and was last used as a public house.

The site is served by two vehicular accesses from Hallwood Road and Britannia Road. There is existing landscaping on the Hallwood Road and Britannia Road frontages as well as planting along the north, east and south boundaries of the site. Land to the north, east and south of the site is residential in character, comprising two storey dwellings. Land immediately to the west of the site is in use as a car repair garage.

Proposed Development

The proposal is for the demolition of a vacant public house and the erection of a single storey retail unit. The proposed retail unit will sell a limited range of food and convenience goods. The building has a total floor area of 419 square metres, with a total sales area 286 square metres. Two vehicular accesses are proposed for the unit, one is from Hallwood Road which will serve 10 customer car parking spaces and the second vehicular access is from Britannia Road and will serve 8 parking spaces and the delivery area which is located in the north western corner of the site. The existing single storey garage will be retained as a bin store. The proposed opening hours on all days to the store are 07:00 – 23:00.

Any Constraints Affecting The Site

None.

4.0 Consultation and Customer Impact

Environmental Health

Comments received on 09.11.2012

Main concern is the potential for a negative impact on residential amenity. The Noise Report mitigation measures include provision of a 3m high acoustic fence, use of rubber matting, broadband reversing sirens and the switching off

of refrigeration units, all in the delivery yard. Unclear if these are acceptable to the applicant or the LPA. Hours of use do not correspond. The applicant proposes Sunday opening 07:00 until 23:00 and the Noise Report refers to 10:00 until 18:00. Further discussion is required regarding noise impact on residential amenity.

Comments received on 25.01.2012

Clarification required on whether a 2 or 3 metre high acoustic fence will be provided on shared boundaries with properties on Britannia Road and Beatrice Road and the hours of opening. Information contained within the noise report conflicts with other correspondence. The noise assessment therefore needs to be updated or confirmation that the submitted noise assessment is accurate.

Comments received on 12.03.2012

No objections subject to conditions requiring development be carried out in accordance with the submitted Baseline Noise Assessment Technical report, a scheme for sound insulation of any external mechanical or ventilation plant, restriction on delivery hours outside the hours of 07:00 and 21:00 Monday to Saturdays and 07:00 and 16:00 Sundays and Bank Holidays and the premises not to be open to the public outside the hours of 07:00 and 23:00 Mondays to Sundays including bank holidays.

Northamptonshire Police

Unable to provide specific comment due to a lack of information. Conditions and informatives are recommended covering windows and doors, alarm systems, ATM machines, CCTV, and bollards to reduce the likelihood of crime, disorder and anti-social behaviour occurring.

Highway Authority

No objections. The Britannia Road/ Hallwood Road junction can cope with the development. Conditions recommended that provide for give way lines and the provision of two dropped crossing points at the end of Masefield Road and Beatrice Road.

The Wildlife Trust

The content and scope of the submitted ecological reports is acceptable as are the findings, conclusions and recommendations. Conditions are required to secure these.

Northants Bat Group

No objections. Agree with the findings of the bat report.

County Archaeological Advisor

The site is located on the edge of a large Roman settlement and there is potential for remains of archaeological interest to survive on the site. A condition is required for an archaeological programme of works

Neighbours

7 third party representations received. Objections are on the grounds of:-

- Retail report does not include the convenience store in Kingsley

Avenue. The impact on this store needs to be considered.

- 3 metre high fencing proposed on boundary with Beatrice Road properties needs to be extended to include 102 Beatrice Avenue. Without this noise will result.
- Land surrounding the site regularly has wildlife entering.
- Increased noise with opening hours proposed (7am – 11pm) and noise from customers parking and delivery lorries
- Increase in traffic, doors slamming, shouting and leaving.
- Design is suitable for an industrial unit, not a residential area characterised by brick buildings with slate roofs
- No need for a convenience store in this location, shops are closing down in Kettering.
- Noise from delivery vehicles, particularly those deliveries in the early morning.
- Anti social behaviour and littering will result in the evening
- 11.00 closing time is too late
- Design of building is too modern
- Extra traffic in an already busy area
- Retail unit will be located on a busy junction, which is busy, particularly at school times. Hallwood Road is also a bus route. Issues with traffic flow will result.
- Light pollution from the store and car park
- Isolated retail location causes security issues.
- Queries raised about what retail unit is proposed, their opening hours, delivery hours, size of the building, will an ATM be included.
- Impact on the existing trees
- Concerns over noise during demolition/ construction and the length of time this will take.
- Concerns about cars parking on the junction of Shelley Road and Britannia Road and outside residential properties
- Concerns over the appearance of the proposed boundary treatment
- Concerns over damage resulting to nearby dwellings
- Not enough shoppers to make a store viable
- Site would be better built by housing
- Anti social behaviour will be worse from a supermarket

5.0 Planning Policy

National Policies

PPS1 Delivering Sustainable Development

PPS4 Planning for Sustainable Economic Growth

PPS5 Planning for the Historic Environment

PPS9 Biodiversity and Geological Conservation

PPG13 Transport

PPG24 Planning and Noise

Development Plan Policies

East Midlands Regional Plan

P2. Promoting Better Design
P3. Distribution of New Development
P22. Regional Priorities for Town Centres and Retail Developments
P27. Regional Priorities for the Historic Environment
P39. Regional Priorities for Energy Reduction and Efficiency
P48. Regional Approach to Car parking Standards

North Northamptonshire Core Spatial Strategy

P1. Strengthening the Network of Settlements
P9. Distribution and Location of Development
P12. Distribution of Retail Development
P13. General Sustainable Development Principles
P14. Energy Efficiency and Sustainable Construction

SPGs

Sustainable Design

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/ Impact on Street Scene
3. Impact on Residential Amenity
4. Parking and Highway Safety Implications
5. Implications for Wildlife and Biodiversity
6. Archaeology
7. Sustainable Development

1. Principle of Development

Policy 3 of the East Midlands Regional Plan states that development and economic activity should be directed towards the growth town of Kettering. Policy 9 of the North Northamptonshire Core Spatial Strategy and policy 22 of the East Midlands Regional Plan state that the town centres will be strengthened as the focus for retail uses attracting a lot of people. Policy 12 of the North Northamptonshire Core Spatial Strategy requires that where there is an identified need for retail development which cannot be accommodated within the defined town centres, a sequential approach will be followed with preference first to well connected edge of town centre locations, followed by district and local centres and then existing retail areas that are well served by a choice of means of transport.

The scheme is for the creation of 286 square metres of A1 retail convenience food floor area, with 133 square metres associated storage use. The site is located outside of Kettering town centre (over 1 km away) and is not located within any defined centre.

PPS4 'Planning For Sustainable Development' is also of relevance as an A1 retail use is defined as both economic development and a main town centre use. One of the overarching objectives of PPS4 is to achieve sustainable economic growth and promote the vitality and viability of town centres by focusing new economic growth within existing centres. Policy EC14.3 of PPS4 also requires that a sequential assessment is required for planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan.

In line with policy EC14 of PPS4 'Planning for Sustainable Economic Growth' and policy 12 of the North Northamptonshire Core Spatial Strategy, the applicant has submitted a Retail Appraisal, in support of the application, which also includes a sequential test. The Retail Appraisal states that the proposed store will be operated by the Midlands Co-operative Society and will sell a range of food and convenience goods, mostly for top up shopping in baskets. The Retail Appraisal, in line with the Practice Guide to PPS4, defines the primary catchment area for the store as a walking distance of 500 metres or a driving distance of 1,000 metres and the store will principally serve the All Saints Ward. In line with advice contained within 'The Practice Guide to PPS4' a sequential site assessment for land within this Primary Catchment Area has been undertaken which does not include the town centre. In support of this approach, the applicant has advised that the Practice Guide to PPS4 states, there is no need to assess potentially available sites within the town centre, given that the use serves a local need within the primary catchment area and not the town centre. In addition, any potentially available sites within the town centre will serve an alternative primary catchment area. As part of the submitted sequential test, no vacant shops or premises within the primary catchment area are vacant, that are suitable, available and viable as sequentially alternative locations.

Further in support of the scheme, the submitted Retail Appraisal identifies a quantitative need for convenience goods floor space as the North Northamptonshire Retail Capacity Update Feb 2011 suggests a low overall market share of convenience goods expenditure for local shops in Kettering. This Retail Capacity Update also concluded there is an overall requirement for convenience goods stores within the North Northamptonshire area of 8,653 sq m for 2010 – 2016 and 3,217 sq m for 2016 – 2021. The Retail Capacity Update found that convenience stores and small supermarkets in Kettering shared a market share of only 9%, suggesting most top up shopping being undertaken at the larger supermarkets. Trade drawn from the new store will be mostly diverted from larger supermarkets as people who currently live within easy walking distance are unlikely to change their shopping habits' from existing centres. The Appraisal also states that the convenience store is of a sufficient scale not to harm the vitality and viability of the town centre.

Policy EC15 of PPS4 sets out criteria for consideration of sequential assessments and emphasises that in centre and edge of centre sites are assessed before less central sites are considered. Whilst the submitted Retail Appraisal does not include town centre and edge of centre locations, it is

considered that the scope and content of the submitted Retail Appraisal is proportionate to the scale and type of use proposed and is in accordance with advice set out in the PPS4 Practice Guidance, which states that Local Planning Authorities need to consider the extent of the catchment area likely to be served by the proposal and then to identify alternative sites located within existing centres within the catchment area. The applicant has demonstrated that the proposed convenience store will primarily serve the local catchment area and their justification for not extending their search beyond the primary catchment area, into the town centre is accepted. The submitted Retail Appraisal has demonstrated that there are no sequentially preferable sites within the primary catchment area available.

Policy EC17 of PPS4 sets out criteria for the consideration of planning applications for development of main town centre uses not in a centre and not in accordance with an up to date development plan. It is not considered that the proposal will lead to any significant adverse impact in respect of impact on the town centre and economic development. The scheme accords with the criteria set out in policy EC16 (Impact Assessment) in that the applicant has demonstrated compliance with the requirements of the sequential approach (as discussed above), given the scale and use as a local convenience store, they have demonstrated that it is unlikely to have any material impact on the vitality and viability of either the town centre or other allocated sites or impact on in-centre trade/ turnover and on trade in the wider area and is an appropriate scale for its location and catchment area. The scheme also accords with policy EC10 of PPS4 which sets out criteria for determining planning applications for economic development. The design and location of the building to its catchment area has been planned over its lifetime to limit carbon dioxide emissions, it is accessible by a choice of means of transport given it serves a local catchment area, the design is of a suitable quality for the area, it will have a positive impact on economic and physical regeneration by way of bringing forward a vacant site for development and will create in the region of 20 jobs which will assist local employment.

The loss of the public house as a community facility has been considered against the policy background and is not held to be detrimental to sustainability as there are other public houses within the locality.

In conclusion, subject to conditions restricting the use of the building to a convenience store only and limiting the retail floor area, it is considered that the principle of development is acceptable and the applicant has demonstrated that the scheme is in accordance with PPS4 and policy 3 of the East Midlands Regional Plan and policies 9 and 12 of the North Northamptonshire Core Spatial Strategy.

2. Design/ Impact on Street Scene

Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires that developments be of a high quality of design, architecture and landscaping, respect and enhance the character of its surroundings.

The proposed retail unit will occupy a similar position within the site and is set

back from both the Britannia Road and Hallwood Road frontages by between 6 metres and 22 metres. The land to the east and south that fronts onto Britannia Road and Hallwood Road will be utilised for car parking, as is the case with the existing layout with the public house. Whilst properties on Hallwood Road and Britannia Road generally have a street frontage, given the application site is larger and forms a corner plot, it is considered that the site can accommodate the proposed building in the siting proposed, without having any unduly adverse impact on the street scene or character of the area. Large amounts of landscaping are proposed to the Hallwood Road and Britannia Road frontages which help to soften the appearance of the development and this matter can be controlled by condition.

With respect to the design, the original plans submitted with the application provided for a building with coated metal cladding to the walls and roof which was more akin to an industrial area than an established residential area. Revised plans have been submitted which provide for a single storey hipped roof building which is of a design and incorporates materials (brick and tiles) which are more akin to the area. The scheme provides for openings on both the Hallwood Road and Britannia Road frontage which provides for an active frontage to both of these roads. A condition has been attaching requiring samples of building materials to be submitted.

There are various trees and shrubs within the site, particular on the Hallwood Road and Britannia Road frontages and on the north and west boundaries of the site, none of which are protected by Tree Preservation Orders. An Arboricultural Survey has been submitted as part of the application which identifies the existing trees on site. These comprise a mix of Cherry, Cypress, Scotts Pine and Cedar are of either moderate and low quality. The scheme is likely to require the removal of much of this existing landscaping, however, the existing trees are not worthy of protection via a tree preservation order and subject to a condition requiring landscaping, it is not considered their loss will have any negative impact on the character of the area.

In conclusion, subject to conditions requiring samples of materials and a full landscaping scheme to be submitted, it is considered that the scheme will respect to the existing character of the area, in accordance with the requirements of policy 13(h) of the North Northamptonshire Core Spatial Strategy.

3. Impact on Residential Amenity

Policy 13(l) of the North Northamptonshire Core Spatial Strategy requires that developments do not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

Given the single storey nature of the development and its separation distance with adjacent residential dwellings, it is not considered the building will result in any adverse impact in respect of overshadowing or overbearing impact. The proposed building is located approximately 15 metres from the dwelling in place at 83 Hallwood Road, immediately to the north, and approximately 28

metres between the proposed building and the rear elevations of dwellings in place at Beatrice Road, immediately to the north. Properties on the eastern sided of Hallwood Road are separated from the application by Hallwood Road itself with a separation distance of approximately 12 metres from the shared boundaries. A car repairs garage is located immediately to the west of the site. The garage have existing buildings in place which run along much of the shared boundary with the application site and it is not considered the proposed retail unit will result in any overshadowing or overbearing impact. No overlooking will result to adjacent units given the single storey nature of the building.

Concern has been expressed by third parties that the development will result in increased noise and disturbance with longer opening hours and vehicle noise. As part of the application, a Noise Assessment has been submitted. The Noise Assessment is based upon the store open between 07:00 hours and 23:00 hours everyday with deliveries being restricted to 07:00 hours and 21:00 hours. The Noise Survey concludes that subject to conditions restricting hours, and noise mitigation measures, no adverse noise will result to occupiers of nearby dwellings.

Concern has been expressed by third parties that light pollution will result from the store and its associated car parking. No specific details of lighting have been submitted as part of the application, however, in the interests of safety and security it is not considered unreasonable for the store to have lighting. Full details of the external lighting can be secured by condition to ensure no it does not result in any adverse impact on residential amenity or to the character of the area.

Environmental Health have been consulted on the scheme and raised no objections to the scheme subject to conditions covering noise mitigation and hours of opening and delivery.

It needs to be borne in mind in the determination of this application that the existing building has an authorised public house use for which there are no planning conditions restricting hours of opening. Whilst the level of activity associated with a convenience store will be different to that of a convenience store, with activity being spread throughout the day and evening rather than being concentrated at lunch times and evenings. However, given this existing lawful use, and subject to conditions controlling hours of use and deliveries as recommended by Environmental Health, it is not considered that the level of activity associated with the convenience store use is sufficiently harmful to warrant refusal of this application. Whilst there will be some noise and disturbance from car parking, to nearby dwellings, in particular to number 83 Hallwood Road located immediately to the north of the site and car parking, given a 3.5 metre separation distance between the car parking spaces on this northern boundary and the provision of boundary treatment, it is not considered that any harmful noise and disturbance will result.

In conclusion, subject to restrictive conditions it is not considered the scheme will have any harmful impact on the residential amenity of occupiers of nearby

dwellings and as such the scheme meets the requirements of policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

4. Parking and Highway Safety Implications

Policy 13(d) of the North Northamptonshire Core Spatial Strategy requires that developments have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards. In addition policy 13 (n) of the North Northamptonshire Core Spatial Strategy requires that developments do not have an adverse impact on the highway network and prejudice highway safety.

The development will utilise the existing vehicular accesses from Hallwood Road and Britannia Road. The Hallwood Road frontage will provide vehicular access to 10 off street car parking spaces and the vehicular access from Britannia Road will serve delivery vehicles and 8 off street car parking spaces.

In support of the application, a Transport Statement has been submitted which concluded that traffic generation was different to a pub and whilst there would be a minor increase in traffic on the surrounding network, this would not result in any congestion or detrimental impact on the highway network.

Northamptonshire County Council Highways Authority have been consulted on the scheme and concur with the results of this Transport Statement and consider that local roads have capacity to accommodate the likely increase in traffic. Northamptonshire County Highways Department have also confirmed that the proposed vehicular access and parking/ turning areas are meet their required standards in respect of size and layout.

Concern has been expressed by neighbours that cars will park, resulting in access issues for existing dwellings and adverse highway safety implications close, to the junction with Hallwood Road and Britannia Road. The scheme provides for 18 off street car parking spaces. It is considered that this level of car parking provision is acceptable for a retail unit of this size. Planning Policy Guidance Note 13 (PPG13) 'Transport' sets out maximum car parking standards for retail units with a gross floor area of 1000 square metres. Whilst the proposed retail unit has a smaller floor area than this, the standards provide a useful indication of the level of parking that needs to be provided for such a retail development and the scheme falls within these maximum requirements. Northamptonshire County Highways Department have raised no objections to this level of provision and the implications it would have on the local highway network.

In line with guidance contained within PPG13, policy 13(e) of the North Northamptonshire Core Spatial Strategy requires that developments incorporate measures to contribute to a target of 5% modal shift over the plan period. To ensure that the development contributes to this modal shift, conditions have been recommended requiring provision of cycle parking and the improvement of existing pedestrian crossing points and the creation of new pedestrian crossing points.

In conclusion, subject to conditions requiring access improvements and

provision as layout as proposed, it is considered that the development is in accordance with the requirements of policy 13 (d), (e) and (n) of the North Northamptonshire Core Spatial Strategy.

5. Implications for Wildlife and Biodiversity

PPS9 'Biodiversity and Geological Conservation' sets out planning policies on the protection of biodiversity and geological conservation through the planning system. In relation to planning applications, PPS9 states that planning authorities should not refuse permission if development can be subject to conditions that will prevent unacceptable impact on wildlife habitats or important physical features.

Concern has been expressed by third parties that the development will have an adverse impact on local wildlife. As part of the application, an Extended Phase 1 Habitat Survey has been submitted. This Survey found that wildlife on the site was largely limited to trees and shrubs which provide potential nesting areas for birds, however those habitats present can be readily replaced post development, a scheme for which can be secured by condition. A Bat Survey of the existing building has also been undertaken, however found no evidence that suggested either current or historic usage by bats.

The Wildlife Trust and Northants Bat Group have been consulted on the scheme and subject to conditions, have raised no objections.

6. Archaeology

Policy 13(o) of the North Northamptonshire Core Spatial Strategy requires that developments conserve historic landscape designated built environment assets. PPS5 'Planning for the Historic Environment' states that the historic environment and its heritage assets should be conserved in a manner appropriate to their significance.

Northamptonshire County Council Archaeological Advisor has been consulted on the scheme and advised that their records indicate that the site is on the southern edge of a large Roman settlement and there is potential for remains of archaeological interest to survive on the application site. In light of these comments, a condition has been recommended requiring a programme of archaeological works to be undertaken.

7. Sustainable Development

Policy 14(b) of the North Northamptonshire Core Spatial Strategy requires that developments demonstrate that they incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction and recycling as well as providing for water efficiency and recycling. The scheme provides little information with respect to this policy, however, the incorporation of measures to provide for energy efficiency and sustainable construction can be controlled by condition.

Conclusion

The scheme is in accordance with local and national policy. The convenience store will serve a local need and will not detract from the vitality and viability of Kettering Town Centre and subject to conditions will respect the character of the area, not raise any adverse highway safety implications or any significant harmful impact on residential amenity.

Background Papers

Title of Document:

Date:

Contact Officer:

Anne Dew, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

Goodys, Hallwood Road, Kettering
Application No.: KET/2011/0423



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