

PLANNING COMMITTEE: 27th September 2016
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

APPLICATION REF: N/2016/0706

LOCATION: 7 Park Square

DESCRIPTION: Prior Notification of change of use from retail (Use Class A1) to restaurant/cafe (Use Class A3)

WARD: Kings Heath Ward

APPLICANT: Northampton Partnership Homes
AGENT: Northampton Partnership Homes

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

- 1.1 That the Authority's **PRIOR APPROVAL WILL NOT BE REQUIRED** subject to conditions and for the following reason:

The development is considered to be acceptable in principle and is not considered to be detrimental to the character of the area, nor is it considered to be significantly detrimental to the amenity of neighbouring properties. The proposal will bring an empty property back into sustainable use and support the vitality and viability of the local centre. The proposal is therefore considered to be acceptable and in accordance with Policies S2 and S10 of the West Northamptonshire Joint Core Strategy and Policies E20 and R9 of the Northampton Local Plan and the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 This application is for prior notification for a change of use from a shop (Class A1) to a restaurant/café (Class A3) and for the provision of ventilation and the storage of refuse at the site. The proposed café will adopt the "Real Junk Food Project" which aims to divert waste food from landfill. The café will offer vegan food and will include a juice/smoothie bar as well as hot and cold food.

3. SITE DESCRIPTION

3.1 The application site consists of a vacant retail unit located in a local centre as allocated in the Northampton Local Plan. The surrounding land uses consist of a betting office, a pharmacy, a hairdressers, a toy library, a Sure Start Centre and 3 other retail shops. Two other units within the centre are vacant. The wider area consists of residential accommodation including flats above the shop units.

4. PLANNING HISTORY

4.1 None relevant.

5. PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 17 sets out core land use planning principles which seek to secure high quality design and a good standard of amenity for existing and proposed occupiers.

Paragraph 109 – The planning system should contribute to and enhance the natural and local environment

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

S2 – Hierarchy of Centres

S10 – Sustainable Development Principles– encourages development which:

- achieves high standards of design and a strong sense of place
- protects, conserves and enhances the natural built environment
- minimises pollution from noise, air and run off.

5.4 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

E20 New Development – seeks to secure development which has an acceptable design, layout and achieves acceptable levels of amenity.

R9 Change of use from shop use in District and Local Centres – permission will not be granted where it would lead to unacceptable traffic problems, adversely affect the amenity of neighbouring properties, be detrimental to the shopping character by an unacceptable increase in non-shop use.

5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NBC Public Protection** – Aware that there are flats with outdoor amenity space located directly above. Concerned about the practicalities of installing suitable odour abatement that can disperse and discharge at high level.

6.2 **NCC Highway Authority** – no objection.

7. **APPRAISAL**

7.1 As this is a prior notification application under Class C of the Town and Country Planning (General Permitted Development)(England) Order 2015, the relevant matters for consideration are:

- (a) noise impacts of the development
- (b) odour impacts of the development
- (c) impacts of storage and handling of waste in relation to the development
- (d) impacts of the hours of opening of the development
- (e) transport and highways impacts of the development
- (f) whether it is undesirable for the building to change to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order because of the impact of the change of use
- (g) the siting, design or external appearance of the facilities to be provided.

Noise Impact

7.2 The application site is located within an established local centre. The former shop is relatively small (floor area 45m²). It is not considered that the proposed use of the site as a restaurant/café will lead to an intensification of use that will be significantly detrimental to the amenity of neighbouring properties. It is noted that the Council's Environmental Health section have made no comments with regard to noise and the occupier of the flat above has verbally indicated that he has no objections to the proposal.

Odour Impact including siting, design and appearance of extraction system

7.3 Details have been submitted with the application which show an extraction system extracting into the yard to the rear of the premises. Environmental Health Officers have expressed concerns about the suitability of the extraction system and have requested further information. In the circumstances it is considered appropriate to attach a condition to deal with future extraction.

Waste Storage

- 7.4 It is noted that the proposal is for a Eurobin to be stored and collected from the rear yard of the premises. This is considered to be acceptable.

Hours of Opening

- 7.5 With regard to the opening hours, it is intended to open the shop on 3 consecutive days between 10am and 2pm, although the proposal states that these hours may increase dependent on success. These hours will not detrimentally impact on surrounding uses. In order to protect residential amenity, an opening hours condition is recommended.

Highways Impact

- 7.6 Due to there being no objections from the highway authority and the sustainable nature of the location within an existing local centre and within a residential area, allowing ease of access for patrons, it is considered that there would be no undue detrimental impact upon the highway system.

Sustainability of Shopping Centre

- 7.7 Policy R9 of the Local Plan and S2 of the JCS seek to protect the vitality and viability of local centres. Whilst the development would result in the loss of a property that could be used for retail purposes, it should be noted that the premises are currently vacant in addition to two other shops within the centre. It is considered that the proposed use would compliment existing uses within the Square and support the on-going viability and vitality of the locality. The applicant has stated that the premises are permanently shuttered and that by bringing the property back to use they would improve the appearance of the area as a commercial destination. As such it is concluded that the development would not adversely affect the sustainability of the shopping area.

CONCLUSION

- 8.1 It is considered that the proposal is satisfactory in terms of the considerations as required under Schedule 2, Part 3, Class C of The Town and Country Planning (General Permitted Development) Order 2015 and as such prior approval will not be required subject to conditions.

9. CONDITIONS

(1) Notwithstanding the details submitted further details of the scheme for the collection, treatment and dispersal of cooking odours shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the premises being used for the permitted purpose and retained thereafter.

Reason: For the avoidance of doubt and in the interests of residential amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

(2) The restaurant/café hereby approved shall be open to members of the public only between the hours of 8am and 6pm on any day.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

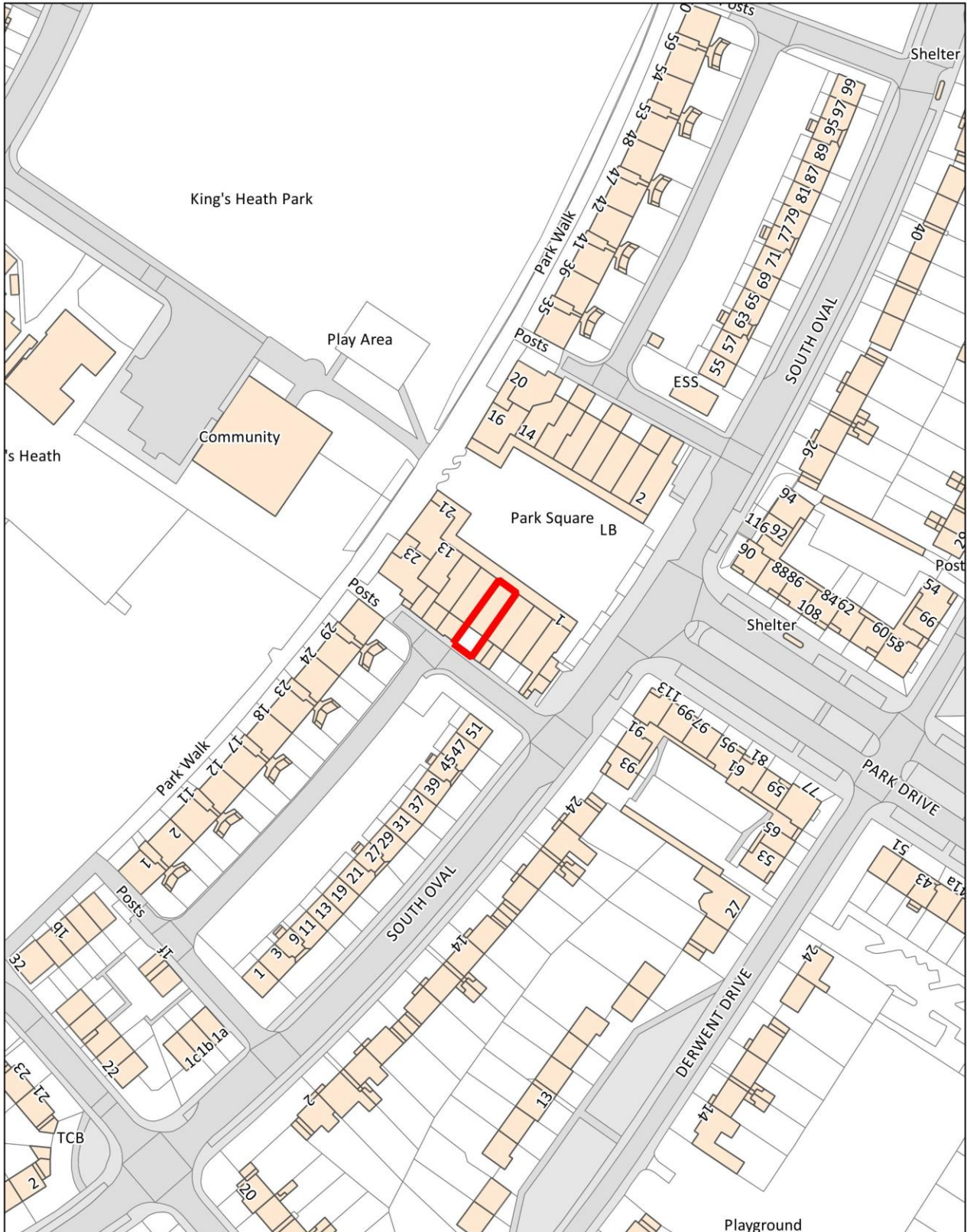
- 10.1 None.

11. LEGAL IMPLICATIONS

11.1 The development is not CIL liable.

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **7 Park Square**

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Date: 13-09-2016

Scale: 1:1,250

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