

PLANNING COMMITTEE: 13th June 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/0113

LOCATION: 34 Gloucester Avenue

DESCRIPTION: Change of use from shop (Use Class A1) to all day cafe, restaurant with takeaway and erection of flue extraction equipment to rear

WARD: Delapre & Briar Ward

APPLICANT: Mr M A Rahman
AGENT: Mr Charles Brett

REFERRED BY: Head of Planning
REASON: The applicant is an elected member

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposed change of use would, subject to conditions, represent an acceptable use of the building and would have a neutral impact upon neighbour, highway and visual amenity. The proposal is therefore in conformity with the requirements of the National Planning Policy Framework; Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

2. THE PROPOSAL

2.1 The application relates to the change of use of a shop (Use Class A1) to an all-day café, restaurant with takeaway (Sui Generis) and erection of flue extraction equipment to the rear.

3. SITE DESCRIPTION

3.1 Gloucester Avenue is a busy road in a predominantly residential area. Speed restrictors (cushions) have been set out along this road, as this road is a direct link between Towcester Road and London Road. This is also an established bus route.

3.2 The application site lies within terraced properties in mixed retail uses. It is two storey and constructed of red brick. This particular unit has been in retail use (selling televisions and other

electrical goods) but is now vacant. The sales board on the front of the unit indicates that the business has relocated.

- 3.3 The retail floor space is approximately 43m², with a further storage area, kitchen and basement store giving a total ground floor area of 86m².
- 3.4 Above the retail unit is a self-contained flat comprising of two bedrooms, kitchen, lounge and bathroom with a garden area and garage to the rear. One of the bedrooms the property is located in the roof space and is served by rooflights. The application does not indicate any alterations to this flat.
- 3.5 To the rear of the property is an access road running the length of the terrace and the Pleydell Road allotments.
- 3.6 Adjacent to this property is a hot food takeaway and a betting shop. It is likely that these units also have residential accommodation above.

4. PLANNING HISTORY

- 4.1 Nothing of note on this particular property. The adjacent hot food takeaway at 36 Gloucester Avenue was granted consent in 2006 (N/2006/0962). Included in this decision is a condition restricting the opening hours to 09:00 to 22:00 only.

However, the signage on the front of the unit indicates that the opening hours are 17.00hrs to 23.00hrs everyday (except for all day closing on Tuesdays). Whilst this is operating outside the permitted hours and the Council could take enforcement action to regularise this, no objections have been received from neighbouring properties.

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:

Paragraphs 19 and 20 relate to the need to support economic growth and meet the development needs for business.

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:

Policy S10 – sustainable development principles. This includes the location of services where they can easily be accessed by walking, cycling and public transport and the need to minimise noise pollution.

Policy BN9 – planning for pollution control refers to the need to minimise the adverse impacts of noise.

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:

Policy E20 requires new development to reflect the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials and be located in a manner which ensures adequate standards of privacy, daylight and sunlight.

Policy R9 resists the change of use from a Class A1 use in District and Local Centres where the proposal

- would lead to unacceptable traffic problems.
- it would adversely affect the amenity of neighbouring properties or the area as a whole.
- it would be detrimental to the shopping character of a centre or part of a centre by an unacceptable increase in the number of non-shop uses.

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NBC Public Protection** – following the submission of additional information from the applicant, the initial concerns regarding noise and odour have been addressed, but conditions have been requested regarding the further details prior to the implementation of the use.
- 6.2 **NCC Highways** – no objections subject to no alterations to the frontage that would overhang the highway.

7. **APPRAISAL**

Principle

- 7.1 The premises is within a local centre which offers a range of goods and services to the community. This unit is currently vacant and has been since the previous occupier moved to new premises in April 2016. The previous occupier was an electrical (audio visual) sales and repair company, who are now located on Moulton Park.
- 7.2 The other units within the local centre include a supermarket/post office, hair and beauty salon, medical centre and pharmacy, betting shop and currently two hot food takeaways. Whilst Policy R9 does not restrict the percentage of mix of uses within a local centre, it would be appropriate to consider the character of the centre and judge if there are implications for the character of the shopping area.

- 7.3 In addition, a balance also needs to be made regarding the intensification of a particular use class that may have implications for the amenities of the area verses the presence of a vacant unit within the area.
- 7.4 The supporting information with the application indicates that the intended user will be a café/restaurant and takeaway, offering breakfasts, lunches and afternoon tea, with a restaurant in the evening. It suggests that the café could become a social and meeting venue for members of the community of all ages adding value to the community. It is considered that the proposed use would not result in over concentration of similar uses in the area.

Amenity

- 7.5 The application form indicates the opening hours are proposed to be 07.00hrs until 23.00hrs, seven days a week. The latter part of this period is in line with the timings of the adjacent takeaway use (although they are currently operating outside the permitted hours). Given that this route carries a constant flow of local traffic including buses, it is considered that the residents opposite the site are of a sufficient distance away from the site and that any harm is not considered significant.
- 7.6 Of greater concern is the impact on the residents living above the retail units. These are accessed by a separate entry to the rear of the various premises. Following discussions with the Environmental Health Officer, further details have been obtained regarding the extraction system including the flue, who is satisfied that subject to further details, a system can be installed that would not result in significant adverse impact on the amenities of the residents. A planning condition is recommended to that effect.
- 7.7 The flue is indicated to be located on the rear elevation and is not readily visible in the street scene. It is therefore considered to be acceptable in visual term.
- 7.8 The applicant has confirmed that the operator is looking to offer a takeaway service to customers, rather than this being the primary use. As such, as it is proposed to have a seating area, it is less likely that customers will congregate outside the facility to eat their food, but either eat inside or takeaway. In this instance potential noise and disturbance can be reduced and the impact on residents lessened.

Highways

- 7.9 No objections have been raised by on highways grounds. There is on-street parking in the area and some parking on the forecourt of the property. The Local Highway Authority has made observations relating to any alterations to the frontage of the property. Consent would be required if the shop front was to be altered, but in this instance, no alterations are proposed as part of this application.

Refuse

- 7.10 There is a yard area to the rear of the property. A planning condition is imposed requiring the submission of further details regarding the provision of refuse and recycling storage area.

8. CONCLUSION

- 8.1 The application would bring a vacant unit back into use and add to the vitality of the area and providing 2 full-time and 3 part-time jobs.

- 8.2 The details submitted by the applicant have addressed the concerns originally expressed by the Environmental Health Officers, subject to the addition of conditions relating to future control.
- 8.3 The proposed change of use would, subject to conditions, represent an acceptable use of the building and would have a neutral impact upon neighbour, highway and visual amenity. The proposal is therefore in conformity with the requirements of the National Planning Policy Framework; Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

9. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, floor and site plan (proposed), block plan and revised details of extraction system.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. The premises shall be open only between the hours of 07:00 and 23:00 from Mondays to Saturdays and 09:00 and 23:00 on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy S10 and BN9 of the West Northamptonshire Joint Core Strategy.

4. A scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on the site whether from fixed plant or equipment or noise generated within the building and the provisions to be made for its control and the approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and vibration amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

5. Notwithstanding the details submitted, prior to the commencement of development a scheme for the collection, treatment and dispersal of cooking smells and fumes shall be submitted to and approved in writing by the Local Planning Authority along with a schedule for ongoing odour abatement. The approved scheme shall have been implemented prior to the premises being used for the permitted purpose and retained thereafter.

Reason: In the interests of the amenity of the surrounding locality and to secure a satisfactory standard of development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to enable timely submission of details.

6. Before the use hereby permitted commences, a scheme shall be submitted to and approved in writing by the Local Planning Authority that specifies the provisions to be made for the collection, treatment and disposal of fats oils and grease (e.g. by the provision of grease interceptors to BS EN 1825:2002 standards) and the maintenance of the plant. The approved scheme shall be implemented concurrently with the development and remain in operation at all times when the use hereby permitted is in use.

7. Reason: In the interests of the amenity of the surrounding locality and to secure a satisfactory standard of development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Reason: In the interests of the amenity of the surrounding locality and to secure a satisfactory standard of development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

8. Prior to the commencement of the development, details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the building hereby permitted and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

10. BACKGROUND PAPERS

- 10.1 Application file: N/2017/0133.

11. LEGAL IMPLICATIONS

- 11.1 The development is not CIL liable as this relates to a change of use and no additional floorspace is proposed.

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: **34 Gloucester Avenue**

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Date: 01-06-2017

Scale: 1:1,250

Drawn by: -----