



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

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

APPLICATION REF: N/2017/0262

LOCATION: 66 Wellingborough Road

DESCRIPTION: Change of use of ground floor restaurant (Use Class A3) to restaurant and hot food takeaway. Alteration to shopfront including shutters and installation of flue extraction to the rear of property. Installation of 2no air conditioning units (Part Retrospective)

WARD: Castle Ward

APPLICANT: Mr Mihal Campau
AGENT: Mr Mihal Campau

REFERRED BY: Councillor D Stone
REASON: Too many hot food outlet in the area

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 and proposed works would, subject to conditions, represent an acceptable land use and would have a neutral impact upon neighbour and visual amenity, the character and appearance of the conservation area. The proposal is therefore in conformity with the requirements of the National Planning Policy Framework; Policies S10, BN5 and BN9 of the West Northamptonshire Joint Core Strategy; Policy 1 of the Northampton Central Area Action Plan, and the Boot and Shoe Quarter Conservation Area Appraisal and Management Plan.

2. THE PROPOSAL

2.1 The current application seeks planning permission for a change of use from restaurant (Use Class A3) to restaurant/takeaway. The proposed works would include alteration to the shopfront including new shutters, and installation of flue extraction to the rear of property including 2 air conditioning units.

- 2.2 Some of the works have already started on site such as the air conditioning units and the new door has been installed. Therefore, the current planning application is part retrospective.

3. SITE DESCRIPTION

- 3.1 The application site consists of a mid-terraced vacant retail unit. The premises were formerly used as a restaurant. The unit is located close to the Town Centre, within Wellingborough Road and the Boot and Shoe Quarter Conservation Area.
- 3.2 The first floor area is residential flats associated to the unit.

4. PLANNING HISTORY

- 4.1 N/2009/0114 – conversion of ground floor No. 66 and No. 69 Wellingborough Road into one retail unit and alterations to shop front. **Approved.**
- 4.2 N/2009/0870 – change of use of ground floor from hairdresser (Use Class A1) to restaurant and hot food take away (Use Classes A3 and A5). **Approved.**

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), Northampton Local Plan (1997) saved policies, Northampton Central Area Action Plan (2013).

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

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 23 – Ensuring the vitality of Town Centre
- Paragraphs 56-58 – Requiring Good Designs
- Paragraph 123– mitigate and reduce to minimum adverse impact on health and quality of life arising from noise from new development
- Paragraph 128 – applicant to describe significance of heritage asset affected
- Paragraph 132 – great weight to be given to asset’s conservation
- Paragraph 134 – less than substantial harm should be weighed against public benefits of the proposal.

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 (minimise pollution from noise, air and run off)
- Policy BN5 – designated heritage assets & their setting will be conserved and enhanced (this relates to any impact on the listed buildings in the vicinity. As there are no external alterations to the front elevation, there is no conflict with this policy.
- Policy BN9 - Planning for pollution control relates to the impacts of a proposal in terms of air quality and noise.

5.4 **Northampton Central Area Action Plan 2013**

The Central Area Action Plan (CAAP) provides specific planning policy and guidance for the town centre and adjoining areas where significant regeneration and investment is proposed in the period up to 2026 and is in conformity with the objectives of the NPPF. Relevant policies include:

Policy 1: Promoting design excellence; in respect of the efficient use of land by promoting an appropriate mix of land uses in order to increase the vitality and vibrancy of an area and a wider choice for users.

The premise lies outside the secondary retail area as defined in the CAAP.

5.5 **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 is replaced by Policy 1 of the CAAP for the site within the Central area Action Plan boundary.

Policy E26 – Part replaced by Policy 1 of the CAAP

5.6 **Supplementary Planning Documents**

- Northamptonshire Parking Standards (September 2016)
- Planning out Crime in Northamptonshire SPG 2004
- Shopfront Design Guide SPD (2011).

5.7 **Other Material Considerations**

Boot & Shoe Quarter Conservation Area Appraisal (2011) – this refers to this parade of shops as being the spine of the retail network which supported the central boot and shoe industry in the 19th and early 20th Centuries.

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NBC Public Protection Officer** - a condition should be added to ensure that the odour extraction is installed and maintained as per the details already submitted by the applicant. The hours of use should be conditioned to prevent any movement into night-time hours that may affect sleep and residential amenity.
- 6.2 **NBC Conservation Officer** - there were unattractive solid shutters on the building. There is no objection to the change of use on conservation grounds. The blocking-up of the corner entrance door - a feature of the building - is regrettable but removal of the existing shutter across the entrance would be an improvement to the appearance of the premises. The ventilation flue would not be prominent in the street scene and is acceptable.
- 6.3 **NCC Highways** has advised that the proposed works should not result in any sills, outward opening windows, fenestrations or anything else attached to the building encroaching upon or overhang the highway.
- 6.4 **Councillor D Stone** - has called in the application on the grounds that there are too many fast food outlets in this area. They generate huge amounts of rubbish from their customers left lying in the street and are cavalier in their commercial waste disposal.

7. APPRAISAL

- 7.1 The application site had previous planning permission (N/2009/0870) for conversion to a restaurant and takeaway. However, only part of that permission was implemented and the unit had been used as a restaurant prior to submission of the current application. However, hot food takeaway use still forms part of the lawful use of the site. The current application proposes to resume the restaurant and takeaway uses.
- 7.2 The principle of using the premises for restaurant and hot food takeaway has already been established by the 2009 permission and therefore considered acceptable.

Noise and Disturbance

- 7.3 The premises were last used as a restaurant. However the proposed use with an additional extraction duct to the rear has a potential to create disturbance for the occupiers of the nearby flats.
- 7.4 Environmental Health Officer was consulted and advised that a condition should be attached to ensure that the odour extraction is installed and maintained as per the details already submitted by the applicant.
- 7.5 Concern was raised about the potential noise from the extraction flue and proposed air-conditioning units. However, the proposed air-conditioned unit will be fitted internally and would have minimal impact on residential amenity of the flats upstairs. A condition has been recommended requiring the submission of further details on noise impact and mitigation methods.
- 7.6 The hours of use should be conditioned to prevent any activities into night-time hours that may affect residential amenity. A condition to limit the hours to 09.00-23.00hrs Monday to Saturday and 10.00-22.00hrs on Sundays and Bank Holidays has been proposed. These opening hours are in line with the opening hours allowed for the adjoining units with similar use.

- 7.7 It is considered that with the recommended conditions, the proposed development would have neutral impact on the residential amenity of the flats above the unit. The proposed change of use with the proposed works would comply with Policies BN9 and S10 of West Northamptonshire Joint Core Strategy and the advice contained within the National Planning Policy Framework.

Highways Issues

- 7.8 The new door installed at the application unit opens inwards and would not create any highway safety issue.
- 7.9 Given that this is in a Town Centre location and the premises have been previously occupied as a restaurant, it is considered that there will be no unacceptable impact on highway conditions.

Conservation

- 7.10 The application site is located within the Boot and Shoe Quarter Conservation Area. The proposed works would include the replacement a shop front and an extraction flue to the rear. The proposed new shop front would be an improvement on the existing conditions and appearance of the frontage. The proposed flue would be to the rear of the property and therefore would not be visible from the streetscene. The Conservation Officer has advised that there is no objection to the change of use on conservation grounds and the ventilation flue would not be prominent in the street scene and is acceptable.
- 7.11 The proposed door and the shutter (perforated grey shutter) has been installed on the site. The works has resulted in an improvements on the existing frontage, which was dilapidated and poorly maintained. There are similar shutters in the street.
- 7.12 The proposed change of use and the proposed works are considered to have a positive impact on the character of the Conservation area. The proposed development would comply with Policies BN5 of west Northamptonshire Joint Core Strategy, advice contained within the National Planning Policy Framework and the Boot and Shoe Conservation Area Appraisal and Management Plan.

8 Other Matters

8.1 Overconcentration of fast food takeaway

Concern has been raised by the local councillor that the there is a large concentration of fast-food takeaway in the area. A survey was conducted on Wellingborough Road between Palmerston Road and the A5123, and it was found that the street comprises approximately of 51.7% retail units (Use Class A1), 13.8% restaurants (Use Class A3) and 12.1% food-takeaway and 22.4% other uses (such as offices, residential, clubs and sui-generis use). It is considered that the street would not result in over concentration of takeaway on this street.

- 8.2 In addition, the hot food takeaway use was permitted under the 2009 planning permission.

8.3 Refuse

In this instance, the takeaway would be ancillary to the restaurant and would not dominate the unit. In addition, a condition has been recommended requiring the

submission of details of refuse and recycling storage to ensure that the proposed development would not result in any adverse impact on the local area.

9. CONCLUSION

- 9.1 The proposed change of use would, subject to conditions, represent an acceptable land use and would have a neutral impact upon neighbour and visual amenity. The proposal is therefore in conformity with the requirements of the National Planning Policy Framework; Policies S10, BN5 and BN9 of the West Northamptonshire Joint Core Strategy; Policy 1 of the Northampton Central Area Action Plan, and the Boot and Shoe Quarter Conservation Area Appraisal and Management Plan.
- 9.2 The application is therefore recommended for approval subject to the condition listed below.

10. 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: 1703-01, 1703-02, 1703-03, 1703-04 and 1703-05.

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 09.00hrs and 23.00hrs from Mondays to Saturday and 10.00hrs and 22.00hrs on Sundays or Bank or Public Holidays and at no other time.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the Policy S10 and BN5 of the West Northamptonshire Joint Core Strategy.

4. 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:

1. The collection, treatment and dispersal of cooking odour
2. The ongoing maintenance of the odour abatement plant.

The scheme shall be implemented prior to the use coming into use and shall be 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. Before the use hereby permitted commences, a scheme shall be agreed with the Local Planning Authority that specifies the external sources of noise on the site and the provisions to be made for its control.

Reason: In order to safeguard the amenities of adjoining/nearby occupiers in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

6. The scheme agreed under Condition 5 shall be implemented prior to the use hereby permitted commences and the applicant shall demonstrate that the scheme approved under Condition 5 has achieved its design criteria and retained thereafter.

Reason: In order to safeguard the amenities of adjoining/nearby occupiers in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy.

7. Prior to the commencement of the use hereby permitted, 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 BN5 of the West Northamptonshire Joint Core Strategy.

8. Prior to the commencement of the use hereby permitted, 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. Thereafter the approved scheme shall be in operation at all times during the life time of the use hereby approved.

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.

10. BACKGROUND PAPERS

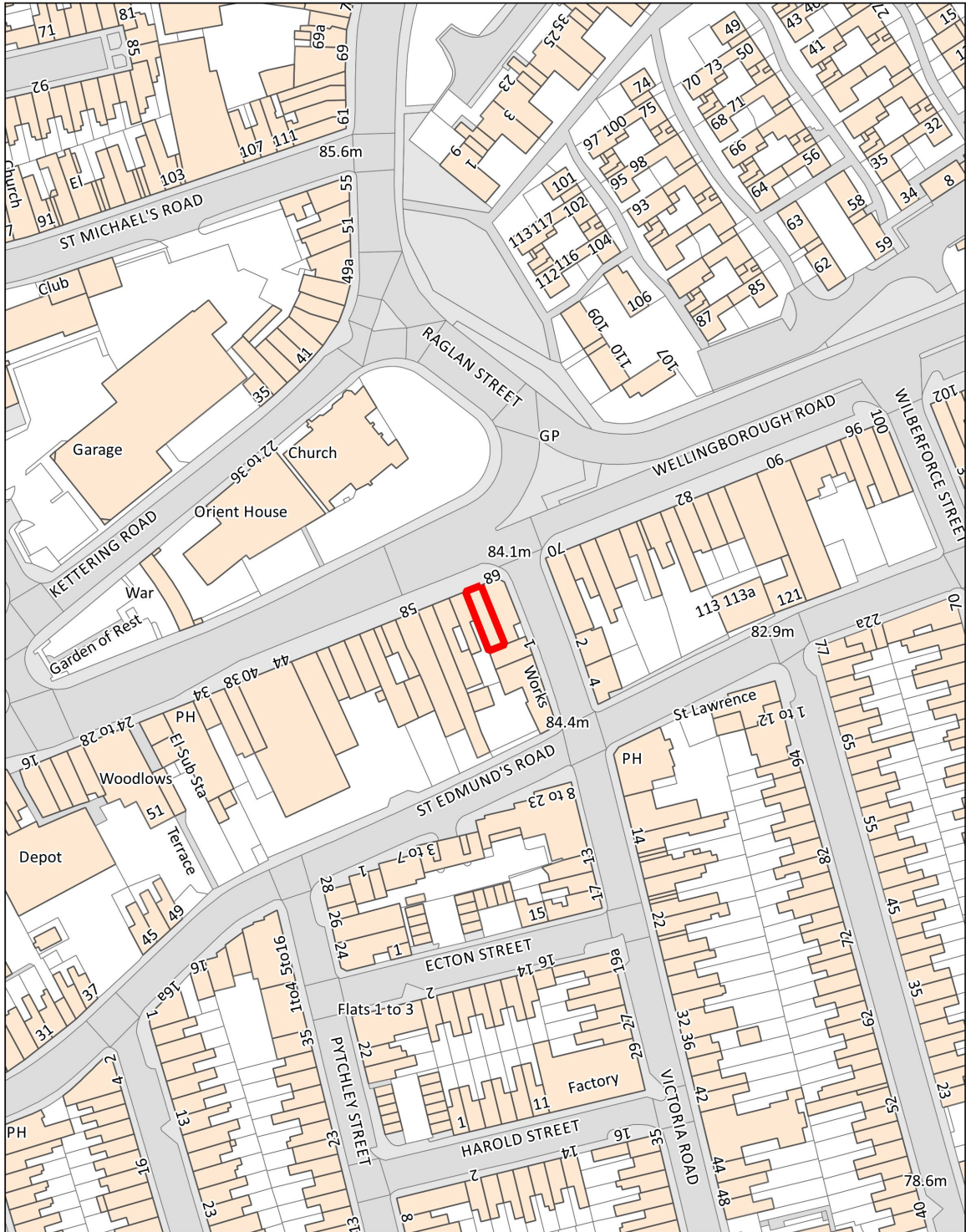
- 10.1 N/2017//0262


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.



 <p>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Title: 66 Wellingborough Road</p>	<p>Date: 01-06-2017</p>
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