



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 19th December 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/1444

LOCATION: 2 Little Cross Street

DESCRIPTION: Variation of Condition 8 of Planning Permission N/2016/0773 (Erect Single Storey Building for Convenience Store) to amend shop opening hours to 6.30am to 9.00pm

WARD: Castle Ward

APPLICANT: Mr & Mrs Patel
AGENT: Mr & Mrs Patel

REFERRED BY: Head of Planning
REASON: Council owned land

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 extension of opening hours would not have a significantly increased impact on the amenities of neighbouring residential occupiers whilst also providing improved facilities for residents. The proposal thereby complies Policy 1 of the Central Area Action Plan, Policy OP1 of the Spring Boroughs Neighbourhood Plan, S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The proposal is for the change of the opening hours of the shop from the hours approved of between 7:30am and 7:30pm to extended hours of between 6:30am and 9:00pm.

3. SITE DESCRIPTION

3.1 The application site comprises a recently constructed retail unit which was approved by the Planning Committee in 2016.

4. PLANNING HISTORY

4.1 N/2016/0773 - Erect single storey building for convenience store – Approved 27/07/2016.

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, Central Area Action Plan and the adopted Spring Boroughs Neighbourhood Plan.

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 14 - supports sustainable economic development.

Paragraph 17 - advises on the need to proactively drive and support sustainable economic development; seek high quality design; encourage the effective use of land.

Paragraph 19 - places considerable weight on the need to support sustainable economic growth, operating to encourage and not act as an impediment to sustainable growth.

Paragraph 56 – good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 70 – seeks to ensure positive planning for community facilities to enhance the sustainability of communities and residential environments and ensure that social, recreational and cultural services the community needs are delivered.

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 S2: Hierarchy of Centres - The vitality and viability of centres must be maintained and enhanced commensurate with their role and function.

Policy S9: Distribution of Retail Development - proposals for new retail development which cannot be accommodated within the town centres will be subject to a sequential approach where first preference is given to well-connected edge of town centre sites, and then sites within district / local. Only if sequentially preferable sites are not suitable and available should out of centre sites be considered.

Policy S10: Sustainable Development Principles – seeks, amongst other things, to achieve high standards of sustainable design; protect, conserve and enhance the natural environment and built environment; and minimise pollution from noise, air and run off.

Policy N1: Regeneration of Northampton – supports development in the Town Centre and Central Area for office, retail, leisure and service development providing high quality urban design and public realm, and protecting heritage assets and historic character through managed change. It

further supports proposals that address factors of deprivation within communities such as Spring Boroughs.

Policy N11: Supporting Areas of Community Regeneration aims to support the regeneration of Spring Boroughs by working in partnership with service providers and the community to address the key principles of delivering inclusive, sustainable communities which includes creating local opportunities for employment and business development. This policy also is the policy context for the Spring Boroughs Neighbourhood Plan.

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 policy includes:

Policy 24 – Spring Boroughs: Spring Boroughs will be regenerated consistent with encouraging a more balanced community in terms of: age, wealth, household size and reducing the turnover of residents through appropriate provision of housing management, housing types and tenures, access to necessary social and physical infrastructure. In addition proposals should seek to enhance the setting of the Castle Mound and Grade II Listed Castle Hill United Reform Church.

5.5 Supplementary Planning Documents

Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS/ REPRESENTATIONS

6.1 **Environmental Health** – No objections.

7. APPRAISAL

7.1 The issues to consider are the impact on the amenities of adjoining and nearby residential occupiers as a result of the proposed increase in opening hours.

7.2 The hours as currently approved are from 7:30am to 7:30pm on all days of the week and this would be increase under the current proposals to allow a starting time of 6:30am - one hour earlier - and a closing time of 9:00pm - one and a half hours later.

7.3 The applicants previously operated the shop in its previous location at the opposite end of Little Cross Street, this shop as demolished recently to allow for regeneration of the area and for which the shop the subject of this application is the replacement.

7.4 In their submission as part of the current application, the applicants state that the former shop operated from 6:30am until 8:00pm.

7.5 Whilst the shop is now in a different location, its relationship to the nearest residential properties is similar to that of the former shop, in that it is beneath and adjacent to residential occupiers. In fact the door of the new shop is more distant from the nearest residential occupier and it is considered that the impact would be similar to that which previously was experienced. Although the permitted closing time would be an hour later than that which reportedly occurred at the previous location, it is not considered that this would result in a significant impact and it can be noted that no objection to the proposed hours has been made by Environmental Health officers.

7.6 It can be further noted that there would be no alteration to the delivery hours which would remain as 8:00am to 8:00pm, thereby meaning that there would not be an increased impact in this regard.

8. CONCLUSION

8.1 It is considered that the proposed increase in opening hours would not result in any significant adverse impact on the amenities of adjoining and nearby residential occupiers whilst additionally resulting in an improved provision of services for such occupiers also.

8.2 As this is a variation of conditions application, it is necessary to repeat the previous conditions, where applicable. Where these have been discharged the conditions have been amended to require compliance with the previously approved details. Where details have not been agreed, submission of the details will still be required and the conditions have been revised appropriately.

9. CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan: 40720/010B, Ground floor plan: 40720/009D, retail sections: 40720/006F, Retail elevations: 40720/005H, Landscape proposals: 50126/003C.

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

2. Full details of all external lighting and CCTV shall be first submitted to and approved in writing by the Local Planning Authority within one month of the date of this decision. The approved details shall be fully implemented within one month of the approval thereof and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy 1 of the Central Area Action Plan.

3. Within one month of the date of this decision, a scheme shall be submitted to the Local Planning Authority that specifies the external sources of noise on the site and the provisions to be made for its control (this might include air conditioning units and extract fans). The scheme agreed shall be implemented within one month of the approval thereof and shall be retained thereafter and the applicant shall demonstrate that the scheme as agreed has achieved its design criteria.

Reason: In order to safeguard the amenities of adjoining/nearby occupiers and in accordance with Policy S20 of the West Northamptonshire Joint Core Strategy.

4. Provision for the storage of refuse and materials for recycling shall be made as shown on drawing 40720 / 11E as approved under condition 7 of planning permission N/2016/0773 and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy 1 of the Central Area Action Plan.

5. The retail unit hereby approved shall not remain open to the public between the hours of 21:00 and 06:30 on any day.

Reason: In the interests of the protection of residential amenities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

6. Deliveries to or collection from the retail premises shall not take place before 08:00 or after 20:00 on Mondays to Saturdays or at any time on Sundays or Bank Holidays.

Reason: In the interests of the protection of residential amenities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

10. BACKGROUND PAPERS

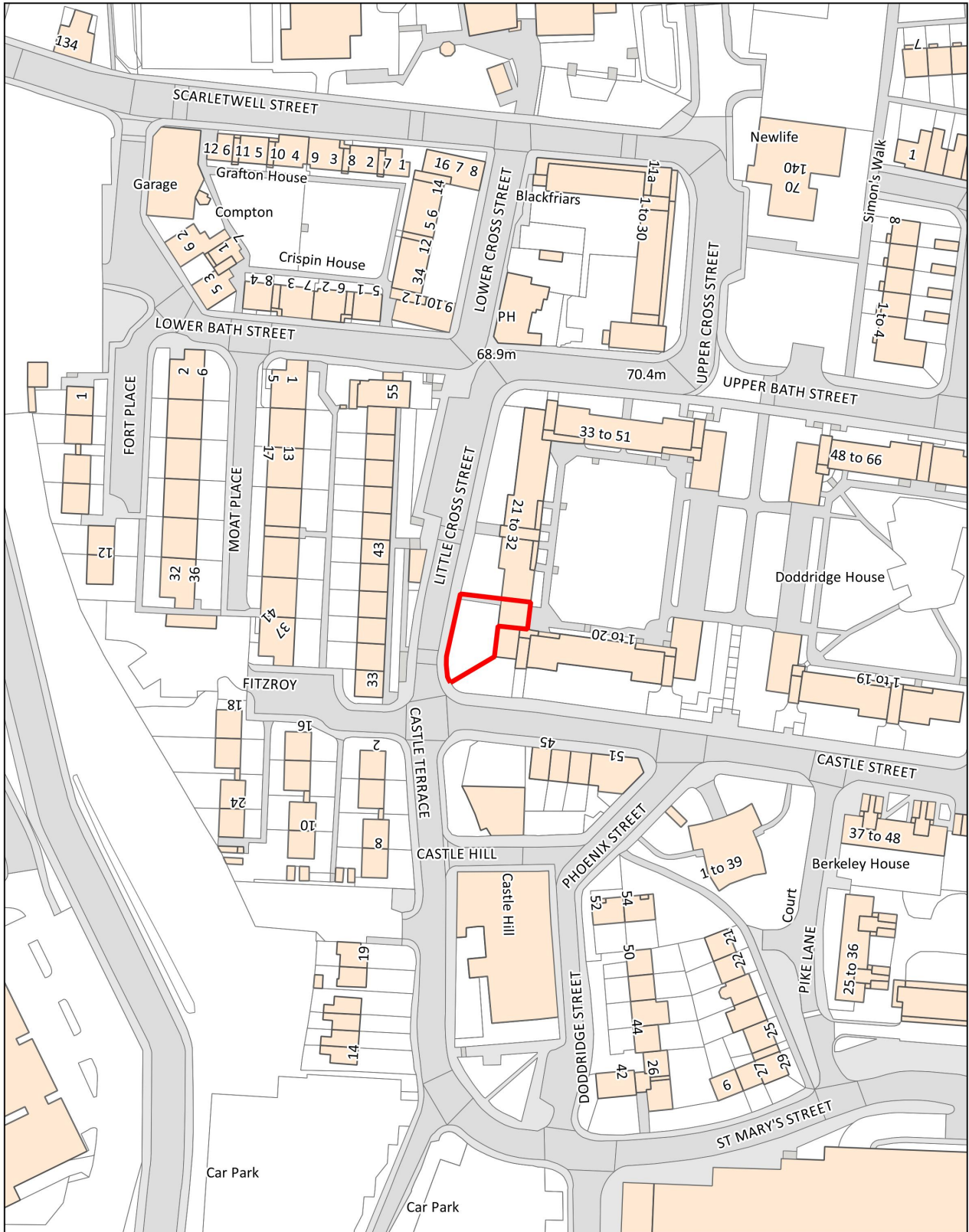
10.1 Application files N/2016/0773 and N/2017/1444.

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: **2 Little Cross Street**

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Date: 05-12-2017

Scale: 1:1,250

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