

**PLANNING COMMITTEE:** 27<sup>th</sup> October 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/0777

**LOCATION:** 103 St Leonards Road

**DESCRIPTION:** Change of Use from Retail Shop (Use Class E) to Restaurant/Takeaway (sui-generis) including installation of extraction ducting system

**WARD:** Delapre & Briar Ward

**APPLICANT:** Mr S Kumar  
**AGENT:** Anva

**REFERRED BY:** Councillor G Walker  
**REASON:** Parking concerns

**DEPARTURE:** No

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#### **APPLICATION FOR DETERMINATION:**

#### **1 RECOMMENDATION**

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

The proposed development is considered acceptable being complementary to the vitality and viability of the Local Centre and would not have an undue detrimental impact on the appearance and character of the host building, wider area, parking, highway safety, flooding, security and residential amenity of adjoining occupiers in compliant with the aims and objectives of the National Planning Policy Framework, Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy and Policies E20 and R9 of the Northampton Local Plan.

#### **2 THE PROPOSAL**

2.1 Planning Permission is sought for a change of use of a ground floor vacant retail unit to restaurant and hot food takeaway (sui generis) with the installation of extraction flue attached to the back of the building. There are no other external works proposed. The restaurant would account for approximately 65 per cent of the proposed floor area. The upper floor would be retained as a flat.

#### **3 SITE DESCRIPTION**

3.1 The site is a former ground floor coffee shop located along a parade of commercial units on the northern side of St Leonards Road, a Local Centre identified in the Northampton Local Plan and

around 15 minutes walk to the town centre. Parking is available on bays along both sides of the street. There is a private alley running along the rear of the properties acting as access to the back. The site is in a high risk Flood Zone, it is not in a conservation area and the building is unlisted.

## **4 PLANNING HISTORY**

- 4.1 N/2008/1181 Permission for change of use of financial and professional to coffee shop
- N/2013/0294 Permission for variation of condition to extend opening hours
- N/2016/0469 Permission for ground floor rear shop extension and first floor rear extension

## **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.

## **6 National Policies**

- 6.1 **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 80 Need to support economic growth and productivity
- Paragraphs 108 and 109 Safe access for all
- Paragraph 127 Design and residential amenity

- 6.2 **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:

- S10 Sustainable Development Principles
- BN9 Pollution Control

- 6.3 **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 Design of new development
- R9 Local Centres

- 6.4 **Supplementary Planning Documents**

- Planning out Crime in Northamptonshire SPG 2004
- Northamptonshire County Parking Standards 2016
- Northampton Parking Standards 2019

## **7 CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 7.1 **Councillor Graham Walker** – Object; significant parking concerns in area and issues for vehicles on St Leonard's Road.
- 7.2 **NBC Public Protection** - No objection subject to controls on hours of use, deliveries, noise and odours, refuse and grease traps.
- 7.3 **Northamptonshire Highways** - no comments received.
- 7.4 **Environment Agency** - no comments to make.
- 7.5 2 neighbour objections received on following grounds:
  - Too many takeaways already
  - Parking concerns
  - Noise
  - Increase in litter

## **8 APPRAISAL**

### **Principle of use and effect on Vitality and Viability of the Local Centre**

- 8.1 The site is located within a Local Centre where there is a mix of shops, residential uses, takeaways, restaurants and other businesses. A survey of the existing street reveals that if permitted there would be 5 restaurants on this side of St Leonards Road, representing approximately 14% of the total number of commercial units. While it is acknowledged that there is a proliferation of hot food takeaways (10 in total) already resulting in 28% of the total number of commercial units, an additional restaurant with takeaway facility would not result in significant proliferation of the same uses. The lawful use as a coffee shop is a comparable type of business in terms of footfall, modus operandi and number of daytime customers.
- 8.2 It is worth noting that in 2008 under planning application N/2008/1159 for 119 St Leonards Road, a proposed hot food takeaway was refused and dismissed on appeal due to potential over-concentration of such uses amounting to nearly 30% of the total number of commercial uses on the northern side of St Leonard's Road and resulting in the loss of a retail unit. This current proposal is different in that this is primarily for a restaurant to replace a coffee shop which is in many ways similar in function. The applicant also confirms that the property has been vacant for over two years, although no marketing information was submitted with his application.

### **Employment benefits**

- 8.3 The proposal indicates that it would create a total of 6 jobs, 3 full time and 3 part time contributing to the local economy in accordance with Paragraph 80 of the NPPF which clearly encourages development resulting in job creation.

### **Impact on appearance and character of host building and wider area**

- 8.4 Paragraph 127 of the National Planning Policy Framework states that decisions should ensure the development will function well and add to the overall quality of the area, are visually attractive as a result of good layout and effective landscaping and are sympathetic to the local character and surrounding built form. Policy S10 of the Joint Core Strategy and E20 of the Adopted Local Plan require high standards of design. The proposed extraction flue would be sited at the rear of the premises and not visible from St Leonards Road. For this reason, the visual impact would be limited and similar to that of other food outlets along the same street. The impact on the street scene is therefore considered to be minimal.

## **Parking and Highway Safety**

- 8.5 The site relies on parking bays along both sides of the road where cars can park parallel to the street throughout the day generally on an unrestricted basis. There are also 3 bus stops along the length of St Leonards Road providing public transport provision to the area. Although it is noted that parking can be at a premium at certain times of the day particularly evenings, it is not considered that the impact on highway safety is severe when considered against the NPPF and a refusal of planning permission is not justified. It is also expected that many local residents may walk to the site from nearby properties as the street serves a large residential population in nearby Far Cotton and Delapre. Separate visits to the site at 8am on a Friday morning and again at 11am on a weekend reveal there is spare capacity for parking on street during these times.

## **Impact on neighbour amenity**

- 8.6 While a large proportion of the units along St Leonard's Road are in commercial uses, there are equally a significant number of flats and houses. Environmental Health have no objection subject to controls on hours of use, noise and odour, bin storage. It is considered reasonable that each of these are controlled by condition in accordance with sound Planning Practice and Environmental Health guidance to protect the amenity of the flat above and nearby occupants. The rear extraction flue would not impinge on any outlook or light to any existing residential accommodation. This accords with Policy BN9 of the Joint Core Strategy and E20 of the Northampton Local Plan.

## **Development and Flood Risk**

- 8.7 The NPPF seeks to ensure that proposals for new development are appropriately located away from areas with a high risk of flooding and to ensure that the development does not lead to an increase in flood risk elsewhere. Policy BN7 of the Joint Core Strategy requires that new development demonstrates there is no risk of flooding to existing properties and that the development is (or can be) safe, seeking to improve existing flood risk management. The site is located in a high risk flood zone however the Environment Agency raise no objections to the proposal. Drainage will be covered under Part H of the Building Regulations.

## **Security and Crime Prevention**

- 8.8 The Northamptonshire Planning Out Crime SPG (2003) is relevant as is Policy S10 of the Joint Core Strategy and the NPPF. The NPPF states "development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience". There is no evidence to suggest that the use would increase anti-social activity in the immediate area.

## **Other issues**

- 8.9 It is worth noting that under recent new Planning Regulations, shops and restaurants fall in the same use class and can change therefore between uses without needing planning approval. It is the proposed takeaway that triggers the need for planning permission. However this only accounts for a relatively small proportion of the ground floor unit proposed (35%).

## **9 CONCLUSION**

- 9.1 The proposal is considered appropriate for a local shopping centre and would not have an undue detrimental impact on residential amenity, parking, visual amenity, flood risk or security and is compliant with national and local planning policy.

## **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: 037.20/04, 05, 06, 07.

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

- 3) Full details of the provision for the storage of refuse and materials for recycling shall be first 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 unit hereby permitted and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

- 4) The premises shall be open only between the hours of 8am and 11pm Mondays to Fridays and 8am and midnight on Saturdays, 8am to 10pm Sundays and Public Holidays and at no other time.

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

- 5) The extraction system hereby approved shall be implemented in accordance with Odour Assessment Ref 037.20/07 and the submitted Noise Assessment by Powered Ventilation Ltd dated 11 August 2020 prior to the use hereby permitted commencing.

Reason: in the interests of residential amenity to comply with Policy BN9 of the West Northamptonshire Joint Core Strategy.

- 6) Prior to the use hereby permitted commencing, details of means to prevent grease, fat and food debris from entering the foul drainage system serving the premises shall be submitted to the Local Planning Authority for prior approval. The approved scheme shall be installed prior to the use hereby permitted commencing and shall thereafter be maintained in accordance with the approved details.

Reason; In the interests of residential amenity to comply with Policy BN9 of the West Northamptonshire Joint Core Strategy.

- 7) The takeaway use hereby approved shall not exceed 35% of the floorspace of the combined restaurant and takeaway uses at any time.

Reason: To ensure a satisfactory form of development to accord with the terms of the application in accordance with the National Planning Policy Framework.

- 8) The approved rear extraction flue shall be colour coated in black paint as per the approved plans prior to its first use and retained thereafter.

Reason; In the interests of visual and residential amenity to comply with Policy S10 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan.

## **8 BACKGROUND PAPERS**

- 8.1 N/2020/0777.

## **9 LEGAL IMPLICATIONS**

- 9.1 The development is not CIL liable.

## **10 SUMMARY AND LINKS TO CORPORATE PLAN**

- 10.1 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: **103 St Leonards Road**

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Date: 16-10-2020

Scale: 1:1,000

Drawn by: -----