



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 24 August 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2010/0472 Change of use from retail (Use Class A1) to hot food takeaway (Use Class A5) including installation of extraction flue system.

WARD: Headlands

APPLICANT: Mr. B Mehta
AGENT: Mr R. Kilsby

REFERRED BY: Councillor B Markham
REASON: Detrimental impact of development on nearby residents and highway / parking impact

DEPARTURE: No

APPLICATION FOR DETERMINATION / CONSULTATION BY:

1. RECOMMENDATION

- 1.1 **APPROVAL** subject to conditions and for the following reason:
The principle of a takeaway use in a local centre is acceptable and in accordance with Policy R9 of the Northampton Local Plan. By reason of the site's relationship with neighbouring residential properties and the adequacy of the local highway network and subject to controls limiting the hours of the use and collection, treatment and dispersal of cooking smells, the proposed use would not have a detrimental impact on the amenity of nearby and adjoining residents or highway safety in accordance with Policy R9 of the Northampton Local Plan and aims and objectives of PPG13 and PPG24.

2. THE PROPOSAL

- 2.1 It is proposed to convert an existing vacant retail shop to a hot food takeaway and install a fume extraction system to the rear.

3. SITE DESCRIPTION

- 3.1 Vacant former post office situated in a local centre as identified in the Local Plan. There are residential dwellings to the south and on the

opposite side of Bushland Road. A Coop store is located to the north of the site. There is no on-site parking provision to the front but parking is allowed outside the premises in Bushland Road. There is a garage located at the rear of the site accessed off a private road.

4. PLANNING HISTORY

4.1 None.

5. PLANNING POLICY

5.1 Development Plan

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 current Development Plan comprises of the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

PPS1 – Delivering Sustainable Development

PPG24 – Planning and Noise

PPS13 - Transport

5.3 Northampton Borough Local Plan

E20 – New Development

R9 – Local Centres

5.5 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS / REPRESENTATIONS

Consultees

6.1 **Public Protection (NBC)** - No objections with conditions relating to the control of noise emissions and hours of operation.

6.2 **Northamptonshire Police** – No objections

6.3 **Highways Authority (NCC)** - No objections

Councillors

6.4 **Cllr B Markham** – the noise and fumes from the extraction system will have a detrimental effect on the amenity of the occupiers of nearby properties in particular those living in the flats at 18 Bushland Road and 193 to 205 Bush Hill. The change of use would also add to parking problems in Bushland Road and road safety concerns at the junction of Bushland Road and Bush Hill, which has poor visibility exiting Bush Hill

due to parked cars. The road is narrow with a shortage of car parking and a large number of traffic movements. Parking / movement of vehicles associated with the use will be detrimental to the amenity of residents due to car engines, slamming doors and arguments over selfish parking behaviour. Although it is acknowledged that the unit could be brought back into use as a shop and that this would result in some vehicle movements, this contrasts a hot food take-away use as the majority of customers arrive by car even when it is providing a service for local people. My primary objection however relates to the effect on the environmental amenity of neighbouring residents.

Neighbours

- 6.5 **19 Bushland Road** - will cause traffic problems
1 Bushland Road - will create parking and litter problems, potential of cooking smells
3 Bushland Road – will exacerbate the blocking of private driveways, increase of litter problems, will encourage youths to gather in the vicinity of the site.
11 Bushland Road - will result in road safety issues
191 Bush Hill - food waste issue, encourage the congregation of youths, increase in noise pollution, exacerbate parking problems.
13 Bushland Road - will create noise problems, increase pollution and result in parking problems.
The owner of flats 1, 2 & 3 at 18 Bushland Road and 195, 197, 199, 201, 203 and 205 Bush Hill - will increase noise and nuisance problems, cause more parking and road safety problems, increase smells, litter and grease in the locality, enough takeaways already within half a mile of the site.
22 Bushland Road - already subject to heavy traffic, will result in problems with litter and smells
7 Bushland Road - could result in an increase in noise, traffic and litter. This is a residential area and this commercial use will not benefit the local area.
2 Bushland Road - will exacerbate existing parking and letter problems potential of cooking smells.

7. **APPRAISAL**

- 7.1 A takeaway use situated in a local centre is acceptable in principle as long as it does not impact on residential amenity, lead to unacceptable traffic problems or be detrimental to the character of the centre.

Character of the Local Centre

- 7.2 The shop has remained been vacant for most of the last 10 years. The building has been used on a short term let as a charity shop but became unviable. Therefore, the new use is considered acceptable as it would bring a vacant building back into use bringing activity to the local centre and help prevent the building from entering a state of

disrepair. Furthermore, the takeaway would provide a sustainable use as there are limited hot food take-away uses in the immediate vicinity.

Residential Amenity

- 7.3 There should be no significant impact on the amenity of the occupiers of adjoining dwellings by way of fumes and odours as the proposed revised fume extraction system has been accepted by the Council's environmental health service (Public Protection) and will not create an odour problem. The fume extraction system is relatively high but is situated at the rear of the premises facing the adjoining Co-op store and as such would have a limited visual impact. A further condition is recommended to control any noise emissions from the building. It is proposed to close the premises at 2130 (9.30 pm) and this is considered acceptable and should not create any significant noise and disturbance problems to nearby residents. The Council's Public Protection Manager has also advised that these hours of opening would be acceptable.
- 7.4 Although sympathetic to the concerns of local residents over potential litter and the use resulting in the congregation of youths these matters are not considered to be sufficient to warrant refusal of the application given the limited scale of the proposed development and controlled hours of opening.
- 7.5 The Police have confirmed that there is very little reported crime in the vicinity of the site and there is no evidence that this should increase if the takeaway is allowed.

Highway Safety and Parking

- 7.6 Although Bushland Road is relatively narrow allowing parking on one side of the road only, there is parking normally available within close proximity of the premises either on Bushland Road or Bush Hill. Furthermore, the existing lawful use of the premises as a retail shop would be likely to result in similar on-street parking demand to that of the proposed takeaway use. The County Council as Highway Authority has raised no objections to the proposal.

8. CONCLUSION

- 8.1 The proposed use is considered acceptable in a local centre and should not be detrimental to residential amenity or highway safety.

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 premises shall be open only between the hours of 2130 and 1100 Mondays to Saturdays and at no time on Sundays.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy R9 of the Northampton Local Plan.

3. 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 the advice contained in PPG24 Planning and Noise.

4. The scheme for the collection, treatment and dispersal of cooking smells submitted on 15 July shall be implemented prior to the premises being used for the permitted purpose and thereafter retained.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy R9 of the Northampton Local Plan.

5. 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, implemented prior to the premises being used for the permitted purpose and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with PPS1.

10. BACKGROUND PAPERS

10.1 N/2010/0472.

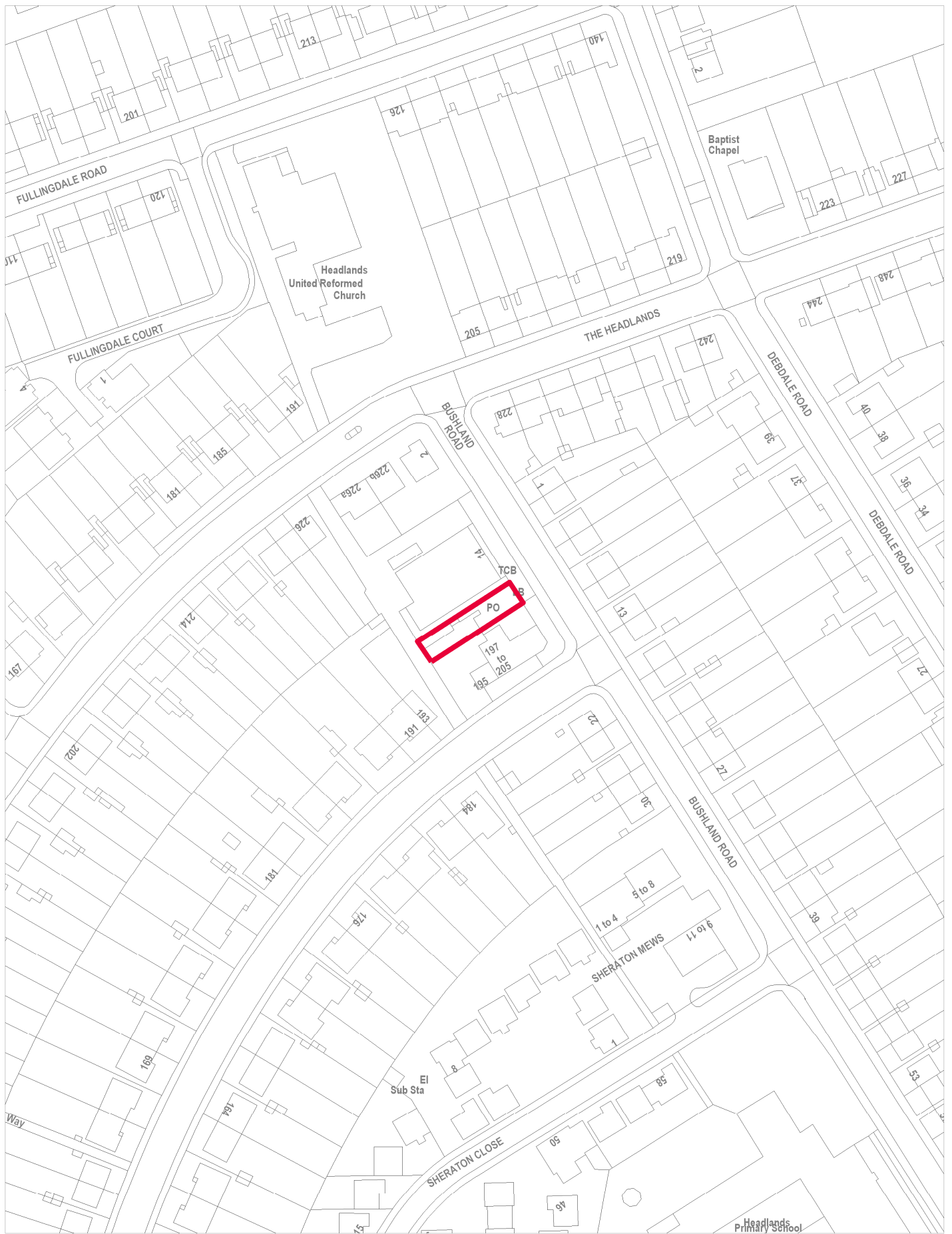
11. LEGAL IMPLICATIONS

11.1 None.

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.

Position:	Name/Signature:	Date:
Author:	Geoff Wyatt	9/8/2010
Development Control Manager Agreed:	Gareth Jones	11/8/2010



Name: **Location Plan**
 Date: **11th August 2010**
 Scale: **1:1250**
 Dept: **DC**
 Project: **Committee**

Title
16 Bushland Road
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