



PLANNING COMMITTEE: 19th October 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2010/0693: Change of use from retail (Class A1) to Hot Food Takeaway (Class A5) at 355 Wellingborough Road, Northampton

WARD: Abington

APPLICANT: Mr. S. Kang
AGENT: Mr. I. Stone

REFERRED BY: Cllr. B. Hoare
REASON: Concerned regarding the impact on residential amenity, the cumulative impacts on late night uses and the impact on highway safety

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to conditions and for the following reason:

The principle of a takeaway use in a recognised 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 This application seeks permission to change the use of the premises

from a retail unit, which falls under Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) to a hot food takeaway (Use Class A5).

3. SITE DESCRIPTION

3.1 The application site is located within the Wellingborough Road Centre comprising a number of commercial uses. The wider area features long established residential accommodation. The ground floor of the building was originally used as a shop; however, earlier in 2010 planning permission was granted to change the use of the shop to a Class A2 use. Although this permission has not yet been implemented, it remains extant. The upper floors of the building have been separated from the ground floor and are used as office units.

4. PLANNING HISTORY

4.1 N/2010/0021 – Change of use of ground floor only from Retail (Class A1) to Professional and Financial Services (A2) – Approved
N/2010/0460 – Change of Use from Use Class A1 to hot food take away (Class A5) – Refused

4.2 The most recent application was refused under delegated powers for the following reason:

The proposal fails to adequately attenuate the noise and cooking odours associated with the proposed use, which would adversely impact upon the amenity of the surrounding properties. The proposal therefore fails to comply with the requirements of PPS23 - Planning and Noise and PPG24 - Planning and Pollution Control

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
PPS4 – Planning for Sustainable Economic Growth
PPS13 – Transport
PPS23 – Planning and Pollution Control
PPG24 – Planning and Noise

5.3 Northampton Borough Local Plan

E19 – Impact on amenities
E20 – New Development

- 5.4 **Supplementary Planning Guidance**
Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Cllr B. Hoare and Cllr I. Markham** – objecting to the application on the grounds that the proposal may adversely impact upon residential amenity by reason of cooking odours being discharged in close proximity to residential properties; the likely disturbance caused by the proposed opening hours and the likely adverse impact on highway safety as a result of inconsiderate parking.
- 6.2 **Public Protection (NBC)** – No objections, as the revised details regarding the extraction system allay any concerns regarding the impacts on residential amenity.
- 6.3 **Highway Authority (NCC)** – No observations
- 6.4 **355 Wellingborough Road (upper floor occupier)** – The proposal would change the character of the area and amenity would be adversely impacted upon as a result of cooking noises and odours. The proposal would also adversely affect highway safety and littering could increase.

7. APPRAISAL

Principle of the Development

- 7.1 National and Local Planning Policies emphasise the importance of maintaining a healthy mix of town centre uses in recognised centres with a predominance of shops. Given the large number of retail units within this part of Wellingborough Road, it is considered that the proposal would not detrimentally impact upon the viability and vitality of this Centre. It must also be recognised that planning permission was granted earlier in 2010 for a non-retail use with this property and that the refusal reason of application N/2010/0460 related to the concerns regarding the attenuation of cooking odours and noises.

Highways

- 7.2 It is recognised that takeaways can give rise to inappropriate car parking. In this instance it is considered that due to the availability of on street car parking within Wellingborough Road and in close proximity to the application site, the proposal would not give rise to an unacceptable impact upon highway safety. In addition, no objections have been received from Northamptonshire County Council as Highway Authority.

Impacts on amenity

- 7.3 It is considered that the proposed hours of usage would not give rise to an unacceptable impact upon residential amenity, by reason of the prevailing character of the area. In particular, the majority of residential properties are located at the rear of the application site, whilst the application premises are accessed from Wellingborough Road. As a result of this, the main focus of activity associated with the proposed use would be on Wellingborough Road, which when combined with other comparable uses on this road in addition to its busy nature, it is considered that there would be no significant detrimental impact on residential amenity arising from noise and activity. A further consideration is that the existing retail unit does not have any restrictions over opening times and therefore could be operate for comparable hours to that included within this application.
- 7.4 The revised extraction system has been considered by the Borough Council's Public Protection (Environmental Health) section. They have concluded that the proposal would not give rise to an undue detrimental impact upon amenities due to the attenuation of cooking odours and noises by the proposed extraction flue. As a result of this, the scheme does comply with the requirements of PPG24 – Planning and Noise and PPS23 – Planning and Pollution Control. This flue, although of large proportions, would be screened from public view and as such would not adversely impact upon the visual amenity of the wider area. In terms of its visual impacts on the office units on the upper floors, it is recognised that there are some windows overlooking the flue arrangement; however, as these are rooflights the level of outlook is limited. For these reasons, the visual impact of the flue on these offices is not sufficient to warrant refusal of this application.
- 7.5 It is recognised that concerns have been raised regarding the potential for increased littering. It is considered that this matter is sufficient to warrant refusal of the application given the limited scale of the proposed development. In any event, it should be recognised that there is the provision of a litter bin adjacent to the main entrance of the building.

8. CONCLUSION

- 8.1 It is considered that the proposed use would not unduly impact upon the viability and vitality of the Wellingborough Road Centre or detrimentally impact upon general amenity levels.

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 10am and 11pm from Mondays to Fridays and 10am and 12am on Saturdays and 2pm and 11pm on Sundays, Bank and Public Holidays.

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

3. 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.

4. Unless otherwise agreed in writing by the Local Planning Authority, the proposed development shall be carried out in accordance with the submitted flue technical specification as received on the 19th September 2010, which shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: In the interests of residential amenity and in accordance with PPS23 – Planning and Pollution Control.

10. LEGAL IMPLICATIONS:

10.1 None

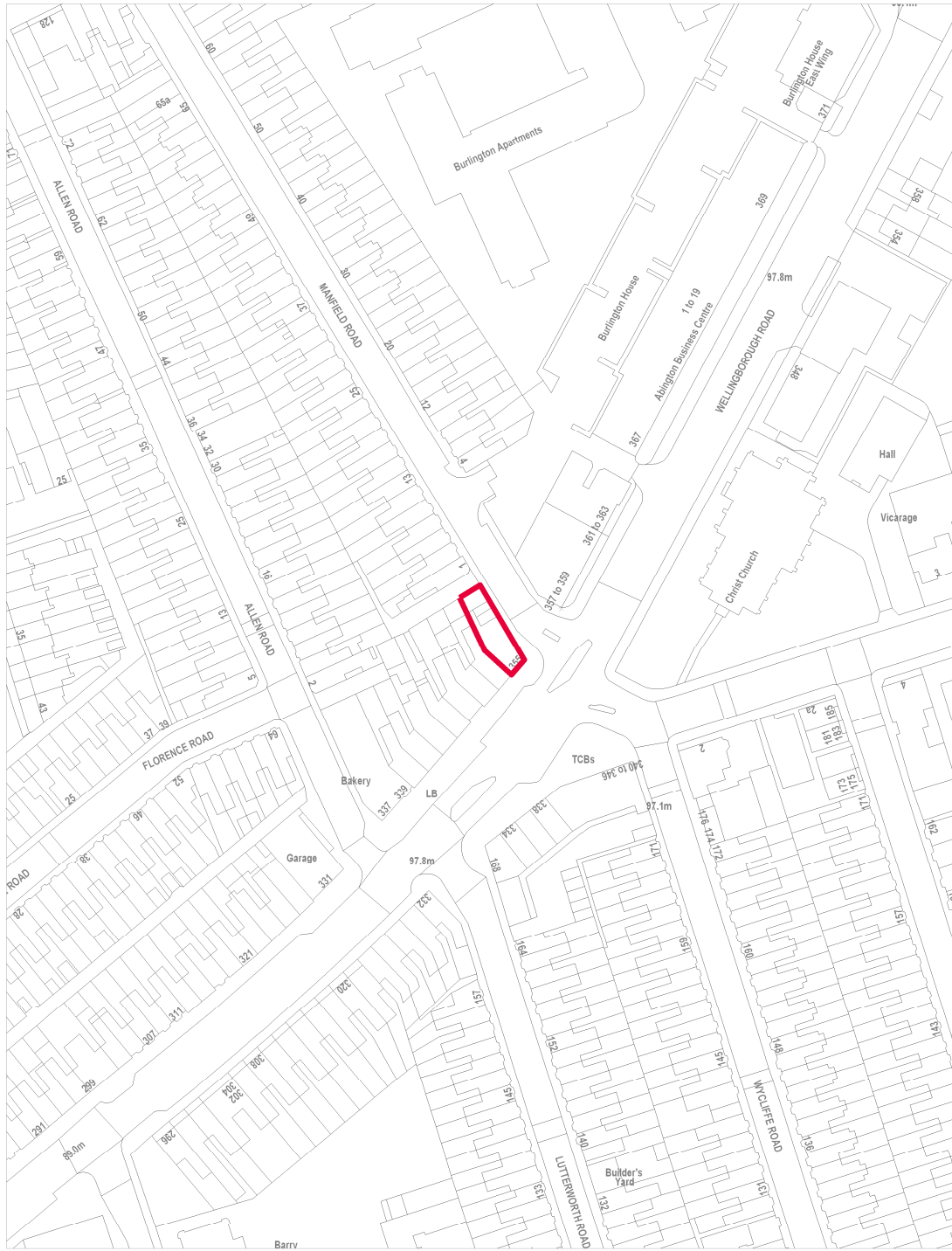
11. BACKGROUND PAPERS

11.1 N/2010/0460

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.

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|-------------------------------------|------------------------|--------------|
| Position: | Name/Signature: | Date: |
| Author: | Ben Clarke | 4/10/10 |
| Development Control Manager: | Gareth Jones | 4/10/10 |



Name: SW
 Date: 7th October 2010
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
355 Wellingborough Road

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