

PLANNING COMMITTEE: 31st May 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0215: Change of use of public house to a mixed use of community centre, taxi office, hairdressing salon and hot food takeaway (retrospective). Former Millwheel Public House, Billing Brook Road, Northampton

WARD: Brookside

APPLICANT: YPI Management
AGENT: Mr. P. Corbett

REFERRED BY: Head of Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

APPROVAL subject to conditions and for the following reason:

The proposed use would support the vitality and viability of the Local Centre and provide a community facility without harm to the amenities of surrounding properties. The proposal therefore complies with PPS4 – Planning for Sustainable Economic Growth and Policy E20 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 This application seeks planning permission to retain a composite of uses within the now disused public house building. The building has an area of 370m², which would comprise the community centre with an approximate floorspace of 159m², a takeaway with an approximate floor area of 62m² (including food preparation areas), a taxi office comprising 9m² approximately and a hairdresser with an approximate

floorspace of 25m². The remainder of the building would include the provision of reception areas, circulation space and toilets.

3. SITE DESCRIPTION

- 3.1 The application site is located within a local centre as identified within the Northampton Local Plan and was formerly in use as a public house. Other uses within the local centre include various shops and a takeaway. The area beyond the application site hosts residential accommodation of varying types.

4. PLANNING HISTORY

- 4.1 N/2009/0894 – Change of Use from Public House to Community Centre with restaurant, hairdresser and taxi office – Approved
N/2011/0243 – Retention of three fascia signs and one freestanding sign. This application appears elsewhere on the agenda for this meeting for determination by planning Committee.

Northampton Borough Council's Planning Committee approved application N/2009/0894 at their meeting on the 9th March 2010; however, the development that took place at the site did not correspond with the approved plans. This matter was considered at the March 2011 Planning Committee meeting (reference: E/2010/0689) where it was resolved to take enforcement action, pending the outcome of this report.

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 East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies

PPS 1 – Delivering Sustainable Development
PPS 4 – Planning for Sustainable Economic Growth
PPS 23 – Planning and Pollution Control
PPG 13 – Transport
PPG 24 – Planning and Noise

5.3 Northampton Borough Local Plan

E20 – New Development
E40 – Planning and Crime

5.4 Supplementary Planning Guidance

Parking
Planning out Crime

6. CONSULTATIONS/REPRESENTATIONS

- 6.1 **Public Protection (Environmental Health) (NBC)** – The proposal has the potential to create an adverse impact upon residential amenity; however, these concerns could be adequately addressed through conditions covering opening hours, cooking odours, noise, refuse storage and delivery times.
- 6.2 **Northamptonshire Police Crime Prevention Design Advisor** – No formal objections, but it is recommended that an informative note is attached to any decision notice advising the applicant as to potential security measures.
- 6.3 **Northamptonshire County Council Highways** – No objections

7. APPRAISAL

- 7.1 The principle of using this premises for a combined community centre, taxi officer and hairdresser was established within the 2010 application and given an unchanged planning policy context, it is considered that the proposal would continue to represent an acceptable change of use in principle. It is recognised that the takeaway was not included in the previous approved application; however, a takeaway use is acceptable in principle within centres of this type and subject to details can help support the viability and vitality of the local centre and is therefore in accordance with the aims and objectives of PPS4 – Planning for Sustainable Economic Growth. In this case, given the relatively small scale of the takeaway use combined with the existing balance / mix of other uses in the centre, it is considered that it would not lead to an overconcentration of such uses.
- 7.2 Whilst it is considered that the composite collection of uses is acceptable within this location, the proximity of the site to a number of residential properties could create an adverse impact upon residential amenity. In order to mitigate against this and to ensure that the development complies with the requirements of PPS23 and PPG24, it is recommended that conditions are attached to any approval requiring that the control and attenuation of noise and cooking odours and governing opening hours. The applicant has proposed 8am-11pm on Mondays to Saturdays and 8am-10.30pm on Sundays and Public Holidays. With reference to the advice of NBC Environmental Health Service, it is considered that these hours are acceptable given their similarity to those previously deemed acceptable in 2010 and the hours in which a public house would reasonably be expected to operate.
- 7.3 It is noted that in representations received from Environmental Health, a restriction in the hours in which deliveries could take place is recommended. However, given that such a request was not a condition of the 2010 permission, combined with the lack of such a requirement on the rest of the local centre, it is considered that such a limitation could not be justified in planning policy terms at this stage.

- 7.4 Observations have been received from Northamptonshire Police's Crime Prevention Design Advisor regarding security measures such as door and window types and intruder alarms. Whilst these comments are noted, it is considered that in the main these matters relate to site management issues and are not directly linked to the principle of the use in land-use planning terms. Therefore, it would not be reasonable to condition these matters, but it is recommended that an informative be placed on the decision notice drawing the applicant's attention to this advice.
- 7.5 The application site includes the provision of 23 car parking spaces, which are to be retained if the change of use is granted permission. This provision is consistent with the requirements of PPG13 – Transport. The existing local centre is served by a separate car park and therefore it is considered that the parking demands arising from the proposed use can be accommodated without adversely impacting upon highway safety. In order to encourage sustainable means of transport, it is considered that a condition requiring the provision of cycle storage is reasonable. The Highways Authority has raised no objections to the proposal.
- 7.6 It is noted that a taxi office has been included as part of the application. Whilst there are concerns regarding the potential impact on the highway system, it is noted that the property has a sizeable parking provision and therefore there is likely to be sufficient car parking to accommodate the proposed taxi office, which is of a small scale. Although the proposed uses would not be ancillary to one other, there would be some synergies between the various uses and therefore there is the possibility for the usage of the taxi service to be linked with other elements of the scheme, leading to an overall reduction in the demand for car parking spaces. As the previous application was approved with the taxi office representing a free standing use, it is considered that a condition requiring that the taxi office be ancillary to the community centre use would be unnecessary.

8. CONCLUSION

- 8.1 It is considered that the change of use of the former public house to form a community centre, taxi office, hair dressing saloon and takeaway is acceptable and would not undermine the vitality or viability of the local centre. Furthermore, subject to the imposition of suitable conditions any negative impacts on the surrounding residential properties can be mitigated against and therefore the proposal is in accordance with the requirements of national and local planning policies.

9. CONDITIONS

1. Unless otherwise agreed in writing by the Local Planning Authority, the property shall only be used as a community centre, takeaway, hair dressing saloon and taxi office (sui generis use) and no other use.

Reason: For the avoidance of doubt and in the interests of the viability and vitality of the Local Centre in accordance with PPS4 – Planning for Sustainable Economic Growth and in the interest of the general amenities of the area in accordance with Policy E19 of the Local Plan.

2. The uses hereby permitted shall be limited to the floor areas show for each use only on approved drawing number 10/032/02c (dated April 2010) and shall be used for no other purpose.

Reason: For the avoidance of doubt and in the interests of the viability and vitality of the Local Centre in accordance with PPS4 – Planning for Sustainable Economic Growth and in the interest of the general amenities of the area in accordance with Policy E19 of the Local Plan

3. Unless otherwise agreed in writing by the Local Planning Authority, the property shall only be open to customers between the hours of 8am and 11pm on Mondays to Saturdays and 8am to 10:30pm on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of residential amenity and in accordance with PPG24 – Planning and Noise

4. Unless otherwise agreed in writing by the Local Planning Authority, within one month from the date of this permission, 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. The approved scheme shall be implemented within three months from the date of this permission 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.

5. Unless otherwise agreed in writing by the Local Planning Authority, a scheme for the collection, treatment and dispersal of cooking smells and fumes shall be submitted to and approved in writing by the Local Planning Authority within one month from the date of this permission and approved in writing. The approved scheme shall be fully implemented within three months from the date of this permission and retained thereafter.

Reason: In the interests of the amenity of the surrounding locality and to secure a satisfactory standard of development in accordance with the advice contained in PPS23 Planning and Pollution Control.

6. Unless otherwise agreed in writing by the Local Planning Authority, details of the provision for the storage of refuse and materials for recycling shall be submitted within one month to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented within three months from the date of this permission and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory

standard of development in accordance with PPS23.

7. Unless otherwise agreed in writing by the Local Planning Authority full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority within one month from the date of this permission. The approved scheme shall be fully implemented within one month from the date of this permission and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy E20 of the Northampton Local Plan.

Informative: The applicant is advised that Northamptonshire Police recommend the clear and permanent marking of high value equipment. Furthermore, it is recommended that doors should be designed without visible ironmongery and be connected to an alarm system. Windows should be independently certified to BS7950 and have a thickness of at least 6.4mm. An intruder alarm system should be installed in line with the ACPO Security Alarm Policy and access should be restricted to the side and rear of the building.

10. BACKGROUND PAPERS

10.1 N/20110243, N/2009/0894 and E/2010/0689

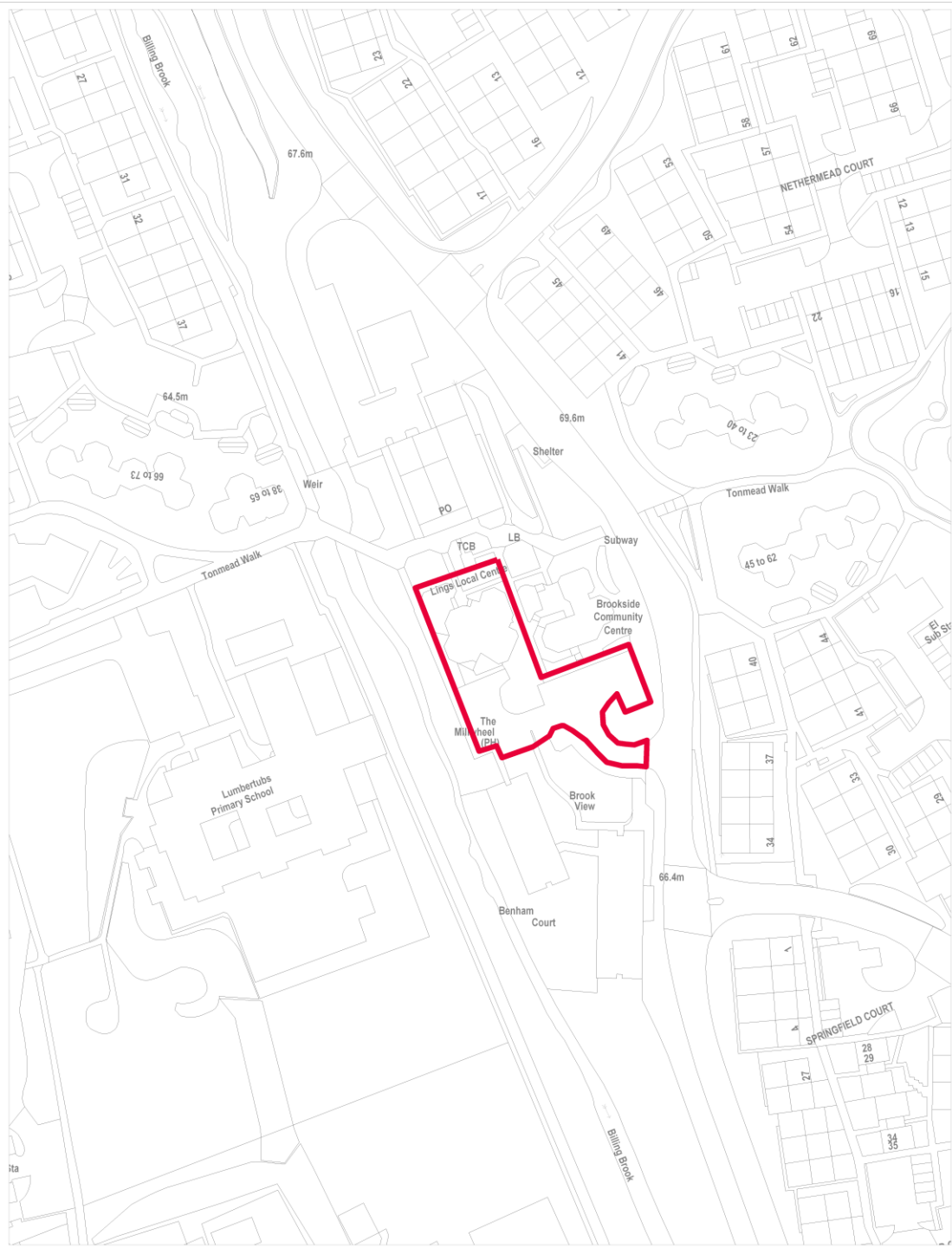
11. LEGAL IMPLICATIONS

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:	Ben Clarke	10/5/11
Development Control Manager Agreed:	Gareth Jones	10/5/11



Name: JST
 Date: 19th May 2011
 Scale: 1:1250
 Dept: PLANNING
 Project: LOCATION PLAN

Title

THE MILLWHEEL PUBLIC HOUSE

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