



**NORTHAMPTON**  
**BOROUGH COUNCIL**  
Planning Committee

**PLANNING COMMITTEE:** 21<sup>st</sup> June 2011  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2011/0360**                      **Change of use from letting agency (Use Class A2) to shop/restaurant and takeaway (Use Class A1/A3/A5) at 199-199B Kettering Road**

**WARD:** Castle

**APPLICANT:** Mr Paul Hepworth

**REFERRED BY:** Cllr Winston Strachan  
**REASON:** Concerned re cooking smell, noise, lack of parking facilities in what is a residential area and anti-social behaviour.

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION**

**1. RECOMMENDATION**

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

The proposed use would enhance the vitality and viability of the Kettering Road District Centre and would not lead to any undue adverse impact on adjoining residential properties. The proposal thereby complies with Policy E28 of the Northampton Local Plan and the guidance in PPS4 - Planning for Sustainable Economic Growth

**2. THE PROPOSAL**

2.1 Change of use from letting agency on the ground floor with vacant offices at first floor to a café/pub/restaurant with off sales on the ground and first floors.

### 3. SITE DESCRIPTION

- 3.1 Vacant shop unit at ground floor with vacant offices at first floor. The unit is located within the Kettering Road district centre.

### 4. PLANNING HISTORY

- 4.1 94/0245 - Change Of Use From Retail Shop & Office To Insurance Brokers - Approved 18-05-1994

### 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:

PPS1 – Delivering Sustainable Development  
PPS4 - Planning for Sustainable Economic Growth

#### 5.3 Northampton Borough Local Plan

E28 - Use of upper floor shops and other commercial premises

#### 5.4 Supplementary Planning Guidance

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

### 6. CONSULTATIONS / REPRESENTATIONS

- 6.1 Letters of **objection** received from the occupiers of neighbouring properties at **42, 147, 149, 151 and 155 Colwyn Road, 9 Baring Road, Colwyn Road** residents association and the landlord / owner of **195 and 197 Colwyn Road and 102 Hood Street**, making the following points in summary –
- Concerned due to late night noise in addition to that from the Picturedrome and Racecourse car park within a residential area.
  - Question whether the further sale of alcohol is necessary in this area.
  - Will lead to further antisocial behaviour.
  - Lack of parking capacity.
  - Use of first floor as a seating area will affect the neighbouring flat.
  - Flat roof area adjacent to the kitchen will be used as a staff recreation area.
  - The kitchen window directly overlooks the patio of the neighbouring property.

- The kitchen windows will be open during the summer causing noise and disturbance.
- Although the applicant refers to traditional English food and real ale this is irrelevant as any use under the use class would be permitted.

6.2 **Highway Authority (NCC)** – No observations

6.3 **Environmental Health (NBC)** – Given the residential nature of the upper floors of Kettering road properties, and Hood Street houses at the rear, is it imperative that the applicant produces a comprehensive odour and noise control scheme. We would also recommend that a refuse condition is attached to any approval, and that the hours of use specified in the application are also reproduced on the approval document as a condition.

Further comments - Having reviewed the situation I think it would be prudent to reinforce the noise condition by referring specifically to the internal transmission of noise.

## 7. **APPRAISAL**

7.1 The key issues to consider are the impact on the vitality and viability of the district centre and the impact on the amenities of adjoining and nearby residents.

7.2 The unit is located within the Kettering Road District Centre. This centre contains a mix of uses including one restaurant as well as the Picturedrome (comedy club / music venue) close to the application site as well as some takeaway uses towards the town centre end of the road. However, the majority of units are shops (Use Class A1). The unit the subject of this application was previously in use as a letting agent (Use Class A2) and is now vacant. It is considered therefore that the proposed use would in fact enhance the vitality and viability of this part of Kettering Road.

7.3 In respect of the impact on adjoining occupiers, there are two principal areas of concern. Firstly, there is the impact as a result of increased comings and goings from the premises, including the possibility of late night movements. It is considered that given the relatively low number of customers that can be anticipated, who will merge quickly with customers of other premises on Kettering Road (most notably the Picturedrome) this will not be significant.

7.4 In terms of the impact on adjoining occupiers, one area of concern is the fact that the first floor seating area would be adjacent to the living / dining room of the adjacent flat above no.197.

7.5 In light of comments from the Council's Environmental Health service it is considered that sufficient protection can be provided by sound insulation within the application premises, meaning that this impact would not be significant.

- 7.6 Similarly, comments from Environmental Health indicate that a suitable scheme for the dispersal of cooking odours can be provided.
- 7.7 Concerns have also been raised as to the potential use of the first floor balcony area, and disturbance due to kitchen windows being left open. In respect of the first floor balcony area, a condition is proposed to ensure that kitchen staff do not use this area. Given the requirement for an extraction system it is not considered that it will be necessary for the windows of this kitchen to be open and it is not considered therefore that disturbance to neighbouring occupiers would be significant from normal operation of the kitchen. In the event that undue disturbance does occur this could be dealt with under other legislation.
- 7.8 The applicant has stated that the use would involve the sale of traditional English food and real ales. However the application has been made for a restaurant with takeaway sales and if approved this could not be restricted to the range of food and drink specified. However it is considered that with suitable conditions any restaurant use would be acceptable in this location. A condition is proposed to ensure that takeaway sales of hot food remain ancillary to the main use as a café. The sale of cold food and off sales of alcohol fall within use class A1 and it is not considered necessary to restrict these by condition. In terms of alcohol sales this would be governed by licensing control.
- 7.9 A licence for the sale of alcohol for consumption on or off the premises and for the playing of music indoors has now been granted separately to the planning process.
- 7.10 In terms of parking it is considered that the use would be unlikely to lead to significant pressure on on-street parking in nearby residential streets, as the adjacent street to the premises is one way onto Kettering Road. Parking is available close to the premises on the Racecourse car park and it is considered that many customers would be likely to arrive on foot.

## **8. CONCLUSION**

- 8.1 It is considered that the proposed use would enhance the vitality and viability of the Kettering Road Centre and would not lead to any undue adverse impact on adjoining residential properties.

## **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) Before the development hereby permitted commences a scheme shall be agreed with the Planning Authority which specifies the sources of noise on the site, whether from fixed plant or equipment or noise generated within the buildings, and the provisions to be made for its control. The agreed scheme shall be implemented prior to the development coming into use and shall be maintained thereafter.

Reason: In the interests of residential amenity in accordance with the advice contained in PPG24 Planning and Noise.

- (3) The use or occupation hereby approved shall not commence until sound insulation to the floor/ceiling/walls between it and any residential accommodation above, below or adjacent has been provided in accordance with details approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with the advice contained in PPG24 Planning and Noise.

- (4) Before the development hereby permitted commences a scheme shall be agreed with the Planning Authority that specifies the provisions to be made for the collection, treatment and dispersal of cooking odours. The agreed scheme shall be implemented prior to the development coming into use and shall be maintained thereafter.

Reason: In the interests of residential amenity in accordance with the advice contained in PPS 23 - Planning and Pollution Control

- (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 PPS 23 - Planning and Pollution Control

- (6) The door to the first floor balcony area shall remain closed at all times the kitchen is in use and kitchen staff shall not be permitted access to this area at any time.

Reason: In the interests of residential amenity in accordance with the advice contained in PPG24 Planning and Noise.

- (7) The premises shall be open only between the hours of 10am and 11pm on any day.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with the advice contained in PPS1 Delivering Sustainable Development.

- (8) The use hereby approved is for a restaurant/cafe/retail shop and any sale of hot-food for consumption off the premises shall at all times remain ancillary to the main use of the premises.

Reason: In the interests of the amenity of the surrounding locality in accordance with PPS1 Delivering Sustainable Development.

## **10. BACKGROUND PAPERS**

- 10.1 N/2011/0360.

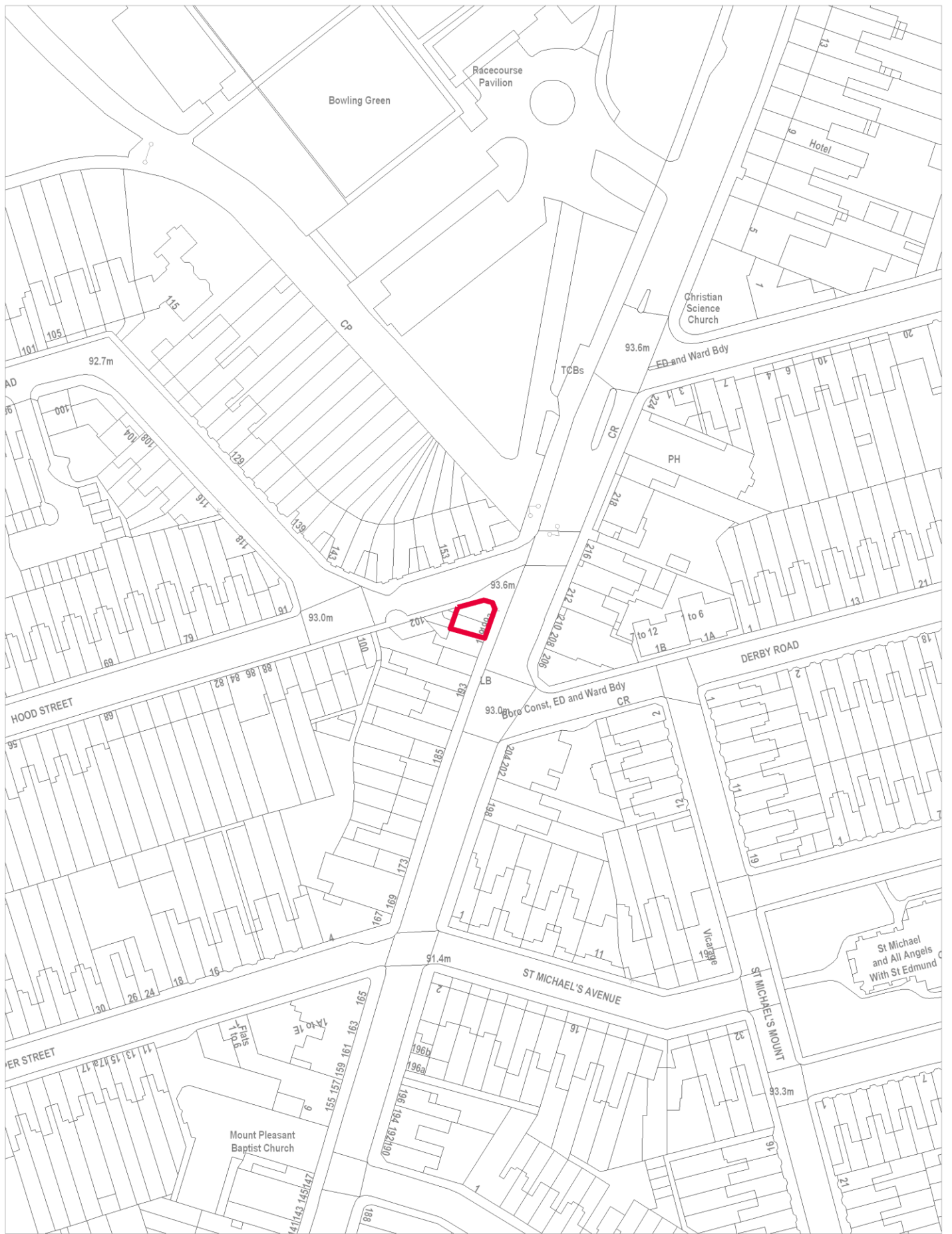
## **11. LEGAL IMPLICATIONS**

- 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.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	A Holden	08/06/11
<b>Development Control Manager Agreed:</b>	G Jones	09/06/11



Name: JC  
 Date: 10th June 2011  
 Scale: 1:1250  
 Dept: Planning  
 Project: Site Location Plan

Title  
**199 - 199b/a Kettering Road**

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