



PLANNING COMMITTEE: 18th October 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0683: Change of use from dental surgery (Use Class D1) to betting office (Use Class A2) together with siting of air condenser units and satellite dish to rear
22 - 26 St Leonards Road, Northampton

WARD: Delapre and Briar Hill

APPLICANT: Ladbrookes PLC
AGENT: Richard Raper Planning

REFERRED BY: Head of Planning
REASON: Council owned premises

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed use, by reason of the existing range of shop uses in the vicinity of the site and the nature of the use, would have no adverse impact on the vitality and viability of the centre or on the amenities of existing neighbouring residents. The proposal would thereby comply with Local Plan Policy E20 and the aims and objectives of PPS1, PPS4, PPG 24 and PPG13.

2. THE PROPOSAL

2.1 Change of use to betting shop from dentist and siting of satellite dish and air conditioning units to the rear.

3. SITE DESCRIPTION

- 3.1 Shop unit within a centre identified in the Local Plan within a street including both shops and dwellings.

4. PLANNING HISTORY

- 4.1 No. 22 was in use as a shop prior to 1947.
- 4.2 The change of use of the original dwellinghouses at nos. 24 and 26 to shops was approved in 1960 and 1977.
- 4.3 The change of use of all three units to a decentralised housing office was approved in 1996.
- 4.4 The change of use to a dental surgery was approved in 2002.

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
PPS 4 - Planning for Sustainable Economic Growth
PPG 24 - Planning and Noise
PPG13 - Transport

5.3 Northampton Borough Local Plan

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 **Police Crime Prevention Design Adviser** – Raises concerns re crime prevention. *These issues have been responded to directly by the applicants and the Police Crime Prevention Design Adviser has now confirmed that the arrangements are acceptable.*

- 6.2 **Highway Authority** – No observations.

6.3 **Environmental Health** - No problem with the principle of the installation but there is some potential for noise problems from their operation. Would recommend that the standard noise control condition – to allow for agreement of the precise location of the outdoor units and whether any additional shielding is needed.

6.4 **Letter of objection received from 28 St Leonard's Road and duplicate of this letter also received signed by occupants of 30, 34, 36, 39, 28, 56 and 52**, making the following points -

- St Leonards Rd has a number of businesses that already do not conform to the standard 9 to 5 opening times, such as off licences, late food shops, and takeaways with delivery vehicles and restaurants with sit in facilities.
- I accept that this address (22 to 26) was already a business as such, but it was only a Monday to Friday, 9.30 to 4.30 dental surgery after all, and did not encroach too much on its immediate neighbours and other local residents lives too much, other than the usual parking issues.
- A betting Shop (Ladbrokes) is a 7 day a week business to 9.30 / 10.00 pm at night.
- I strongly feel that this type of business not only brings further disruption to me and my neighbours lives, in the form of loitering outside (people smoking and tying up their dogs etc) and sitting on garden walls, but the late nights, chance of unruly behaviour, noise and nuisance, bright lighting, fire alarms going off in the middle of the night, litter and more parking problems for residents trying to get a space near their homes when they/we finish work.
- There is not a need for an additional betting shop in this road, as there is one already further down St Leonards Rd, and ironically one has closed down in Haines Rd in recent years.
- This is not a type of business there is a genuine need for in the road.
- There are residents above this property and my next door neighbour is also aware of the application which includes fixture of satellite dishes at the rear, which can be seen from my garden, and more worryingly, the request for condensing units which not only look horrible, will add disruption and noise to me and the other neighbours when trying to find some quiet in the gardens, which are small anyway, and already back onto another row of houses.
- There is already enough encroachment on the quality of life of both myself and my neighbours with the increased change from residences to businesses, a number of which as already mentioned are late night.
- I seriously feel that the application will indeed affect the quality of life for myself and other residents and ask that this application be refused.

7. APPRAISAL

- 7.1 The principal issues to consider are the impact on the vitality and viability of the local centre, the impact on nearby residents and any highway implications.
- 7.2 The centre comprises a mix of uses, including a large number of A1 shop units, as well as a number of takeaways and other uses. The shop and commercial units are interspersed with houses.
- 7.3 It is considered that the centre has a good mix of uses and that as this unit was previously a dentist, and before that a housing office, there is no loss of an A1 unit and consequently limited impact on the attractiveness of the centre.
- 7.4 There is a flat above the unit and a house on one side at no. 28. On the other side at no. 22 is a letting agent which may have a flat above. Opening hours are proposed to be until 10pm and an objection has been received on the basis that this would lead to noise and disturbance. This would be a significant increase in hours over and above the previous use; however no planning restriction on hours was placed on this use and consequently it could potentially operate lawfully at anytime.
- 7.5 Information received on behalf of the applicants states that “Ladbrokes are a multi-national operator with over 2000 premises whose customers expect them to be open standard trading hours which are 09.00 to 22.00 each day of the week. Such a restriction on opening hours will impact their business. Customer confidence is dashed if they close shops here and there at different hours, and once lost, these customers may well not return.” They further state that there have been no incidents of antisocial behaviour associated with Ladbroke’s betting offices and cite appeal decisions where opening hours until 10pm have been allowed.
- 7.6 Given the general character of the area, which features a number of takeaways, restaurants and off licences, and the nature of the use, which it is not considered would generate significant activity up until 10pm, it is considered that the proposed use would not lead to significant disturbance from customers. It is also noteworthy that the Council’s Environmental Health service has raised no objection the proposed hours of use.
- 7.7 The proposal includes a satellite dish and air conditioning units to the rear. It is considered that the dish would have no significant impact as this would be on the rear elevation so would not affect the street scene, and although visible to the neighbouring residents to the rear would not result in any adverse visual impact due to its siting. In respect of the first floor flat the siting of the dish would not significantly affect outlook. Advice from Environmental Health re the air conditioning units (which

are to replace existing units) is that the standard noise condition should be attached to ensure no adverse impact results in respect of noise, and this is included within the recommended conditions. The units would be sited at ground level between two existing rear extensions and as such that they would have very limited visual impact.

- 7.8 In respect of parking and highway issues, there is on street parking available to the front of the site and no objections have been made by County Council as Highway Authority.
- 7.9 In respect of security, concerns were initially raised by the Police but following clarification of the security measures to be implemented no objections are now made in this respect.

8. CONCLUSION

- 8.1 The proposed use would have no adverse impact on the vitality and viability of the centre or on the amenities of existing neighbouring residents.

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) 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 in accordance with the advice contained in PPG24 Planning and Noise.

(3) The premises shall not remain open to customers outside the hours of 9am and 10pm

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

10. BACKGROUND PAPERS

- 10.1 Application file N/2011/0683

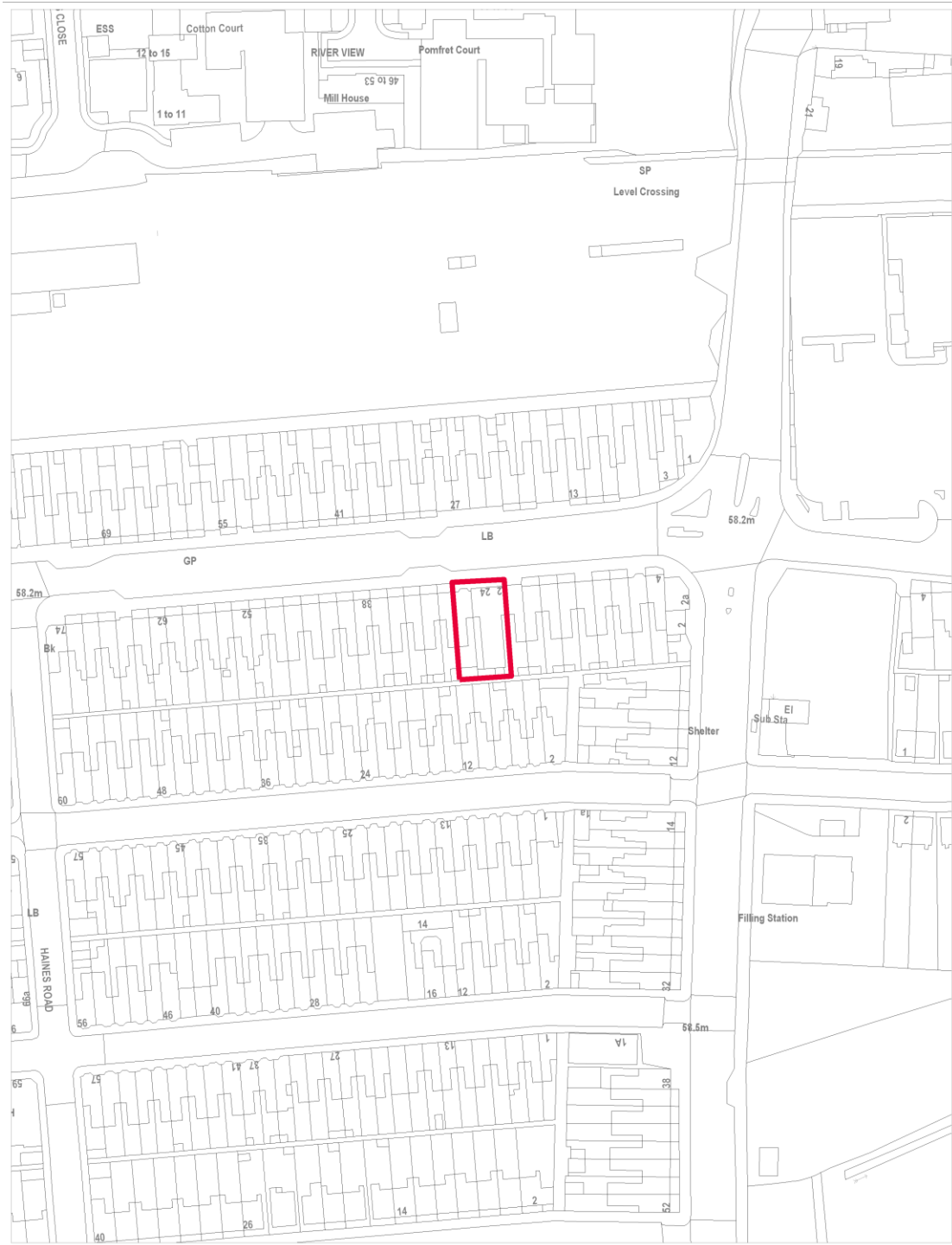
11. LEGAL IMPLICATIONS

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:	A Holden	28/09/2011
Development Control Manager Agreed:	Gareth Jones	29/09/2011



Name: CH
 Date: 5th October 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
22 - 26 St Leonards Road

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