



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 26th June 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2012/0375: Application to vary condition 3 of planning permission N/2011/1134 to allow premises operation times to be between 10am and 8pm Monday to Sunday

WARD: Castle

APPLICANT: Mrs Supatra Rees
AGENT: None

REFERRED BY: Cllr. D Stone
REASON: Considers the proposal is inappropriate for the area.

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposal would not harm the character and appearance of the Boot and Shoe Conservation Area and by reason of its location, would not lead to any adverse impacts on nearby commercial or residential premises. The proposal therefore complies with saved Policies E20 and E26 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 The proposal is to vary condition 3 of N/2011/1134 to change the opening hours of the Thai Spa Massage Clinic from 8.30 – 18.30 (Monday to Sundays) to 10.00 – 20.00 (Monday to Sunday).

3. SITE DESCRIPTION

3.1 The application site is situated on the east side of York Road, between

Abington Square and St Edmunds Road within Northampton's Boot and Shoe Conservation Area. It consists of a two/three storey, mid terraced property that opened as a Thai Spa Massage Clinic on 11th March 2012. Properties adjoining the application site consist of a jewellers (No. 33) and a nail studio (No. 35). Other properties in this section are Steffan jewellers (currently extending into the former Bridal Wear Shop), a cake shop and bakery, a charity shop and a photo studio. Of the twelve properties in this section of York Road, four are currently empty. Of the thirteen properties on the opposite side of York Road eight are in commercial use, two are in use as flats, two are being renovated (Nos. 14 and 15) and one appears to be a residential dwelling (no.13).

4. PLANNING HISTORY

- 4.1 N/2011/1134 - Change of use from Offices (Use Class A2) to Thai Spa Massage Clinic (Use Class D1) – Approved subject to the condition that the premises shall only operate between the hours of 8:30 and 18:30 (Monday to Sundays).
- 4.2 N/2010/0551 – Lawful Development Certificate issued for the proposed change of use from Use Class A2 to Use Class A1.
- 4.3 Planning permissions granted in 1972, 1976, 1982 and 1984 for extensions to insurance office.

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:

National Planning Policy Framework

5.3 Northampton Borough Local Plan

E20 – New Development

E26 - Conservation Areas

E19 – Implementing Development

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **NBC Built Conservation** – not considered that the requested variation of condition has the capacity to harm the character and appearance of the conservation area.
- 6.2 **NBC Town Centre Manager** - No comments received.
- 6.3 **Town Centre Conservation Committee** – No objections.
- 6.4 **Proposal advertised by site and press notices and nearby occupiers notified** - No comments received.

7. APPRAISAL

- 7.1 34 York Road opened as a Thai Spa Massage Clinic in March 2012 following the grant of planning permission in January 2012. Prior to this the premises had been empty since March 2006. Condition 3 of the consent states that “The premises shall only operate between the hours of 08:30 and 18:30 (Monday to Sundays) unless otherwise approved in writing by the Local Planning Authority.” The reason for the condition was “to secure the satisfactory development of the site and safeguard the amenities of occupiers of premises/dwellings in the vicinity to accord with saved Policy E20 of the Northampton Local Plan and PPS1”.
- 7.2 Since the grant of planning permission for 34 York Road to be used as a massage clinic the National Planning Policy Framework (NPPF) has come into force consolidating Planning Policy Guidance / Statements. The NPPF aims to promote healthy communities and deliver community needs (social, recreational and cultural) by planning for sustainable communities with shops, meeting places, sports venues etc. Furthermore it is stated in the NPPF that the unnecessary loss of facilities and services should be prevented.
- 7.3 The applicant states that they are operating under the hours condition but are struggling to get the business off the ground. They state the reason for this is that the majority of people wanting treatments require them after their normal working hours (i.e. 9am – 5pm.) The applicant states that based on many years experience, evenings are their busiest trading times and they will find it hard if not impossible to survive if they are limited to the trading hours specified by condition 3.
- 7.4 With regard to the impact of extended opening hours on the amenities of neighbouring properties the Thai Spa has been operating for 3 months with no complaints. The premises are located within the commercial section of York Road close to Abington Square and the impact of noise and disturbance to surrounding occupiers would be limited by existing ambient noise levels. Whilst the original hours condition was imposed to protect neighbouring amenity it should be

noted that no objections have been received from neighbouring occupiers to the proposal to extend the opening hours. The applicant is proposing that the premises remain open to 8pm Monday to Sunday and this does not seem unreasonable given the commercial nature of this section of York Road. Cars cannot park outside the premises due to double yellow lines and there is a public car park immediately to the rear of the application site so traffic noise and nuisance would not be an issue.

- 7.5 The application has been called-in due to concerns that the proposal is inappropriate for the area. As the location is in the Central Area where the efficient use of land is encouraged by a mix of land uses to increase the vitality and vibrancy of an area and a wider range of choice for users it is considered to be a complementary use that is appropriate to the locality. Furthermore the site is in a sustainable location close to the Town Centre and above all the use already has planning permission.
- 7.6 For these reasons the proposal to extend the opening hours is considered to be acceptable in this instance.

8. CONCLUSION

- 8.1 It is considered the principle of extending the opening hours of this site is acceptable due to its allocation in the Local Plan and sustainable location close to the Town Centre. It is not considered the proposal will unduly impact on the character of the surrounding Conservation Area or detrimentally impact on neighbouring land uses. In conclusion it is considered that the proposal can be permitted subject to condition.

9. CONDITIONS

1. The premises shall only operate between the hours of 10:00 and 20:00 (Monday to Sundays) unless otherwise approved in writing by the local planning authority.

Reason: In order to secure the satisfactory development of the site and safeguard the amenities of occupiers of premises/dwellings in the vicinity and to accord with saved Policy E20 of the Northampton Local Plan.

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any order amending, revoking or re-enacting that Order with or without modification, the development approved under this permission shall be used solely for the purposes of massage clinic use as defined within Class D1.

Reason: For the avoidance of, doubt, in order to define the permission and to allow the local planning authority opportunity to assess the impact of an alternative use within the same use class of the property in the interests of residential and general amenity in accordance with saved Policy E20 of the Northampton Local Plan and NPPF.

3. The front window display previously approved under planning permission N/2011/1134 shall be retained hereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid the appearance of dead frontage in the interests of the amenity and vitality of the locality in accordance with Policies E20 and E26 of the Northampton Local Plan.

10. BACKGROUND PAPERS

10.1 N/2012/0375 and N/2011/1134.

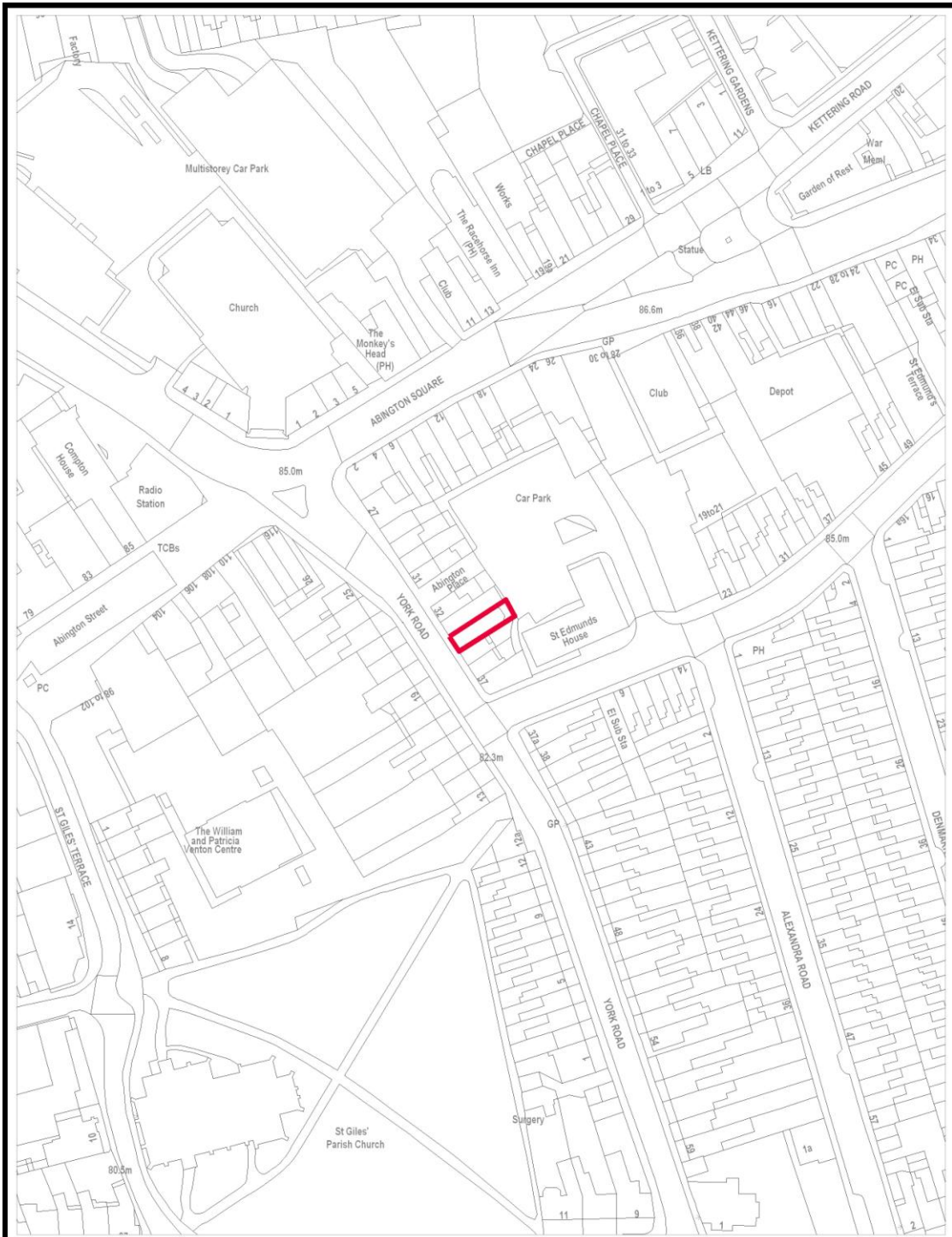
11. LEGAL IMPLICATIONS

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:	Rowena Simpson	06/06/2012
Development Control Manager Agreed:	Gareth Jones	13/06/2012



Name: SW
 Date: 14th June 2012
 Scale: 1:1250
 Dept: Planning
 Project: 34 York Road

Title
Site Location Plan

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