



PLANNING COMMITTEE: 17th December 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/0214: Extensions to existing retail premises (Use Class A1) to form a store room and a self-contained hot food takeaway (Use Class A5) with installation of extraction fume system at 82 Tresham Green, Kings Heath

WARD: Kings Heath

APPLICANT: Mr P Singh

AGENT: Mr Rod Kilsby

REFERRED BY: Head of Planning
REASON: Site within NBC Ownership

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

1.2 The proposal represents the expansion of existing local facilities and would not have any undue detriment to the character and appearance of the surrounding area or on adjacent residential amenity in accordance with Policy 20 of the Northampton Local Plan and National Planning Policy Framework paragraphs 17, 18, 19, 56 & 70.

2. THE PROPOSAL

2.1 The application proposes single storey extensions either side of the existing shop, comprising of a 4m x 5.5m extension to provide a storeroom and toilet facilities and a further extension 2.5 m x 3m to provide a self-contained hot food takeaway. A chimney stack to contain a flue extraction system is proposed above the takeaway unit

extending approximately 0.6m above the ridge line of the existing building. The existing walled enclosure to the side of the shop would be removed. Proposed hours of opening would be 12-2pm and 4.30pm-9.30pm Monday to Saturday with two additional employees.

3. SITE DESCRIPTION

- 3.1 The site comprises a neighbourhood shop with two separate flats on the first floor with independent access points and adjoining flats to the rear at two-storey. The shop and flats are owned by the Council. To the outside is a large paved area which extends to the front and sides of the building. Parking is available in the adjacent layby. The surrounding area is residential in character.

4. PLANNING HISTORY

- 4.1 Planning permission was granted in 1999 for a similar proposal including a takeaway but not implemented (reference 99/0768) and has since lapsed.

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 Northampton Local Plan 1997.

5.2 National Policies

National Planning Policy Framework
Paragraph 17 – Core Planning Principles
Paragraphs 18 & 19 – Economic growth
Paragraph 56 - Design
Paragraph 70 – Delivery of social, recreational and cultural facilities and services.

5.3 Northampton 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 **Environmental Health** - no objection following the submission of additional details of an extraction system and sound insulation between the development and the flat above subject to the proposal being carried out in accordance with the submitted details.
- 6.2 **The Crime Prevention Design Advisor** - no objection. The area has a low crime and anti-social behaviour rate and it is not considered that the proposal will adversely impact on the location.
- 6.3 **Asset Management** - no objection.
- 6.4 **Housing** – no comments received.
- 6.5 Neighbour properties were consulted and no representation received.

7. APPRAISAL

- 7.1 The main issues for consideration are the acceptability of the use in principle, the impact on the character of the existing building and surrounding area, impact on adjacent residential amenity and parking provision.

Principle

- 7.2 The proposal is for the extension and improvement of an existing shop which provides a local facility within a residential area. In addition, a further extension is proposed to provide a separate unit to be used as a takeaway (Class A5). Whilst there is no relevant Local Plan policy, national planning policy seeks to encourage sustainable economic growth and ensure that established shops and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.
- 7.3 The proposal would enhance an existing local shopping facility and provide additional facilities for local residents within walking distance. The principle is therefore considered acceptable subject to acceptable design and there being no adverse impact on adjacent residential amenity.

Design and Impact on Character and Appearance

- 7.4 The proposed single storey extensions are small scale and subordinate to the existing building. The roof pitch is in keeping with the existing and a condition would ensure that materials used are appropriate and in keeping. The main visual impact would be from the proposed chimney to house the extraction system. Whilst chimneys are not characteristic of the surrounding area, the proposed chimney would only extend approximately 0.6m above the existing ridge height. It is not considered that the chimney or proposed extensions would have any significant adverse visual impact on the character of the existing

building or surrounding area and the overall design is considered acceptable.

Impact on Residential Amenity

- 7.5 Considerable discussions have taken place with Environmental Health to agree a suitable extraction system including odour and noise issues on adjacent residential amenity, in particular the flats above and to the rear of the proposed takeaway. The details of the extraction system have been agreed and sound insulation is proposed to the ground floor ceilings to mitigate noise impacts to the premises above both of which can be conditioned. Environmental Health has no objection and the proposal is now considered acceptable in this regard.
- 7.6 The proposed hours of opening for the takeaway (12-2pm and 4.30pm-9.30pm Monday to Saturday) are not considered excessive within a residential area and can be controlled by condition. The area has a low crime and anti-social behaviour rate and it is not considered that the proposal will adversely impact on residential amenity in the locality.

Parking

- 7.7 The site is not located on a heavily trafficked road and in addition to on-street parking a small parking area is located to the front of the shop which is considered sufficient to accommodate any additional traffic generated by the proposal.

8. CONCLUSION

- 8.1 The proposal would provide additional local facilities within a residential area and subject to the installation of the extraction system and sound proofing measures as submitted, adjacent residential amenity would not be adversely affected. The design and appearance are considered acceptable and the application is therefore recommended for approval.

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 external walls and roof of the extensions and chimney shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: In the interests of visual amenity to ensure the extensions harmonise with the existing building in accordance with Policy E20 of the Northampton Local Plan.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 13-105 Revision D & 13372801 received 25 November.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

4. Prior to the hot food takeaway (Class A5 use) being first brought into use the extraction system as detailed in the letter from Encon Air Systems Limited dated 30 October 2013 and sound proofing measures as shown in the ceiling detail on plan 13-105 shall be implemented in accordance with the approved details and maintained in perpetuity.

Reason: In the interests of neighbouring residential amenity and in accordance with the National Planning Policy Framework.

5. The hot food takeaway (Class A5 use) shall only be open to customers between the hours of 12pm-2.30pm and 4.30pm-9pm Monday to Saturday and at no time on Sunday and Bank or Public Holidays.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with National Planning Policy Framework.

10. BACKGROUND PAPERS

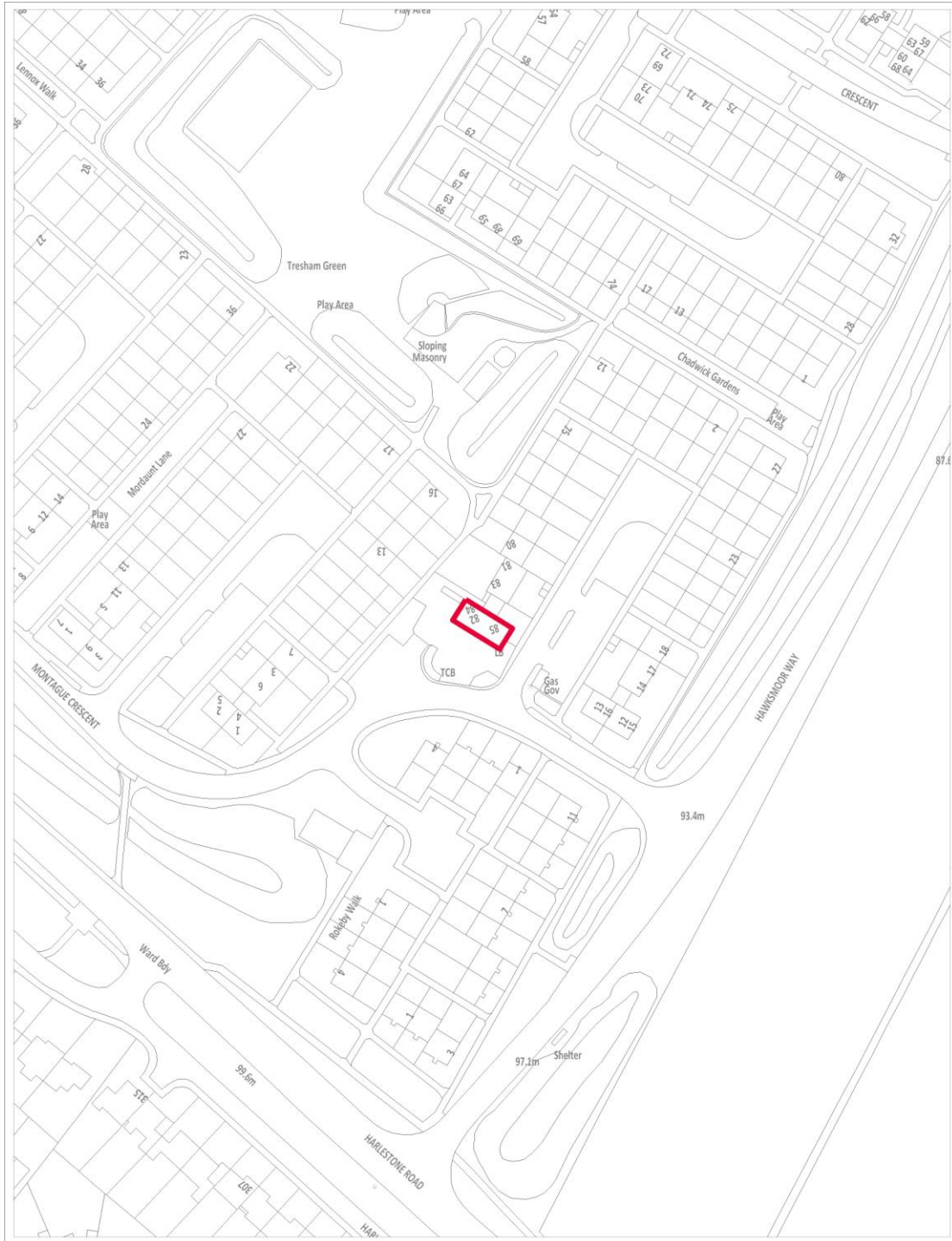
- 10.1 Application file N/2013/0214.

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.



Name: Planning
 Date: 4th December 2013
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title

82 Tresham Green

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