



**PLANNING COMMITTEE:** 28<sup>th</sup> January 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2014/1354:** Change of use from retail to estate agents at  
3 Tudor Court, Wootton Hope Drive

**WARD:** Nene Valley

**APPLICANT:** Connells Residential  
**AGENT:** Mr. A. Creswell; Kemp and Kemp

**REFERRED BY:** Cllr. J. Nunn  
**REASON:** Due to the detrimental impact upon the retail  
offer available to local residents

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

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

The proposed development would have a neutral impact upon the viability and vitality of the centre and the amenities of surrounding properties. The proposal is therefore in conformity with the requirements of the National Planning Policy Framework, Policy S10 of the West Northamptonshire Joint Core Strategy and Policy R9 of the Northampton Local Plan.

**2. THE PROPOSAL**

2.1 The applicant seeks planning permission to change the use of the building from a retail unit (currently in use as hairdressers) to estate agents (which falls within Use Class A2). No external alterations are proposed.

### **3. SITE DESCRIPTION**

- 3.1 The application site is located within an area that performs the role of a local centre to the Wootton Fields area (notwithstanding that fact that the area has no formal allocation within any local planning policy document. The surrounding land uses therefore contain a variety of retail facilities (including a reasonably sized Co-operative convenience store), uses falling within Class A2 (including other estate agents), takeaways and a vets. Car parking is provided within the environs of the application site. The surrounding area is characterised by residential accommodation.

### **4. PLANNING HISTORY**

- 4.1 None relevant.

### **5. PLANNING POLICY**

#### **Development Plan**

- 5.1 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 Development Plan for the purposes of this application comprises the West Northamptonshire Joint Core Strategy and the Northampton Local Plan 1997 saved policies

#### **National Policies**

- 5.2 Paragraph 17 of the National Planning Policy Framework (hereafter referred to as the NPPF) states that planning decisions should encourage the provision of mixed use communities and deliver sufficient community facilities to meet local needs. Paragraph 23 requires that centres are provided which offer a variety of retail, leisure, commercial, office, tourism, cultural and community facilities.

#### **West Northamptonshire Joint Core Strategy (JCS)**

- 5.3 The JCS provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. The JCS has been adopted by the West Northamptonshire Joint Strategic Planning Committee. Following adoption the JCS forms part of the development plan and is consistent with Section 38(6) and therefore carries significant weight when considering planning applications.

Policy S10 of the JCS requires that new developments are suitable located to ensure that they are accessible by more sustainable means of transport, such as walking.

## **Northampton Local Plan**

- 5.4 Although substantially dated, which therefore lessens the weight that can be attributed to the document, Policy R9 is of some use in assessing the application as the proposal results in the loss of a retail unit within an area that functions as a local centre. In particular, the policy states that such changes of use would only be permitted in instances where there would not be any undue traffic problems; it would not adversely affect the amenity of the neighbouring properties or there would not be a detrimental impact upon the shopping character of the area.

## **6. CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Cllr. J. Nunn** – Requesting that the application is determined by the Planning Committee due to the detrimental impact upon the retail offer available to local residents
- 6.2 **Wootton and East Hunsbury Parish Council** – Objecting as the proposal would result in the loss of a retail unit, particularly as there are already two estate agents within the centre.
- 6.3 Nine letters of objection have been received. Comments can be summarised as:
- There is insufficient need for a further estate agents
  - The building should be retained for retail purposes to provide competition to other stores in the area
  - The building could be used to provide a better range of facilities

## **7. APPRAISAL**

- 7.1 It is accepted that the proposed development would result in the loss of a retail unit; however, there is no adopted minimum threshold for retail facilities within either local or national planning guidance. As a consequence of this, the application should be assessed on whether the development would result in an unacceptable proportion of the centre being used for non-retail purposes.
- 7.2 Assuming the application were to be approved, of the 10 units located in the centre (not including the office building adjacent to the centre's entrance), three would remain in use for retail purposes; whilst three would be operated for uses falling within Use Class A2 (including the application site); two would be in use as a takeaways; one would be in use as a vets; and one as an office. Bearing in mind that the centre only serves a comparatively small catchment area, it is doubtful that a substantial amount of retailing could be accommodated within the centre.

- 7.3 In addition, it should be noted that there is already a sizeable convenience store located within the centre, which is open for comparatively long periods (6am to 11pm). As a consequence, it is likely that this retail unit serves as the venue for the majority of 'top up' shopping that would be the main activity within such a small centre. It is therefore unlikely that a similar store would occupy the application site due to the relatively small catchment area. The floor space of the application site, being of a small level (80m<sup>2</sup>) also reduces the level of attractiveness to future retailers.
- 7.4 By reason of the lack of external alterations proposed, the proposed change of use would mean that if a retail occupier were to be found for the building the use of the building could revert back to retail purposes relatively easily and without requiring an application for planning permission.
- 7.5 A further consideration is that following changes to the General Permitted Development Order (which governs the type and amount of works that can be carried out without requiring planning permission) in 2013 and 2014, it would be possible to change the use of a retail unit of this size to some uses in Use Class A2 (such as a bank) on a permanent basis or to a use comparable to that sought within this application for a temporary period of up to two years without the Council's formal permission. By reason of this fall back position, combined with the factors described above, it is considered that this application could not be reasonably resisted on the grounds that a retail unit would be lost.
- 7.6 In addition to these points, the centre would retain a number of other uses, including a reasonable provision of retailing and other services such as a vets and takeaways. As a consequence, the development would allow for a varied and vibrant centre to be created, which would meet a number of needs of the local community. The centre is also within easy reach of the surrounding residential properties, which would ensure the promotion of sustainable development.
- 7.7 Due to the presence of car parking at the centre, it is considered that the likely highway impacts of the development could be successfully mitigated without an undue detrimental impact upon the highway system. As there are no external alterations, the impact upon neighbour amenity would be neutral.

## **8. CONCLUSION**

- 8.1 It is considered that the proposed change of use would not unduly the viability and vitality of the centre and would have a neutral impact upon amenity and highway safety. The proposal is therefore in accordance with the requirements of national and local planning policies.

## **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.

## **10. BACKGROUND PAPERS**

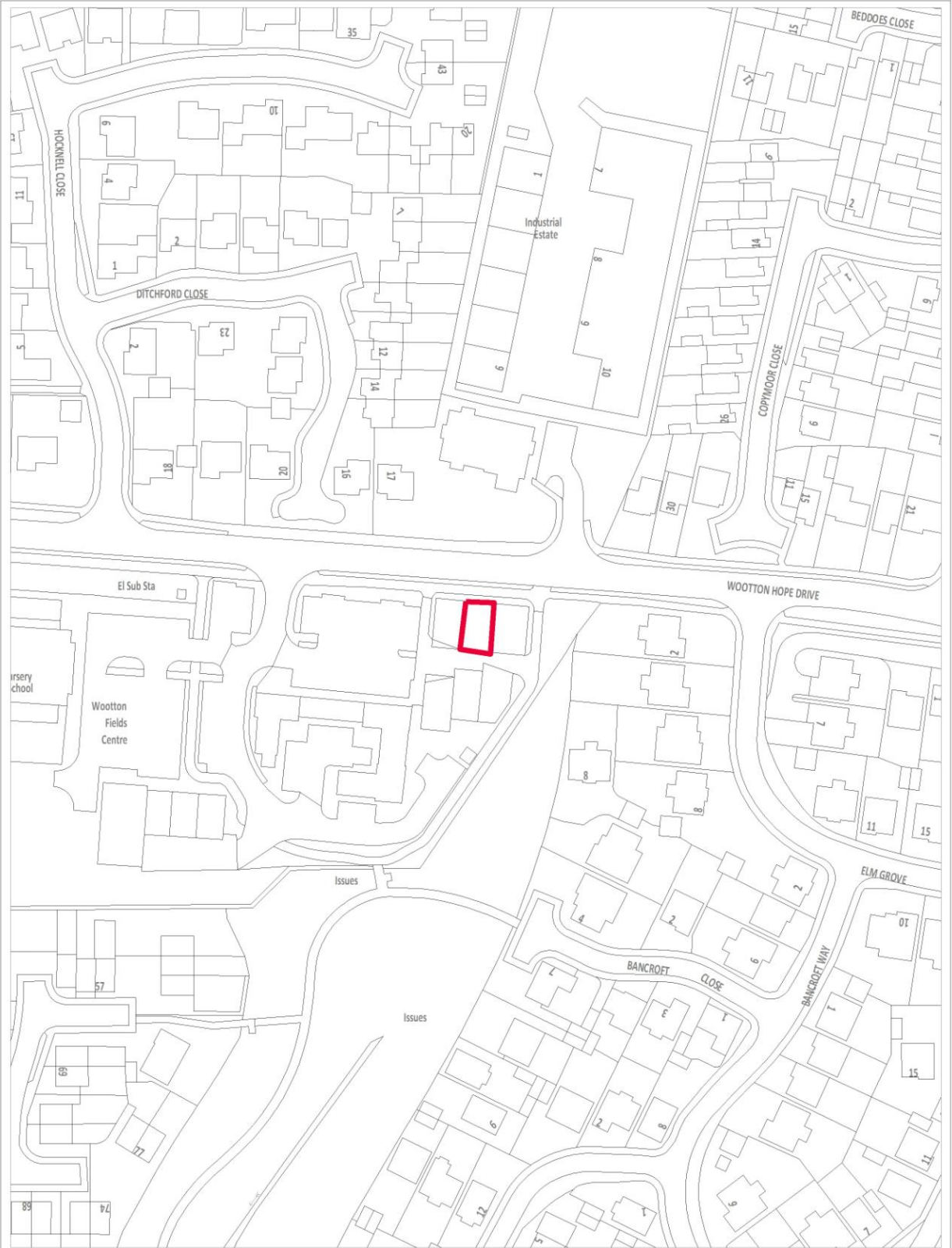
- 10.1 N/2014/1354

## **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: Location Plan  
 Date: 8th January 2015  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

Title  
**3 Tudor Court, Wootton Hope Drive**

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