

PLANNING COMMITTEE: 22nd December 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/1163

LOCATION: 139 Bouverie Road

DESCRIPTION: Change of Use from Hairdressers (Use Class E) to Hot Food Takeaway (Sui Generis), including installation of extraction flue system

WARD: Nene Valley Ward

APPLICANT: Mr Repon Miah
AGENT: Anva

REFERRED BY: Councillor P Larratt
REASON: Impact on amenity and parking

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 development, as part of a balanced assessment, is considered to be acceptable and would not create unacceptable impact on highway safety, visual amenity, general and residential amenity and would have a neutral impact on the character of Hardingstone Conservation Area. The proposal would be in line with the National Planning Policy Framework, Policies S1, S2, S7, S9, C2, and BN9 of the West Northamptonshire Joint Core Strategy and Saved Policy E20, E26 and R9 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 Change of Use from Hairdressers (Use Class E) to Hot Food Takeaway (Sui Generis), including installation of extraction flue system.

3 SITE DESCRIPTION

3.1 The application site is located on the corner Bouverie Road and High Street within the village of Hardingstone, 2 miles south of Northampton Town Centre and is located within the Hardingstone Conservation Area. The established use of the site is for a hair salon and it has been used for this

purpose since 1987. The site is located next door to the village post office with one other retail premises within the small parade of shops.

4 PLANNING HISTORY

- 4.1 N/1990/868 – Alteration to shop front - Approved
- N/1990/1023 – Extension to shop front – Approved

5 PLANNING POLICY

5.1 Statutory Duty

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 adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

6 National Policies

- 6.1 **The National Planning Policy Framework (NPPF)** sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

- Paragraph 17 - Core Planning Principles
- Section 7 - Requiring good design
- Section 8 - Promoting healthy communities
- Section 11 - Conserving and enhancing the natural environment

- 6.2 **West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (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. Policies of particular relevance are:

- Policy S1 – Distribution of Development
- Policy S2 – Hierarchy of Centres
- Policy S7 – Provision of Jobs
- Policy S9 – Distribution of Retail Development
- Policy S10 – Sustainable Development Principles
- Policy C2 – New Developments
- Policy BN9 – Planning for Pollution Control

- 6.3 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

- E20 - New development
- E26 - Development in Conservation Areas
- R9 - Local Centres

6.4 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004
Shop Front Design Code 2011
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019
Hardingstone Conservation Area Appraisal 2009

7 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 7.1 **NBC Public Protection** - no objections to the proposal as long as conditions to secure a scheme to protect residential amenity from the impacts of noise and odour can be added to any decision document.
- 7.2 **NCC Highways** - Given the existing use, the LHA does not believe the potential increased parking generated by this proposed change of use would result in that parking impacting upon highway safety. The adjacent High Street has parking restrictions where it would be inappropriate to park and there are also bollards preventing parking around the corner into Bouverie Road.
- 7.3 **NBC Conservation** - No objection on heritage grounds to the change of use of the premises to a takeaway; the use would have a neutral impact on the character of Hardingstone Conservation Area. No alterations to the appearance of the shopfront are indicated. The height of the proposed ventilation flue on the rear elevation means it will not be unduly prominent in views within the Conservation Area.
- 7.4 **Hardingtone Parish Council** - object on several points below:
- Area suffers from inadequate parking
 - Parking will increase from customers and deliveries
 - Whilst there are plans for extraction this will only help to a degree and there will be noxious smells, against restrictive covenant on the building
 - Increased wastes could encourage vermin
 - No need for a takeaway in village, there are plenty in adjoining area
 - The hours of opening seem unnecessary to open at 11am
 - The site is in a conservation area and consideration should be given
- 7.5 **Councillor P Larratt** - object on several points below:
- Village not built to accommodate traffic
 - Site is on junction next to busy post office
 - Parking restrictions are ignored vehicle parked on footpaths
 - Cash point at post office attracts a lot of customers in evening causing obstruction to residents
 - Takeaway in this location will severely exacerbate the parking problem on the High Street
 - Traffic / parking congestion on High Street major problem for buses, unable to get through, Stagecoach has threatened to withdraw bus service if it comes more prolific and a takeaway would attract more visitors and cause the problem to worsen
 - Will attract people from nearby area who will drive to the takeaway increase the traffic problem
 - If minded to approve, then condition to stop delivery service to stop vehicle coming through the village in evenings
 - There was a planning application in 1975 to convert 139, Bouverie Road to a take away. This application was refused on amenity grounds. Since this decision 45 years ago, the traffic and parking problems in the village have only become more severe

7.6 **27 letters of objection** have been received. These letters include the following points:

- Inadequacy parking already parking problems in village
- Highway safety – cars parked illegally block footpath, large delivery vehicles will increase problem
- Traffic generation
- Noise and disturbance in evenings
- Littering and vermin
- Set precedent for other change of uses in area
- Will be used by residents outside of village will increase traffic and parking issue
- Buses cannot get down the High Street due to traffic and parking this will make issue worse
- Substantial number of fast food outlet in local vicinity
- Negative impact on village
- Bins to front unsightly
- Unsuitable in residential area
- Covenant on property states that no noxious or offense trade or business shall be carried on upon the property and no act shall be done which shall be a nuisance or annoyance to the owner of the adjoining plots of land
- Inadequate public consultation
- Fumes and smells detract from rural setting of village

7.6 **8 Letter of support** were received. These letters include the following points:

- Excellent addition to the village
- Support the application but parking needs to be addressed
- Support despite concerns over parking as village could use something different than 3 hairdressers within 50m
- Great idea should have been put in sooner gives chance for residents to walk to and get hot food
- Good for young people and those who do not have access to vehicle
- Provide jobs for local young people
- Village needs this, elderly would benefit having hot food supplier than they would with a choice of three hairdressers
- No impact on conservation area and has 5 parking spaces outside and is unreasonable to think people would drive to takeaway
- More traffic created with hairdresser and park for longer compared to takeaway and post office creates traffic problems in village, need something different in village

8 APPRAISAL

Principle of development

8.1 The application site is located on the corner Bouverie Road and High Street within the village of Hardingsstone and is located within the conservation area. The established use of the site is for a hair salon and it has been used for this purpose since 1987. The site is located next door to the village post office with one other retail premises within the small parade of shops. The site has been marketed as hair salon for a lengthy period with little interest. The site is designated under saved policy R9 within the Northampton Local Plan which states:

“Planning permission will not be granted for change of use from shop in local centres where:-

- It would lead to unacceptable traffic problems
- It would adversely affect the amenity of neighbouring properties
- It would be detrimental to the shopping character of a centre or part of a centre by an unacceptable increase in number of non-shop uses or increasing the length of frontage in non-shop use to an unacceptable proportion of the total frontage.”

- 8.2 To accord with Policy R9, any planning application should be supported by adequate information to demonstrate that there is no reasonable prospect of the premises being used for the intended classified business use. Evidence was provided in relation to the marketing of the property and the applicant confirm that the premises has been empty for at least 12 months. The supporting evidence sets out that there are 3 other nearby hairdressers and that an additional hairdresser is no longer viable in this location. The village does not have a hot food takeaway and would add to the retail mix of the adjoining units in the parade.
- 8.3 A Core Planning Principle of the NPPF is to proactively drive and support sustainable economic development. Paragraph 80 of the guidance advises that planning should encourage and support economic growth and the expansion of existing business sectors.
- 8.4 The proposal would assist in providing an active frontage along this shopping parade, allowing a vacant unit to be brought back into use. The proposal would also be in accordance with the NPPF which seeks to create conditions in which businesses can invest, expand and adapt. The proposed change from a shop use would not lead to any significant impact on the character of the area, and the shop front would remain unchanged maintaining a visible interior and active frontage to the street. As such the proposal is considered to be in acceptable in principle.

Employment benefits

- 8.5 The proposal indicates that it would create a total of 7 jobs, 4 full time and 3 part time contributing to the local economy in accordance with Paragraph 80 of the NPPF which clearly encourages development resulting in job creation.

Residential Amenity

- 8.6 Saved Policy E20 of the Local Plan and the Core Planning Principles in the NPPF seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.7 There are neighbouring residential properties to the east side of Bouverie Road and commercial units to the west. It is noted that a large number of concerns have been received from local residents regarding noise, disturbance and pollution from the new use.
- 8.8 The applicant has provided an odour scheme which was assessed by Environmental Health, who raised no objections to the scheme subject to conditions to secure that further details on the impact of noise and odour are submitted prior to the use commencing, in order to protect residential amenity. It is considered reasonable that each of these are controlled by condition in accordance with sound planning practice and Environmental Health guidance to protect the amenity of nearby occupants. The rear extraction flue would not impinge on any outlook or light to any existing residential accommodation. This accords with Policy BN9 of the Joint Core Strategy and E20 of the Northampton Local Plan.
- 8.9 Proposed opening hours are 11am to 11pm Monday to Sunday and 12 noon to 10pm Sunday and Banks Holidays which would be acceptable within the context of the surrounding uses. The Sun Public House within the vicinity of the site is open with similar hours. The hours would be controlled by condition. In relation to bin storage, the applicant clarified that there is outside space to the rear enclosed by the rear boundary wall and side fencing of over 6 feet, where bins can be stored on normal days without difficulty and would not be visible from the street scene. They only need to be placed outside on collection days, to the front of the site where the small shrub would be removed to accommodate the bin storage area.
- 8.10 In light of the above, it is considered that a condition restricting hours of opening would be reasonable. However, it is not considered that a no delivery of hot food condition would be necessary or reasonable for the proposed development as it could be argued that food delivery would reduce the number of customers attending the takeaway in person. Furthermore, subject to

the conditions recommended by the Council's Environmental Protection team, it is considered that the proposal would not adversely impact on the residential amenities of neighbouring properties.

Parking and Highways

- 8.11 Paragraph 109 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.12 The site relies on parking bays to the front of the site along Bouverie Road which serve the other two retail premises. Concern have been raised by a number of local residents about parking being limited at this site, however it is not considered that the parking need of the takeaway would be over and above that of a Class E shop, albeit the opening times and use of the car parking may vary. In addition, it is also expected that many local residents may walk to the site from nearby properties. It is not considered that this would be so unduly harmful to warrant a refusal the application.
- 8.13 The Local Highway Authority were consulted and raised no objections stating they do not believe the potential increased parking generated by this proposed change of use would result in adverse impact upon highway safety.

Impact on conservation area

- 8.14 The application site lies within the designated Hardingstone Conservation Area. The Conservation Area Assessment (2009) acknowledges that all the buildings of the village are of traditional construction, brick and stone with pitched roofs. This gives an overall harmonious appearance and consistency to the character of the place. No external alterations to the appearance of the premises are proposed. Returning the current vacant building to an active use would contribute to the upkeep of the premises and the wider Conservation Area. In addition, the conservation officer was consulted and raised no objections stating that the change of use of the premises to a takeaway would have a neutral impact on the character of Hardingstone Conservation Area. The height of the proposed ventilation flue on the rear elevation means it will not be unduly prominent in views within the Conservation Area.

Other considerations

- 8.15 Neighbour concerns have also been received relating to the effect of the proposed development on property values, however this is not a material planning consideration.
- 8.16 Concerns were raised in relation to littering associated with takeaway restaurants. There is no evidence that littering would be of a magnitude to warrant a refusal of the application. There is a public bin located directly to the front of the site and the applicant has stated that they will place a bin near the exit door and monitor the area after opening. They expect locals to attend collect takeaways on foot and eat the same at home.
- 8.17 The covenant on property is a legal matter and is not covered under planning legislation and therefore would not be a material planning consideration in assessing the current application.
- 8.18 In relation to the lack of consultation, neighbour letters were sent to all adjoining properties affected by the application along with a site notice and press notice. It is therefore, considered a full consultation with all the relevant bodies was undertaken.

9 CONCLUSION

- 9.1 The proposal is considered appropriate for a local shopping centre and would not have an undue detrimental impact on residential amenity, parking, visual amenity, or the Hardingstone Conservation Area and is compliant with national and local planning policy.

10 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 development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 050.20/01 A, 050.20/02, 050.20/03, 050.20/04.

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

3. Notwithstanding the details as submitted, full details of the provision for the storage of refuse and materials for recycling shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the unit hereby permitted and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

4. The premises shall be open only between the hours of 11am to 11pm Mondays to Saturdays and 12 noon to 10pm on Sundays, Bank and Public Holidays and at no other time.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

5. Prior to the use commencing, the applicant shall undertake a noise assessment in accordance with BS4142:2014+A1 2019 of any newly proposed plant capable of emitting noise, and /or equipment submitted with the application. The report assessment and conclusions, together with any mitigation required to deliver a "Low Impact" as set out in BS4142:2014+A1 2019, shall be submitted in writing and agreed to the satisfaction of the Local Planning Authority. Any agreed mitigation required shall be implemented at the application site prior to the use hereby permitted commences and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

6. Prior to the commencement of development a scheme for the collection, treatment and dispersal of cooking smells and fumes shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall have been implemented prior to the premises being used for the permitted purpose and retained thereafter.

Reason: In the interests of the amenity of the surrounding locality and to secure a satisfactory standard of development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

11 BACKGROUND PAPERS

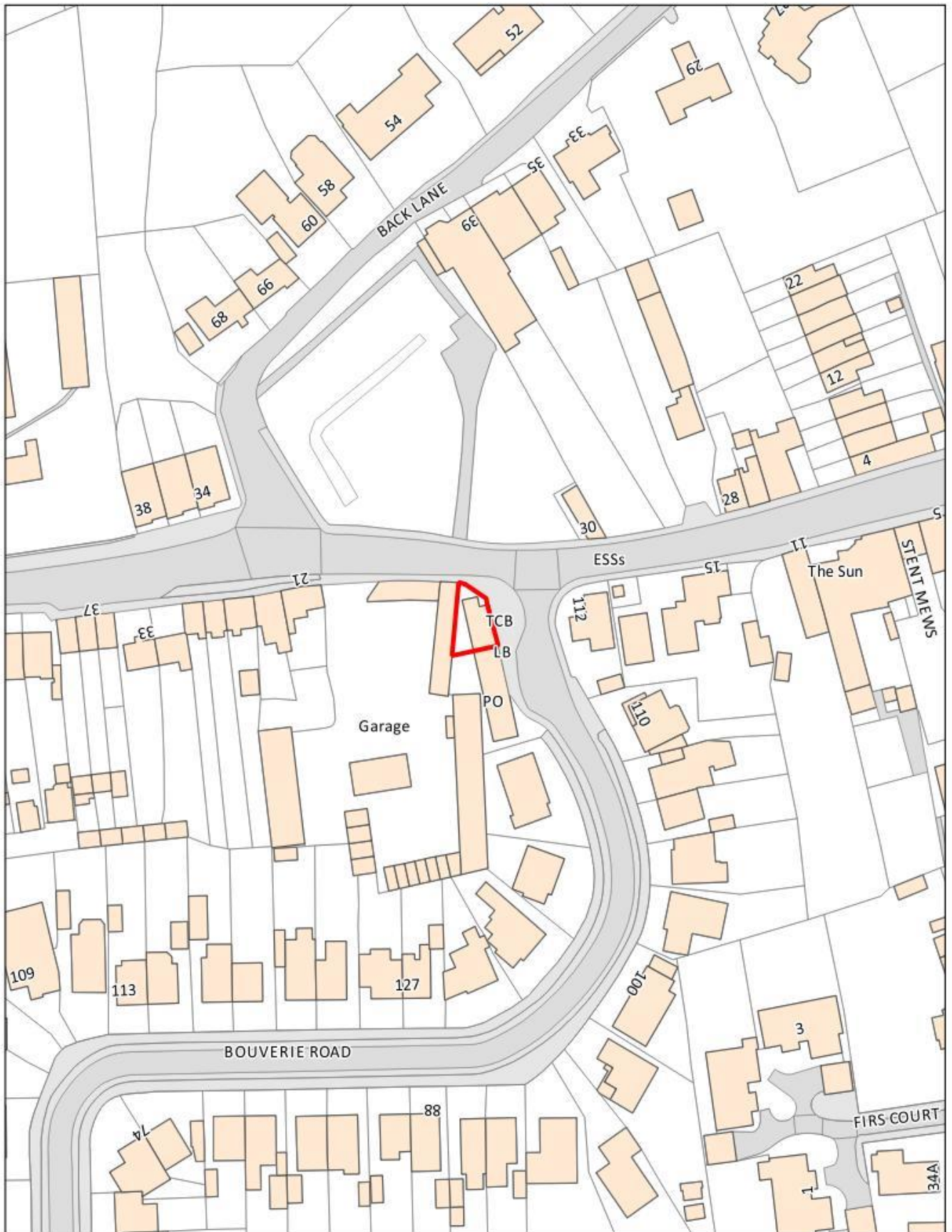
11.1 None.

12 LEGAL IMPLICATIONS

12.1 The development is not CIL liable

13 SUMMARY AND LINKS TO CORPORATE PLAN

13.1 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.



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Date: 10-12-2020

Scale: 1:1,000

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