

PLANNING COMMITTEE: 18th February 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1342

LOCATION: Former Buddies Restaurant, Acre Lane

DESCRIPTION: Conversion of Restaurant (Class A3) to Public House (Class A4) including internal and external alterations, new decking, doors and shelter

WARD: Spring Park Ward

APPLICANT: Buddies USA
AGENT: The New Factory

REFERRED BY: Councillor S Beardsworth
REASON: Impact on neighbours

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 change of use and conversion works are considered acceptable and would not have an undue detrimental impact on the appearance and character of the host building, wider area, neighbour amenity, security and highway safety to accord with the aims and objectives of the National Planning Policy Framework, Policies SA, S10 and BN9 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 Planning permission is sought for the conversion of a restaurant (Class A3) to a public house (Class A4) including internal and external alterations including cladding, new decking, doors and smoking shelter. The original submission also included a 1.8m high boundary fence enclosing the site and rear shipping container to be used for external dining which have now been omitted from the proposal.

2.2 The application premises were previously used as a public house known as The North Star, but the use was changed to a restaurant (Buddies) approximately 10 years ago. It is the applicant's intention to revert the use back to a public house. The proposed hours of operation will be as

follows: Sundays to Thursdays from 8am to 11.30pm and Fridays and Saturdays from 8am to 1am.

2.3 The opening hours of the former Buddies restaurant were:

- Mondays to Thursdays 8.30am to 10.30pm
- Friday and Saturdays 8.30am to 11pm
- Sundays 9am to 10.30pm

2.4 The previous North Star Public House had unrestricted opening hours.

3 SITE DESCRIPTION

3.1 The application site is located on a prominent position at the intersection of the busy Welford Road and Acre Lane, Kingsthorpe. The site is accessed off Acre Lane and comprises a substantial car park to the side and front separating the building with an adjacent car showroom which is accessed further along Acre Lane. The site is in an established residential area comprising properties constructed mainly in the 1970s.

3.2 The application premises are single storey and is currently vacant. The rear site boundary is adjoining residential properties along Partridge Close. The nearest residential properties to the front of the site are some 35m away across Acre Lane.

4 PLANNING HISTORY

4.1 The site had planning permission in 2009 for various signage but there have been no recent planning applications in the last 10 years. The property has up until a few months ago been used as an American Diner known as Buddies, and prior to use was a public house called the North Star.

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) and the Northampton Local Plan (1997) saved policies.

6 National Policies

6.1 **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 108 Access for all

Paragraph 127 Design and residential amenity

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:

SA Presumption in Favour of Sustainable Development

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 policy is material to this application:

E20 Design of new development/extensions

6.4 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019

7 **CONSULTATIONS/ REPRESENTATIONS**

Comments summarised as follows:

- 7.1 **Councillor S Beardsworth:** call in the application and object due to increase in impact on neighbouring occupiers and longer opening hours.
- 7.2 **Public Protection (NBC):** No objection. Consideration may be given to prohibiting live music inside and outside the pub and preventing use of beer garden after 11pm. If concern have been raised over anti-social use of car park after trading hours, a condition could be attached requesting a barrier scheme when the pub is locked. Have noted two other pubs in similar locations with comparable hours of opening.
- 7.3 **Northamptonshire Highways (NCC):** No objection. Have undertaken assessment of site and conclude that proposed use would be no worse than existing in terms of traffic and vehicle parking. Adequate visibility should be provided at the site access.
- 7.4 **Northamptonshire Police:** No objection to proposed change of use.
- 7.5 Neighbour objections from 10 addresses summarised as follows:
- No need for fence around site
 - Concern over hours of use proposed
 - Parking
 - Impact on views/ highway safety
 - Impact on safety of children playing
 - Size of decking
 - Impact on nearby school
 - Concern over refuse and possible fly-tipping
 - Impact on property values/ prices
 - Impact on neighbour amenity
 - Contrary to policy
 - Would encourage vandalism
 - Will attract different clientele to restaurant
 - Contrary to covenants in area
 - Fence may attract vandalism and graffiti
 - Out of character with area
 - Against principle of burger van at site
 - Impact on nearby business/ car showroom
 - Security concerns
 - Concern over impact on viability of other commercial uses nearby

- Excessive hours of operation proposed

7.6 This includes a petition with a total of 29 signatures.

8 APPRAISAL

Proposed change in use from restaurant to public house

8.1 In terms of the proposed use, this would involve reversion back to the previous use prior to becoming a restaurant. The building was a purpose-built public house. In principle, this is considered acceptable in this location and would provide a community facility to serve the local residents, subject to satisfactory impact on neighbour amenity, security, design and access/parking. If permitted, the proposal would also bring a vacant building back into active use.

Employment and Community Benefits

8.2 The applicant has confirmed that the proposed use would create a total of 15 full time and 10 part time jobs, contributing to local employment. In addition, the proposal would provide a community facility for the local area and passing traffic using the Welford Road.

Impact on appearance and character of the host building and wider area

8.3 National Planning Policy Framework requires high standards of design in consideration of planning applications. Paragraph 127 states: "Planning decisions should ensure that developments will function well and add to the overall quality of the area and create places which provide a high standard of amenity for existing and future occupiers". Policy S10 of the Joint Core Strategy and E20 of the Local Plan require good design. In terms of the proposed decking, cladding and external alterations, these are all considered of an appearance in keeping with modern commercial premises. Details of external colour treatment of the cladding can be agreed by condition to ensure a satisfactory external appearance.

Impact on neighbour amenity

8.4 The site is bound by residential properties to the immediate north and west on Partridge Close and the closest residential dwellings are on Acre Lane being approximately 35m away, opposite the site access point. The site is also adjacent to a car showroom to the immediate north currently occupied by the Acre Lane Garage.

8.5 It is intended that the proposed business would open until 1am on Fridays and Saturdays which can be controlled by planning condition to limit the effect on residents' living conditions from patrons leaving the site, late into the night. Even though the opening hours proposed are later than the hours operated at the previous Buddies restaurant, which typically closed around 11pm, it would be comparable to the previous use as a public house when The North Star occupied the site. The opening hours are also similar to other pubs in Northampton, located in the vicinity of established residential areas.

8.6 It is anticipated that customers will likely congregate in the adjacent car park after dining/ drinking at the premises. However, with the separation to the nearest residential properties to the front and rear, the position of existing boundary planting to the rear, this relationship is considered acceptable. NBC Public Protection raise no objections but suggest restrictions to hours of opening, restrictions on late night music and late-night use of the beer garden. In response, a planning condition would be secured controlling hours of use. In addition, details of a Management Plan would be required to be submitted to ensure impact of the proposed use is minimised in the locality.

8.7 No details have been submitted in relation to bin storage. A condition is recommended to seek such details prior to the use commences. In terms of the proposed decking, given the height and separation to surrounding occupiers, the proposal would not unduly overlook any other residential

properties in the vicinity and its associated noise would unlikely be a major issue. A condition is recommended that no live or piped music shall be allowed for the open decking area.

Security and Crime Prevention

- 8.8 Policy S10 of the Joint Core Strategy (JCS) requires high standards of design and security which is also reflected in the NPPF. The site occupies a prominent position on the street with surveillance throughout the day from passing traffic, from the adjacent car show room and nearby residential properties on Acre Lane. No objection has been raised from Northamptonshire Police. As a consequence, it is considered that the effect on crime prevention would be considered acceptable.

Parking and Highway Safety

- 8.9 The site is served by an adjacent car park that can accommodate over 50 cars which is accessed off Acre Lane. It is expected that customers will arrive by car although some patrons may walk from neighbouring residential properties. The Local Highway Authority have been consulted and raise no objection in terms of the effect on highway safety, given that the access and parking are considered sufficient. When assessed against Northamptonshire Parking Standards 2016, the minimum standard for Classes A3 and A4 uses are the same for car parking. Although the site is in an out of town location, it is also reasonably sustainable and has two active bus stops within 60 metres, one adjacent to the site entrance on Acre Lane and one on Welford Road opposite the junction of Acre Lane and Welford Road. It is not considered that the proposal would have unacceptable impact in terms of highway safety.

Other issues

- 8.10 In terms of legal covenants, this is a civil matter outside the control of the planning process. Impact on property values is also not a planning issue that can be afforded any weight in decision making.

9 CONCLUSION

- 9.1 The proposal is considered acceptable and would bring a vacant building back into use. The proposal would provide a community facility to serve the local residents. Subject to conditions, it is considered to have an acceptable impact on the appearance and character of the host building and wider area, neighbour amenity, highway safety or crime prevention.

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 01, Block 01, SW/ELE, ProPlan 01 and ProELE01.

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

- 3) Notwithstanding the submitted plans, 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 building hereby permitted and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

4) The premises shall be open to customers only between the hours of 8am and 11.30pm Sundays to Thursdays and 8.30am to 1am (the following morning) on Fridays and Saturdays and at no other times.

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

5) Prior to commencement of construction, full details of the external colour treatment of the cladding hereby approved, shall be submitted to and agreed in writing by the Local Planning Authority and thereafter shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity to comply with Policies S10 of the Joint Core Strategy and E20 of the Northampton Local Plan. Pre-commencement condition to ensure details are delivered in a timely manner

6) Prior to the occupation of the approved use, full details of a detailed Management Plan to control noise and disturbance from customers leaving the site have been submitted to and approved in writing by the Local Planning Authority. This shall be implemented fully in accordance with the agreed Plan throughout the duration of the site as a public house.

Reason: In the interests of security and controlling noise and disturbance to accord with Policy S10 of the West Northamptonshire Joint Core Strategy.

7) No bottling out (i.e. tipping of empty bottles or cans into refuse bins) shall take place outside the building at the site between the hours of 11pm and 8am on any day.

Reason: In the interests of residential amenity to comply with Policy BN9 of the West Northamptonshire Joint Core Strategy.

8) No live or piped music shall take place on the approved decked area, beer garden, smoking shelter or any other external area within the site at any time.

Reason: In the interests of residential amenity to comply with Policy BN9 of the West Northamptonshire Joint Core Strategy.

11 BACKGROUND PAPERS

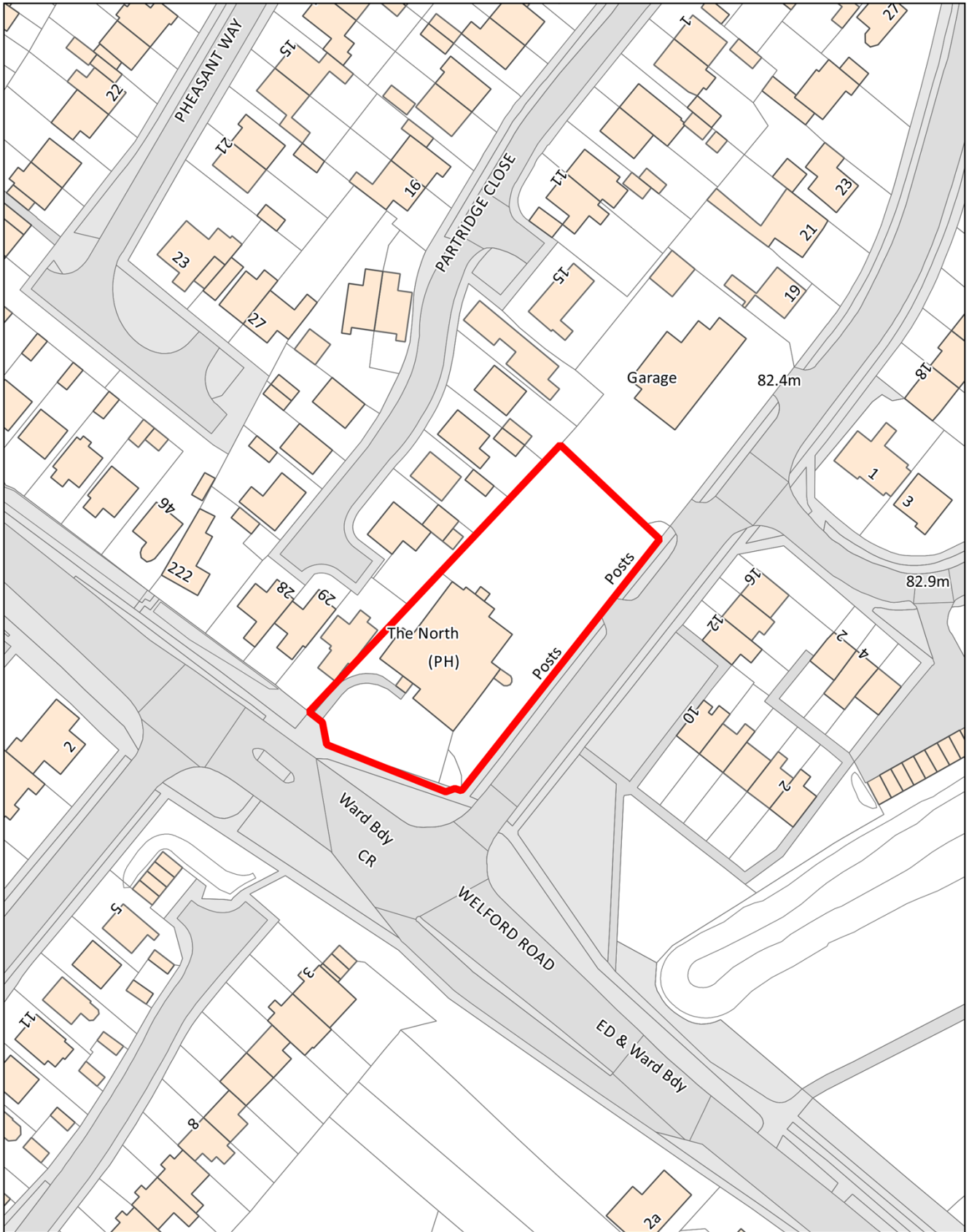
11.1 N/2019/1342.

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.



Title: **Former Buddies Restaurant, Acre Lane**

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Date: 06-02-2020

Scale: 1:1,000

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