

**PLANNING COMMITTEE:** 21<sup>st</sup> January 2021  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/1336

**LOCATION:** Kings Heath Post Office  
2 Park Square

**DESCRIPTION:** Change of Use from Charity Shop (Use Class E) to Hot Food Takeaway (Sui Generis)

**WARD:** Kings Heath Ward

**APPLICANT:** Ms Ripa Ahmed  
**AGENT:** Mr Kumbirai Mbofana

**REFERRED BY:** Director of Planning and Sustainability  
**REASON:** Council Owned Land

**DEPARTURE:** No

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#### **APPLICATION FOR DETERMINATION:**

#### **1 RECOMMENDATION**

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The development, subject to conditions, would not have an undue impact upon the character and appearance of the surrounding area or on residential and/or visual amenity and would retain the vitality and viability of the Local Centre. It would comply with the aims and objectives of the National Planning Policy Framework, Policies BN9, S2 and S10 of the West Northamptonshire Joint Core Strategy, and Policies E20 and R9 of the Northampton Local Plan.

#### **2 THE PROPOSAL**

2.1 The application proposes the change of use of a retail unit (Class E) to a hot food takeaway (Sui Generis) including the installation of a flue to the rear of the unit.

#### **3 SITE DESCRIPTION**

3.1 The application site consists of a retail unit, owned by the Borough Council, and located in a parade of local retail and commercial units within Kingsheath. The unit is currently vacant. A flat is located above the retail unit.

- 3.2 The surrounding land uses consist of a betting shop, a pharmacy, a hairdressers, a toy library, and two other retail shops. Some of the units within the complex are vacant. The wider area consists of residential accommodation including flats above the shop units.

## **4 PLANNING HISTORY**

- 4.1 N/2016/1372 - Change of use from shop (Use Class A1) to a Drop-in Centre. 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) and the Northampton Local Plan (1997) saved policies.

### **National Policies**

- 5.2 **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:

- 5.2.1 Section 7 - Ensuring the vitality of town centres
- 5.2.2 Section 12 – Achieving well designed places

### **5.3 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 S2 – Hierarchy of Centres
- Policy S10 – Sustainable Development Principles
- RC1: Delivering Community Regeneration
- Policy BN9 – Planning for Pollution Control

### **5.4 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
- R9: Change of use from shop use in District and Local Centres .

### **5.5 Supplementary Planning Documents**

- Northamptonshire Parking Standards (September 2016)
- Planning out Crime in Northamptonshire SPG (2004)
- Shopfront Design Guide SPD

## **6 CONSULTATIONS/ REPRESENTATIONS**

6.1 **NBC Public Protection** - No objection but recommend conditions on hours of use and noise and odour control in accordance with the details submitted for the kitchen extraction unit.

6.2 No third party comments received.

## 7 APPRAISAL

7.1 The main issues to consider are the principle of the change of use and impact on the vitality and viability of the local centre; impact on appearance and character of the host building and wider area; and impact on the amenity of adjoining occupiers and on highway safety.

### Principle of development

7.2 The application proposes the change of use of a retail unit (Use Class E), previously a charity shop, to a hot food takeaway (Sui Generis). The surrounding units in the vicinity comprise a mix of retail and commercial units including a pharmacy, takeaway and a community cafe. The NPPF (2019) seeks to promote the long-term vitality and viability of town centres, district centres and local centres, and advises that planning should seek to create conditions in which businesses can invest, expand and adapt. Whilst the proposal would result in the loss of a retail unit, in an area which maintains the characteristics of a local centre, the proposed change of use bring back into use a vacant unit, would enhance the vitality and viability of Park Square and contribute to the provision of community facilities within the area in accordance with Policy R9 of the Northampton Local Plan and Policy RC1 of the West Northamptonshire Joint Core Strategy. The proposed development is therefore considered acceptable in principle.

### Design and appearance

7.3 The proposed flue would be situated to the rear of the building and inset from the side elevation. The position and height of the flue is such that, whilst there would be some visibility from the street to the side of the property, the flue would not be prominently visible within the wider area. As such, the flue would not result in any adverse impact on the appearance of the existing building and character of the wider area.

### Neighbouring Amenity

7.4 Given the location of the unit, with existing residential use of the upper floors, a condition restricting the opening hours of the premises is considered appropriate in the interests of residential amenity.

7.5 The position and height of the flue is such that it would not impinge on the outlook of the residential flat situated immediately above the retail unit.

7.6 The applicant has provided details of the proposed extraction unit. Public Protection have no objection to the proposal, subject to a condition to ensure the extraction unit is installed and maintained in accordance with the submitted details to ensure that the proposed takeaway will not lead to any detrimental impact on neighbouring amenity in respect of noise and odour.

7.7 Refuse would be stored internally in the unit as there is no dedicated area outside the unit to accommodate refuse storage. A condition is recommended for the submission of details for the storage of refuse for the unit.

### Highway Safety

7.8 In respect of parking demand, there is no specific parking provision for this unit, or indeed the local centre overall. In this respect, it is not considered that the proposed use would result in any greater demand for parking than the existing use and that the proposed use would generally serve those from the local area. As such, it is not considered that the proposal would lead to any unacceptable impact on existing parking provision or highway conditions in the area.

## **Other matters**

- 7.9 A proposed new fascia sign will require separate advertisement consent and an informative would be added in this regard.

## **8 CONCLUSION**

- 8.1 The proposal is considered appropriate for a local shopping centre and would not have an undue detrimental impact on residential or visual amenity and parking provision and would comply with the aims and objectives of the National Planning Policy Framework, Policies BN9, S2 and S10 of the West Northamptonshire Joint Core Strategy, and Policies E20 and R9 of the Northampton Local Plan
- 8.2 The proposal is considered acceptable and recommended for approval with the conditions below.

## **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 development hereby permitted shall be carried out in accordance with the following approved plans: PSN-04 Elevations, PSN-01 Site and location plans, PSN-02 Floor plan as existing, PSN-03 Ground floor plan as proposed, IDC0604 Rev B.

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

- 3) The development shall be carried out in accordance with the submitted scheme for the proposed extraction system and plant and details contained within the Plant Noise Assessment by Climate Acoustics, dated 27<sup>th</sup> November 2020, Report Ref CLI010168/R1/Rev B and retained and maintained as such thereafter.

Reason: To ensure satisfactory noise and odour control and in the interests of amenity in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy.

- 4) Prior to the premises being brought into use for the purpose hereby permitted, details of means to prevent grease, fat and food debris from entering the foul drainage system serving the premises (e.g. by the provision of grease interceptors to BS EN 1825:2002 standards) and the maintenance of associated plant shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure a satisfactory standard of development in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy.

- 5) Waste collections and deliveries to the premises shall not take place before 08:00 am hours or after 20:00 pm on any day.

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.

- 6) The premises shall be open only between the hours
- a. Monday – Friday – 10:00 am to 23:00 pm
  - b. Saturdays – 12:00 (noon) to 23:00 pm
  - c. Sundays/ Public Holidays 12:00 (noon) to 22:00 pm

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.

- 7) 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 BN9 of the West Northamptonshire Joint Core Strategy.

## **10 BACKGROUND PAPERS**

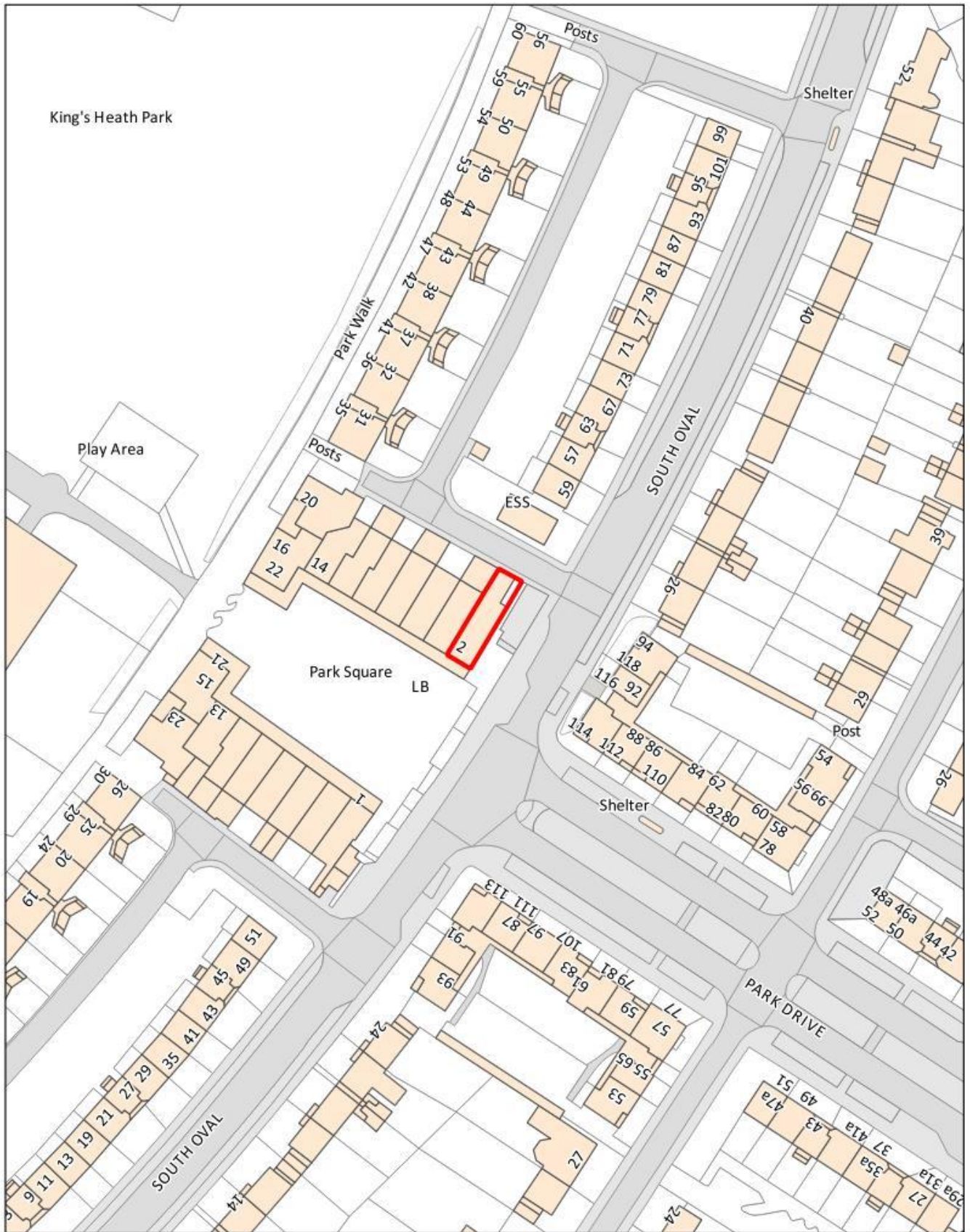
- 10.1 N/2020/1336

## **11 LEGAL IMPLICATIONS**

- 11.1 The development is not CIL liable.

## **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.



Title: **2 Park Square**

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Date: 13-01-2021

Scale: 1:1,000

Drawn by: -----