

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 12/12/2017</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Natalie Westgate Senior Development Officer</b>	<b>Application No: KET/2017/0618</b>
<b>Wards Affected</b>	<b>Northfield</b>	
<b>Location</b>	<b>103A Rockingham Road, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Change of use from A1 to A5 hot food takeaway. Erection of external flue</b>	
<b>Applicant</b>	<b>Mrs O Aytac</b>	

### 1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### 2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details shown on drawing numbers KET/2017/0618/1A, P-101 Rev A, P-102 Rev A, P-103 and P-104 Rev A.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. The premises shall not be open to the public before 12.00 noon or remain open after 22:00 hours on Mondays to Saturdays, nor open before 16:00 hours or remain open after 21:00 hours on Sundays or Bank Holidays.

REASON: In order to protect the amenities of the occupiers of nearby properties in the interests of amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to commencement of the use hereby approved, the ventilation system and flue hereby permitted shall be implemented in full accordance with the details on Drawing Number P-102 Rev A unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of both visual and residential amenity in accordance Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Prior to the commencement of the use hereby approved, a scheme for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and retained at all times thereafter.

REASON: In the interest of public health and safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2017/0618**

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

### **3.0 Information**

#### **Relevant Planning History**

KET/2006/0797: Change of Use: From ground floor retail and first floor flat to ground floor retail and first floor office and 3 bedroom house – Approved 17/11/2006

KET/1991/0111: Change of use of first floor residential to office and storage in connection with ground floor retail use (Existing) – Approved – 02/04/1991

KET/1989/1110: Change of use from retail to restaurant within Class A3 – Refused 16/01/1990 for the following reasons:

1. The establishment of a restaurant, because of its lack of off-street parking would encourage vehicles to stop and park on the highway and would thus give rise to conditions which would not be in the interests of public and highway safety having regard to the location of the premises at a junction with Duke Street and Rockingham Road, Kettering.
2. By reason of its location in an area with nearby residential properties it is considered that the restaurant would be likely to have a seriously detrimental effect upon the residential amenities of the area, particularly with regard to evening parking, customer activity and noise.

KET/1987/0796: Change of use: from shop to restaurant and takeaway – Refused 21/10/1987 for the following reasons:

1. The establishment of a restaurant and takeaway because of its attraction to “passing trade” would encourage vehicles to stop and park on the highway and would thus give rise to conditions which would not be in the interests of public and highway safety having regard to the location of the premises at a junction with Duke Street and Rockingham Road, Kettering.
2. By reason of its location in a primarily residential area and relationship with adjoining residential property it is considered that the restaurant and takeaway would be likely to have a seriously detrimental effect upon the residential amenities of the area.

#### **Site Visit**

Officer's site inspection was carried out on 01/09/2017.

#### **Site Description**

The application site consists of a corner two-storey premises with a frontage to the western side of Rockingham Road and a frontage to the south side of Duke Street. The premises are currently vacant. The ground floor was previously used as a retail shop selling alarms and shutters and offering locksmith services with an ancillary storage area at first floor level. There is no off-street parking or servicing space associated with the premises.

To the south of the site fronting onto Rockingham Road, there are an off licence shop at No.103, hairdressers at No.101 and a café at No. 99. There is a flat above the neighbouring retail shop and a flat above the hairdressers and café. There are flats to the rear and along the side of the site. There are residential properties on Duke Street and on the opposite side of Rockingham Road. The site is located outside of the central area of the town as defined by the Town Centre Area Action Plan (2011).

### **Proposed Development**

The application seeks planning permission for a change of use from an A1 retail shop to an A5 hot food take-away. The application also seeks permission for an external flue fronting onto Duke Street.

### **Any Constraints Affecting the Site**

None

## **4.0 Consultation and Customer Impact**

### **Highway Authority**

No objection subject to conditions and informatives. The Local Planning Authority should satisfy itself on parking and servicing of the site.

### **Environmental Health Officer**

No objection. Recommends informative on food registration.

### **Crime Prevention Design Advisor**

No objection subject to condition on the business providing a public litter bin to ensure there is no littering from the new business. There are recommendations for consideration on hours of opening. There are recommendations for informatives on provision of CCTV and an intruder alarm system.

### **Ward Councillor**

There was an objection from the Ward Councillor. The objections are on the provision of inadequate parking/loading/turning spaces, increased traffic generation and associated pollution, and increase of noise, disturbance and smell within the residential area.

### **Neighbours**

There are 8 objections from neighbouring properties. The objections were:

- The flue would be an eyesore on the streetscene and be out of keeping with the style and age of the building
- Objection to the long opening times and to including Sundays to make it 7 days a week
- Already lack of parking in the Rockingham Road/Duke Street
- Concern because of lack of parking spaces for deliveries
- Increase in traffic to locality
- Increase in footfall past residential properties late at night
- Increase in noise, disturbance, litter, anti-social behaviour and pollution
- Concern of smell from the takeaway
- No details to where the refuse facilities will be provided

- Increase competition to other businesses in the street
- Over concentration of food outlets in Rockingham Road

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Core Principles

Policy 1. Building a strong, competitive economy

Policy 7. Requiring good design

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy**

Policy 1. Presumption in favour of sustainable development

Policy 8. Place shaping

Policy 11. The network of urban and rural area

Policy 22. Delivering economic prosperity

Policy 23. Distribution of new jobs

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of the development
2. Impact on the character and appearance of the area
3. Impact on residential amenity
4. Impact on highway safety and parking
5. Comments on other points raised by proposal

### **1. Principle of the development**

The application site is located within the urban area of Kettering and seeks consent for an A5 (hot food takeaway) use. 'A' class uses are defined as being main town centre uses within the National Planning Policy Framework. There are other 'A' uses within the immediate locality. Notwithstanding the sites location just outside the defined central area of the town, the location is considered to be sustainable.

The principle of the development is therefore considered to be in accordance with the locational sustainable policies of the North Northamptonshire Joint Core Strategy (JCS) and the guidance within the National Planning Policy Framework.

### **2. Impact on the character and appearance of the area**

The only external change to the building is the introduction of an external flue on the side elevation fronting Duke Street. The flue will be a modest size, a reasonable height and painted to match the existing render on the building. This would not have a harmful adverse impact on the character and appearance of the building.

The proposal would comply with Policy 8 (d) of the North Northamptonshire Joint Core Strategy, which seeks to ensure that new development respects and enhances the character of its surroundings.

### 3. Impact on residential amenity

The site is located within the urban area of Kettering close to the town centre within close proximity to other provisions of 'A' uses, including shops, cafes and takeaways. The impact of visitors and noise on the wider amenity of the area would therefore be comparatively limited in extent. The Environmental Health Officer had no comments on the impact of noise upon the neighbouring properties.

Given that there are nearby residential properties, an unrestricted use with no hours limitation would not reasonably protect occupiers' residential amenity. The applicant emailed on 10 November 2017 proposing the hours of 12.00 noon to 22.00pm Mondays to Saturdays and 16.00pm to 21.00pm Sundays and Bank Holidays. It is considered that these hours are reasonable given the nearby residential properties. Taking into account the opening hours of similar uses within the town, as secured through recent planning consents, the proposed hours are considered to strike the correct balance so as to safeguard amenity.

The proposal includes details of the ventilation system and extraction flue. The Environmental Health Officer is content with the details provided and the recommended informative is attached. The impact from cooking odours would therefore be adequately mitigated.

The Crime Prevention Design Advisor and comments from neighbouring properties noted concerns because of the likely increase in littering and recommended the provision of a public bin but it would not be reasonable to attach such a condition given the limited scale of the proposed operation and the opportunity that would exist for bins to be provided for patrons within the internal waiting area. The Crime Prevention Design Advisor's recommended informatives are attached. A condition is attached for the provision of refuse facilities for the business to ensure the business itself can adequately dispose of refuse from the site.

The proposed development would comply with Policy 8 (e) of the North Northamptonshire Joint Core Strategy, which states that development should not result in an unacceptable impact on the amenities of future occupiers or neighbouring properties.

### 4. Impact on highway safety and parking

Policy 8 (b) of the North Northamptonshire Joint Core Strategy, requires that developments have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards and states that developments must not have an adverse impact on the highway network or prejudice highway safety.

The Highways Officer states that there would not be an intensification of the use in respect to parking and similar traffic clientele in comparison to the permitted use of an A1 retail. There is provision of off-street parking in the locality. There is no objection from the Highways Officer. The relevant informatives recommended by the Highways Officer are attached.

Although double yellow lines exist to the site frontage, there are numerous parking opportunities within the vicinity of the site. There are no double yellow lines starting at the adjoining No.3A Duke Street and no double yellow lines on both sides of Rockingham Road in the locality. Given it is on a corner junction to a secondary road at Duke Street, then there is an opportunity for the site to be serviced from Duke Street without causing additional pressure to an already busy Rockingham Road.

The proposed development would comply with Policy 8 (b) of the North Northamptonshire Joint Core Strategy.

5. Comments on other points raised by proposal

Concentration of types of businesses and competition amongst businesses are not material planning considerations.

**Conclusion**

The change of use from A1 (retail) to A5 (hot food takeaway) is considered to be principally acceptable being in a sustainable location. Subject to the recommended conditions it is considered that the proposal will not adversely impact on the residential amenity of existing occupiers or the character or appearance of the locality, and would not prejudice highway safety and would comply with the policies of the North Northamptonshire Joint Core Strategy (JCS) and the guidance within the National Planning Policy Framework.

**Background Papers**

Title of Document:

Date:

Contact Officer:

30.11.2017

Natalie Westgate, Senior Development Officer on 01536 534316

**Previous Reports/Minutes**

Ref:

Date: