

BOROUGH OF KETTERING

Committee	Full Planning Committee - 20/11/2018	Item No: 5.3
Report Originator	Louisa Johnson Development Officer	Application No: KET/2018/0709
Wards Affected	Burton Latimer	
Location	18 Churchill Way, Burton Latimer	
Proposal	Full Application: Change of use from Laundrette to A5 (Hot food takeaway) including new shopfront, extraction equipment and single storey rear extension	
Applicant	Domino's Pizza UK And Ireland	

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 listed below.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall be as shown on the drawings approved under condition 2.

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

4. The use hereby permitted shall not be carried out [The premises shall not be open to the public] before 11:00 hours or [remain open] after 23:00 hours on Mondays to Sundays and any recognised public holidays.

REASON: 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.

5. The noise mitigation measures for the external plant outlined in paragraph chapter 5.2 of the approved report 18/0492/R1 by Cole Jarmen shall be carried out in full prior to the first occupation of the unit. Following completion, no alterations shall be made to the approved structure of the unit or noise barriers and the premises shall be maintained as such.

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

6. No vehicles making service deliveries to or from the site shall enter or leave the site, except between the hours of 08:00 and 19:00 hours Mondays to Saturdays. There shall be no service deliveries on Sundays or recognised public holidays.

REASON: To minimise noise disturbance to neighbouring residents in the interests of amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. Prior to occupation a scheme to control refuse and litter from patrons 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.

8. Prior to occupation 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/2018/0709

This application is reported for Committee decision because there are unresolved, material objections to the proposal and a ward member has asked for it to be considered.

3.0 Information

Relevant Planning History

KET/1991/0880 – Renewal of temporary permission KE/86/0979: Canopy – Approved 10/01/1992

KET/1989/0733 – Change of use to restaurant – Refused 19/09/1989

KET/1989/0375 – Change of use: coin operated laundrette to take away food and restaurant – Refused 23/05/1989

KET/1984/0347 – Change of use from laundrette and dry cleaners to retail bakery and snack bar and alterations to shop front – Approved 23/05/1984

KET/1982/0123 – Change of use from laundry and laundrette to café / snack bar – Approved 17/03/1982

KET/1982/0096 – Change of use from laundry and laundrette to retail shop (DIY home and garden products) – Approved 17/03/1982

KET/1981/0680 – Change of use of disused laundrette into amusement centre – Refused 23/09/1981

Site Visit

Officer's site inspection was carried out on 03/10/18.

Site Description

The application site is at the end of a parade of units with residential uses above. The site is currently in use as a laundrette / dry cleaners.

Proposed Development

The application is for a change of use from laundrette / dry cleaners to an A5 hot food takeaway for Domino's Pizza.

Any Constraints Affecting the Site

The site is on the edge but not in the Burton Latimer Conservation Area

4.0 Consultation and Customer Impact

Neighbours

Sixty one letters of objection have been received from residents, the following issues have been raised:

- Burton Latimer doesn't need any more takeaways / pizza places.
- There is a need for variety of traders in the town including business who

provide needed services to residents.

- The proposal includes late opening hours which will cause noise late into the night which will disturb residents.
- The proposal will worsen existing problems with parking with staff, delivery drivers and customers leaving vehicles; people already park on the pavement and double yellow lines in this area. Parking is haphazard and dangerous.
- The proposal will worsen the existing litter problems.
- Burton Latimer needs the facilities provided by the existing laundrette / dry cleaners which is the only one in the Burton Latimer and the laundrette provides social interaction for many of its users.
- The business owner of the laundrette / dry cleaner will lose her job / business.
- The proposal will result in more deliveries to the unit; deliveries are made at the rear and already cause problems with large lorries damaging paths, drains and bins.
- The proposal would result in more rats / pests due to the rubbish.
- The proposal is likely to service a wider area than just Burton Latimer which will draw in traffic and result in more noise and litter nuisance.
- The proposal could lead to more anti-social behaviour.
- The proposal would result in light pollution due to the late opening hours which would disturb residents.
- The proposal will take business from existing businesses.

There were comments about facilities residents would like to see in Burton Latimer; however these have not been set out in detail as they do not directly relate to the application.

Four letters of support have been received.

Environmental Health

No objection subject to a condition securing the noise mitigation for the external plant.

Highways

Additional information is required in order to fully assess the proposals:

- Car parking to the rear.
- Customer delivery vehicle types and numbers.
- Customer delivery vehicles parking during opening hours and closed hours – this must be clear of the public highway.
- Location and timing of servicing deliveries.

5.0 Planning Policy

National Planning Policy Framework

Policy 2 – Achieving sustainable development

Policy 6 – Building a strong competitive economy

Policy 7 – Ensuring the vitality of town centres

Policy 12 – Achieving well-designed places

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1: Presumption in favour of Sustainable Development

Policy 7: Community Services and Facilities

Policy 8: North Northamptonshire Place Shaping Principles

Policy 12: Town centres and Town centre uses

Emerging Site Specific Part 2 Local Plan

Policy BLA01 – Burton Latimer Town Centre Development Principles

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Impact on the character and appearance of the area
3. Residential amenity
4. Access, Parking and Deliveries

1. Principle of Development

The application seeks the change of use of the existing sui generis laundrette / dry cleaner to an A5 hot food takeaway with a single storey rear extension and changes to the front shop window.

Policy 8 of the adopted NNJCS (July 2016) seeks a high standard of design which respects and enhances the character and visual amenity of the surrounding area. Paragraphs 56, 58 and 64 of the National Planning Policy Framework also recognise that good design is a key aspect of sustainable development, and supports development which establishes a strong sense of

place and response to the local character, reflecting the identity of local surroundings and materials.

Policy 12 of the adopted NNJCS (July 2016) states that the vitality and viability of the town centres in North Northamptonshire will be supported by securing and maintaining a vibrant mix of retail, employment, leisure and cultural facilities. It goes on to say that within Primary Shopping Areas proposals for change of use or redevelopment will be permitted if the proposal adds to the attractiveness of the centre and does not lead to the predominance of A1 retail use being critically undermined.

It also states that development of town centre uses in the town centres of Market Towns will be supported where this is of a scale and nature consistent with the character of the settlement and the role of Market Towns in providing mainly convenience shopping and local services.

Draft Policy BLA01 of the Emerging Site Specific Part 2 Local Plan has limited weight due to the stage the plan is at. The policy states that development within Burton Latimer town centre boundary shall not result in the loss of retail units and promote comparison retailing and should provide active uses at ground floor level.

The proposed A5 use is considered to be an appropriate use for a town centre location and does not result in the loss of an A1 retail use; therefore the proposed use is considered to be acceptable in principle. Subject to detailed consideration of the impact of the change of use, rear extension and new shop front, having an acceptable impact on the character and appearance of the area, residential amenity and parking, the development is considered acceptable in principle.

2. Impact on the character and appearance of the area

The site is located within the parade of shops on Churchill Way within the town centre boundary. The proposal has three components: change of use from sui generis laundrette / dry cleaners to A5 hot food takeaway; single storey rear extension and a new shop front.

Change of use

Policy 12 of the NNJCS states that development within Primary Shopping Areas should not lead to the predominance of A1 retail use being critically undermined; and draft policy BLA01 of the Emerging Site Specific Part 2 Local Plan states that development in Burton Latimer town centre should not result in the loss of A1 retail uses or active uses on the ground floor.

The proposed change of use is from a sui generis laundrette / dry cleaners to an A5 hot food takeaway for Domino's Pizza. It is considered that an A5 use would be appropriate for the town centre and the proposal does not result in the loss of an A1 use.

A large number of objections have been received on the grounds that the existing laundrette / dry cleaners provides an in demand service within Burton Latimer which also provides some social benefits and that there are already too many takeaways in Burton Latimer.

The proposal does not result in the loss of an A1 retail use and would maintain an active use on the ground floor. Therefore in order to determine whether the loss of the laundrette / dry cleaners is acceptable in planning terms, it needs to be determined whether the laundrette / dry cleaners falls within the definition of a community service or facility.

The supporting text for policy 7 - Community Services and Facilities of the NNJCS defines community services and facilities as 'those that provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community.'

It is acknowledged that the laundrette / dry cleaners provides a useful service and provides social interaction for some of its customers. However it is considered that it does not provide a service or facility which would, as its main function, provide for the health and wellbeing, social, educational, spiritual, recreational, leisure or cultural needs of the community and so does not fall within the definition of a community service or facility.

Therefore it is considered that the loss of the laundrette / dry cleaners would be acceptable in planning terms when assessed against policies 7 and 12 of the NNJCS and draft policy BLA01 of the Emerging Site Specific Part 2 Local Plan.

Rear extension

The proposed rear extension would measure approximately 3.6m wide, 3.2m deep and 2.3m in height. The extension would form a cold room for the site and would have plant on the roof consisting of an oven extract and cold room air conditioning unit, these would be surrounding by railing taking the overall height to 3.35m including the railing. The extension would fill in an existing 'L' shape at the rear of the building.

It is noted that an objection has been received on the grounds that the

extension is not within the ownership of the site and that it would block access to the rear of other units. However the extension is located within the red line and the applicant has indicated all the land within the red line is in the ownership of the landlord. The proposed extension would not reduce the width of the access to the service yard for the units and would not prevent vehicles parking or manoeuvring. As such it is considered that the proposed extension would not obstruct access for the other units within the parade.

It is considered that the proposed extension would be in keeping with the character of the host building and would not have a detrimental impact on the character of the area or residential amenity.

Shop front

The existing shop front is a more traditional style with four pane windows, stall riser and double entrance doors. The proposed shop front would take the form of two full height glass windows and a single wider entrance door with fascia above. It is considered that the proposed shop front is similar to some of the other units within the parade and is considered to be in keeping with the character of the parade of shops.

Overall the proposal will have an acceptable impact on the character and appearance of the area and accords with the relevant parts of Policy 6, 7 and 12 (NPPF) and Policies 7, 8 and 12 (NNJCS) and draft policy BLA01 of the Site Specific Part 2 Local Plan.

3. Residential Amenity

Policy 8 of the NNJCS requires that development does not result in an unacceptable impact on the amenities of neighbouring properties, by reason of noise, vibration, pollution, loss of light or overlooking.

The site is located on the ground floor of a parade of shops with flats above; there are also residential properties over the road on Orbit Mews. The proposal includes an extraction system and air conditioning for the cold room which will be located on the roof of the proposed single storey rear extension. Environmental Health has confirmed that the proposed plant is acceptable subject to the submitted noise mitigation measures being implemented. As such a condition requiring the plant to be installed and maintained in accordance with these details will be attached.

The proposed single storey rear extension would fill in an existing 'L' shape and would not extend beyond the deepest part of the existing building. The proposed shop front would not extend beyond the existing front elevation.

A number of objections have been raised regarding the impact of the proposal on the amenity of residents, issues raised include: noise, light pollution, late hours of operation, litter, deliveries, rats / pests and anti-social behaviour.

The proposal is for a takeaway only with no facilities for customers to eat on the premises and the intended hours of operation area 11:00 – 23:00 Monday to Sunday. The applicant states that on average 75-80% of orders are delivered and 20-25% collected. In addition, the proposed opening hours are considered to be reasonable in this town centre location and can be controlled by condition to ensure that these hours are not exceeded.

Some customers may choose to consume their order outside the premise, however as there is nowhere to sit it is considered that the numbers of customers who do this is likely to be limited. Therefore it is considered that the proposal would not result in unduly significant noise, disturbance and anti-social behaviour due to the late opening hours.

In regard to rats / pests and litter it is considered that conditions could be attached to ensure that waste from the site is appropriately stored and that regular litter picking is carried out around the site to ensure that litter from customers is not left lying around and potentially attracting rats / pests.

The impact of additional service deliveries can be controlled by a condition restricting the hours service deliveries can be made and ensuring that service deliveries are not made on Sundays and Bank Holidays; this is addressed in more detail below.

In regard to light pollution, it is considered that this would not be any worse than an A1 use which operated similar opening hours and the site is located within an established shopping parade. Therefore it is considered that the proposal would not result in unduly detrimental light pollution.

Therefore it is considered that subject to conditions relating to hours of operation, waste storage, litter picking and controlling deliveries there will be no unacceptable impact on the amenity of neighbouring residents through this proposal in accordance with policy 8 of the NNJCS.

4. Access, Parking and Deliveries

The site has two allocated parking spaces to the rear of the site which will be used by staff. There is a 30m long layby outside the parade of shops which provides parking for cars parked at a right angle to the road and so accommodates in the region of 10 cars. In addition the Churchill Way public

car park, which provides 44 spaces, is located directly opposite the parade of shops.

The applicant has advised that there would be approximately 5-6 delivery vehicles (cars) working from the site during the evenings. Two of these vehicles would park at the rear of the site and the other three / four would park in the Churchill Way public car park or on the road if there is no space in the car park. It is considered that delivery vehicles are only likely to be at the site during opening hours.

Servicing deliveries are expected to be during the mornings on Mondays / Wednesdays and Saturdays.

A number of objections have been raised on the grounds that the proposal would worsen the existing parking problems in this area. It is acknowledged that there are parking issues in this area including illegal parking; however it is considered that the peak hours for Domino's are likely to be in the evening when there will be less traffic on the roads.

Given this it is considered that there is adequate parking within very short walking distance of the site and as such the proposal would not unduly worsen the existing parking issues.

An objection has been received on the grounds that the proposal would result in more deliveries to the site which already cause problems with large lorries illegally parking, damaging paths, drains and bins.

The proposal would result in more deliveries to the site, however it is considered that there is adequate space at the rear of the site for deliveries to be received. In addition a condition can be attached controlling the timing of deliveries to ensure that they do not occur during anti-social hours. Where lorries or other vehicles are illegally parking or causing damage to the path, drains and bins this cannot be controlled by planning conditions and is a matter for the Police or Highways Authority.

Therefore it is considered that subject to a condition controlling deliveries to the site, the proposal would be acceptable in terms of access, parking and deliveries in accordance with policy 8 of the NNJCS.

Conclusion

The proposal is acceptable in principle and in terms of its impact on the character and appearance of the area, residential amenity and parking. Subject to conditions the proposed development is acceptable and recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Louisa Johnson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: