

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/07/2012	Item No: 5.4
Report Originator	Louise Haggan-Craig Development Officer	Application No: KET/2012/0185
Wards Affected	Burton Latimer	
Location	100 - 102 High Street, Burton Latimer	
Proposal	Full Application: Change of use from pharmacy to mixed retail/coffee shop	
Applicant	Mr C Singh CS Properties,	

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. There shall be no cooking on the site at any time, other than the preparation of hot beverages or the heating of food in a microwave oven, unless an extraction and ventilation system has been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority prior to installation.

REASON: To protect the amenities of the occupiers in adjoining properties from undue fumes and smells in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. The premises shall be used only for retail and coffee shop purposes hereby permitted and for no other purpose whatsoever (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: To define the terms of the permission in the interests of the vitality and viability of the town centre in accordance with Section 2 of the National Planning Policy Framework, Policy 1 of the North Northamptonshire Core Spatial Strategy and saved Policy 64 of the Local Plan for Kettering Borough.

4. No more than 70% of the floorspace outlined in blue as shown on the ground floor plan received on 16th April 2012 shall be used as a seating area for the

cafe/coffee shop use.

REASON: In order to help protect the vitality and viability of Burton Latimer Town Centre in accordance with Section of the National Planning Policy Framework, Policy 1 of the North Northamptonshire Core Spatial Strategy and saved Policy 64 of the Local Plan for Kettering Borough.

5. No development shall commence on site until details of a scheme for the storage and collection of refuse has been submitted to and approved in writing by the Local Planning Authority. The use of the building shall not commence until the approved scheme has been fully implemented and shall be retained as approved thereafter.

REASON: In the interests of general amenity and to ensure that no obstruction is caused on the adjoining highway in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- NONE

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Policies 1, 2 and 12 of the National Planning Policy Framework, Policy MKSM SRS Northamptonshire 1 of The East Midlands Regional Plan and Policies 1, 8, 9 and 13 of the North Northamptonshire Core Spatial Strategy and saved Policy 64 of the Local Plan for Kettering Borough. Although there is some conflict with saved Policy 99 of the Local Plan for Kettering Borough, in this instance the issues raised do not outweigh the principle policies referred to. There are no other material considerations that indicate against this proposal.

Officers Report

3.0 Information

Relevant Planning History

No relevant planning history.

Site Description

Officer's site inspection was carried out on various dates in April and May 2012.

The application site is a town centre commercial unit which fronts onto the main through route of the town. The unit is currently empty but was previously a Pharmacy. This business has since relocated to the Burton Latimer Medical Centre site which is situated on the edge of the town along Higham Road. The application site is situated within Burton Latimer Conservation Area and contained within the Established Shopping Area.

Proposed Development

This proposal is for a change of use from a pharmacy (A1) to a mixed retail and coffee shop use.

Any Constraints Affecting The Site

Burton Latimer Conservation Area
C Road

4.0 Consultation and Customer Impact

Burton Latimer Town Council

Response received 28th May 2012. Object on the following grounds:

- There are 20 eating establishments in the town and the Town Council fails to see how another one can give a greater variety than already exists.
- This proposal will result in the loss of an A1 unit.
- The proposal fails to demonstrate how noise impact of the proposed kitchen ventilation and extraction equipment would not have a detrimental impact on surrounding residential properties.
- Opening another eating establishment on this busy high street will only add to the existing danger of vehicles parking illegally and too close to the junction of Duke Street.
- There is no clarification as to the mixed retail proposed.
- The Town Council welcomes new businesses to the town but what is needed is a diversity of different types of business not an additional food retail outlet.

Highway Authority

Response received 28th May 2012 – no objection.

Kettering Borough Council Environmental Health

Response received 1st June 2012. No objection subject to conditions with

respect to kitchen ventilation and refuse.

Northamptonshire Police

Response received 25th April 2012 and 23rd May 2012. No objection.

Neighbours

Four letters of objection received which raise the following concerns:

- Another food unit would make it harder to compete in the market.
- Burton Latimer needs a diverse number of shops to encourage people to visit.
- Noise concerns
- Odour concerns from the preparation of food
- A coffee shop for mothers and toddlers so close to a main road is hazardous.
- Another form of business would be better in this location.
- Parking concerns/Traffic concerns
- Over concentration of food outlets

A petition against the application has also been received containing over 150 signatures. They object on the following grounds:

- Do not want another takeaway/café in the town.
- Competition and impact on other businesses.
- There are already 21 food licences in the town.

Seven letters of support for the proposal have been received on the following grounds:

- The proposal will provide somewhere for local people to meet up and socialise.
- It will be a valuable asset to the town.
- It will prevent people having to drive out of town to meet up for coffee.
- This proposal would not pose a threat to other businesses in the town, it would encourage healthy competition.
- It will make Burton Latimer a more desirable place to live.
- A great place for parents/childminders to take their children.
- The premises are an eyesore at the moment and this proposal will help to improve it.

Planning Policy

National Planning Policy Framework

Policy 1 – Building a strong, competitive economy

Policy 2 – Ensuring the vitality of town centres

Policy 12 – Conserving and enhancing the historic environment

Development Plan Policies

East Midlands Regional Plan

Policy MKSM SRS Northamptonshire 1 – The Spatial Framework

North Northamptonshire Core Spatial Strategy

Policy 1 - Strengthening the Network of Settlements

Policy 8 - Delivering Economic Prosperity

Policy 9 – Distribution and Location of Development

Policy 12 – Distribution of Retail Development

Policy 13 – General Sustainable Development Principles

Local Plan

64. Shopping: Development Within Established Shopping Areas

Emerging Policies (Local Development Framework)

Site Specific Proposals Local Development Document – Options Paper
Consultation March 2012

6.0 Financial/Resource Implications

None.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle
2. Impact upon the vitality and viability of Burton Latimer Town Centre
3. Impact upon the Character and Appearance of the Conservation Area
4. Amenity

1. Principle

Paragraph 17 of the National Planning Policy Framework is clear that proposals for sustainable economic development should be supported. Policy 2 requires Local Planning Authorities to promote town centre competitiveness, vibrancy, vitality and viability, through, amongst other ways, ensuring a viable mix of appropriate uses.

Policies 1, 8, 9 and 12 of the North Northamptonshire Core Spatial Strategy and Policy MKSM SRS Northamptonshire 1 of the East Midlands Regional Plan encourages development within the town of Burton Latimer. Policies 1 and 9 of the CSS encourage sustainable economic development within existing built up areas. The site falls within the boundary of Burton Latimer town centre and within the Established Shopping Area as defined by saved Policy 64 of the Local Plan for Kettering Borough. The principle of commercial development in this area is, therefore, established. The proposed use is described as a mixed use retail/coffee shop. The extant permitted use on the unit is A1 retail use. Both A1 uses and A3 uses are defined in the Glossary of the National Planning Policy Framework as 'main town centre uses' so either A1, A3 or A1/A3 mix is appropriate for the location with regard to the Development Plan.

2. Impact upon the vitality and viability of Burton Latimer Town Centre

The unit to which the application relates has been vacant since May 2011.

While the Change of Use involves the loss of an A1 (retail) unit there is no protected A1 retail area for Burton Latimer and the current lack of an active frontage would improve the shopping environment in accordance with policy 64 of the Local Plan for Kettering Borough. Although the proposal includes the provision of a coffee shop (A3), amended plans have been submitted to show that a certain amount of floorspace within the unit will be solely allocated for A1 use in order to retain a retail element. The use of the unit as a café only and the retention of A1 is to be secured by condition.

A health check for Burton Latimer Town Centre was carried out in June 2011. This revealed that in terms of convenience shopping the Established Shopping Area for Burton Latimer has a reasonable range of facilities, an above average representation of food service provision and demand for small scale/new start up business. Taking this into account it is considered that although food service provision in Burton Latimer has an above average representation, the inclusion of retail space in order to provide for a mixed use on site will help to improve the overall vitality and viability of Burton Latimer town centre and provide an option for comparison shopping which is currently below the national average for the town.

Policy 64 of the Local Plan for Kettering Borough states that within town centres we should seek to improve the shopping offer and the town centre environment. This unit is contained within a prime location of the town centre, it is currently empty and as such failing to enhance the vitality and viability of the town centre. It is considered that the proposal for a small scale business in line with national policy would help to bring an empty commercial unit back into use to the benefit of the street scene and vitality of the town centre. It is therefore considered to accord with Policy 2 of the NPPF and Policies 1 8 and 9 of the CSS.

3. Impact upon the Character and Appearance of the Conservation Area
Section S72(i) of the Planning (Listed Building and Conservation Areas) Act 1990 stipulates that the Local Planning Authority is to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. The application site is situated within Burton Latimer Conservation Area.

Physical alterations to the frontage of the building are to be subject to another application. However, it is considered that the proposed change of use to a retail/coffee shop would have a positive impact on the character of the area and the Conservation Area. It would enable the re-use of an empty building in the heart of the Conservation Area, in accordance with guidance provided in Policy 12 of the NPPF. The introduction of a mixed use which would attract visitors to the historic environment is a positive one and the re-opening of a commercial unit in the heart of the town will improve upon the character and appearance of the area when compared to a vacant, unused unit within the centre of the town.

4. Amenity

The application details clearly states that the kitchen area of the unit will be

used for reheating only rather than for actual cooking purposes. In this instance therefore cooking odours and associated ventilation will not be detrimental to the amenity of surrounding residential properties due to the limited nature of the café use. A condition is recommended as part of any decision if approved that a scheme for the storage and collection of waste is submitted for approval by the local planning authority in order to help protect existing amenity for occupiers of neighbouring properties. In terms of noise it is considered that this proposal is a suitable use for a town centre site and will not affect the amenity of nearby residents when compared to the permitted A1 use for this unit. The proposed hours of opening will be from 08:30 – 18:00 which is considered to be appropriate for a town centre site. Overall, it is considered to be an acceptable proposal in amenity terms and complies with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Subject to the necessary conditions the proposal accords with the Development Plan policies and material considerations also weigh in favour of approval. Therefore, the proposal is considered acceptable and approval is recommended.

Background Papers

Title of Document:

Date:

Contact Officer:

Louise Haggan-Craig, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

100 - 102 High Street, Burton Latimer
Application No.: KET/2012/0185



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