

<b>Committee</b>	<b>Full Planning Committee - 20/02/2018</b>	<b>Item No: 5.2</b>
<b>Report Originator</b>	<b>Louisa Johnson Development Officer</b>	<b>Application No: KET/2017/0811</b>
<b>Wards Affected</b>	<b>Slade</b>	
<b>Location</b>	<b>Barnwell Court, 21 The Green, Mawsley</b>	
<b>Proposal</b>	<b>Full Application: Change of use from offices to cafe restaurant and takeaway (A3 and A5), installation of shop front and 2 no. extractor fans to rear elevation</b>	
<b>Applicant</b>	<b>London and Cambridge Properties Ltd</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 Location plan KET/2017/0811/1 received by the Local Planning Authority on 21/11/2017; Block Plan KET/2017/0811/2 received by the Local Planning Authority on 27/10/2017; Proposed elevations KET/2017/0811/5 and Proposed floor plan KET/2017/0811/6 received by the Local Planning Authority on 28/11/2017.

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

3. No development shall commence on site until details of the types and colours of all external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: Details of materials are necessary prior to the commencement of development in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to the commencement of the use hereby permitted full details of the cooking equipment and odour control system to be installed shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be installed and maintained in accordance with the approved details at all times thereafter.

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

5. Prior to the commencement of the use hereby permitted a scheme for the acoustic treatment of the odour control system to prevent the emissions of noise affecting noise sensitive premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details and maintained in accordance with the approved details at all times thereafter. Upon completion of all works to implement the approved scheme, testing shall be carried out and a report submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby permitted to verify the scheme's effectiveness.

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

6. The premises shall not be open to the public before 08:00 hours or remain open after 23:00 hours on Mondays to Saturdays, nor before 10:00 hours or after 21:00 hours on Sundays or 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.

7. No vehicles making deliveries to or from the site shall enter or leave the site, and no plant or machinery shall be operated, except between the hours of 08:00 and 23:00 hours Mondays to Saturdays. There shall be no deliveries on Sundays or recognised public holidays.

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

8. Prior to the commencement of the use(s) 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.

9. Prior to the commencement of the use(s) hereby approved a scheme to control refuse and litter from patrons utilising the external area 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/2017/0811**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2017/0806 - Change of use from office to retail (A1), financial and professional services (A2) and non-residential institution (D1) and installation of new shop front - pending

KET/2017/0468 – Part 3 Class O Determination - Change of use of ground floor from B1 (office) to form 3 no. residential flats – Prior Approval not required  
14/08/17

KET/2017/0072 – Change of use of first floor from B1 (office) to C3 (residential) to form 5 no. residential flats – Refused 02/05/17

KET/2014/0201 – Change of use of offices to 2 no. dwellings to second floor – Approved 10/07/14

KET/2009/0476 – Change of use of Unit 2 (part of) from A5 to A1, Unit 16 from B1 to A1, Unit 20 from B1 to D1, together with associated minor changes to elevations to include Unit 22 - Approved 22/10/09

KET/2006/0916 - Mixed use development consisting of retail units, take-away, residential flats, day nursery, offices and finance unit – Approved 21/12/06

#### **Site Description**

Officer's site inspection was carried out on 15 December 2017.

The site is located within the centre of Mawsley village within a small development of existing retail and commercial premises set around shared parking courtyard. The courtyard also includes a number of cycle stores. Businesses within the courtyard include a café, retail, photographers, day nursery, restaurant, etc. Some of the units are vacant. The building to which this application relates is laid over 3 floors and encloses the car park courtyard along the south-westerly boundary. Beyond the existing building to the rear (southwest) is an open area of land and residential properties. The main village green is located beyond the community centre approximately 150m away.

### **Proposed Development**

The proposal is for the conversion of the ground floor offices to A3 Restaurant / Café and A5 takeaway, the installation of a new shop front and 2 extractor fans to the rear.

There is also an application for an alternative mixed use (A1/A2) scheme being considered under KET/2017/0806.

### **Any Constraints Affecting The Site**

None

## **4.0 Consultation and Customer Impact**

### **Highway Authority**

No objection, subject to the Planning Authority satisfying itself regarding parking and servicing of the site.

### **Environmental Health**

No objection, subject to appropriate conditions relating to kitchen ventilation and extraction – odour and noise, hours of operation and refuse.

### **Neighbours**

One objection has been received from the occupant of the offices at unit 17 (on the first floor to the left of the site). The objection is on the grounds that the proposed use would result in odours that could interfere with the operation of their business which includes receiving customers to their offices.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 4 – Promoting Sustainable Transport

### **Development Plan Policies**

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

Policy 8 – North Northamptonshire Place Shaping Principles

Policy 11 - The Network of Urban and Rural Areas

Policy 12 –Town Centre and Town Centre Uses

## **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 residential and neighbouring amenity
3. Impact on the character and appearance of the area
4. Impact on parking

### 1. Principle of Development

The site (referred to as unit 3.1 under KET/2006/0916) is located within the settlement boundary of Mawsley Village. The approved use of the site is commercial offices (B1), an application was submitted in June 2017 for a determination as to whether prior approval was required for a change of use from office to residential, it was confirmed in August 2017 that prior approval was not required; however this change of use has not taken place.

The submission sets out a case for pursuing a change of use of the existing ground floor of the building. The primary case being, that there is no demand for an office in this location. The owner purchased the site in November 2016 and has marketed it since then with no success, they have also confirmed that the site has never been let on a commercial basis, although it was occupied by a charity for a short period, no rent was paid.

The period of advertising and rents charged have been considered to be sufficient and reasonable with evidence of rental reductions being offered, and demonstrates a lack of demand for the existing office use in this location.

Originally, although recognised as an identified need within the Masterplan, the planning permission for Barnwell Court was not based upon a specified number or mix of uses. The final form of the development resulted from identified demand from end users and estimates of future demand. In their Economic Statement submitted with KET/2006/0916, the developers stated,

*“The mix of uses and layout proposed provides an economic scheme to be developed, and although parts remain speculative at this stage, we have confidence that there will be demand for the complete scheme and that there will be no empty units blighting the site on completion”.*

This approach was accepted by the authority because the overriding effect of combining local employment and service provision alongside the new village housing met the fundamental sustainable development principles enshrined in PPS1 and PPS3 [these policies are now superseded by the NPPF]. At the

time, it was accepted that Barnwell Court provided local services and employment rather than competing with neighbouring centres of population. Clearly, the original estimates of demand for office space appear incorrect as only some of the allocated B1/A2 uses have been brought into use and previous permissions have allowed for changes of use to individual units.

The proposal would result in a loss of an office employment use, normally considered to be B1 uses, to 'non B' employment uses – A3 and A5 which are considered to make significant proportion of new jobs according to para 8.6 of the North Northamptonshire Joint Core Strategy.

The evidence already provided indicates that there is not a strong demand for the offices in this location. Given the number of other vacant units within the area and the proposed 'non B' employment uses, the impact on employment is not considered significant. Furthermore, it has already been confirmed under KET/2017/0468 that the site has deemed consent under Class O of Part 3, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for a change use from B1a (offices) to residential, subject to specific conditions and limitations being met. It is considered that this would offer a viable fall-back position.

Taking into account the fall-back position of deemed consent, the lack of existing demand for the current permitted use and location within the settlement boundary of Mawsley, the proposal is considered acceptable in principle subject to detailed considerations being acceptable. These are discussed below.

## 2. Impact on residential and neighbouring amenity

The building is split into three units over each floor, on the ground floor – Unit 16 to the left of the site is in use as A1, Unit 21 – the site and Unit 22 to the right of the site has permission A2/B1 Finance / offices. The first floor currently have permission for B1 offices except the first floor above unit 22 which has permission for A2 / B1 finance / offices. The second floor above units 16 and 21 are in use as two flats.

The existing front elevations contains two large multi-pane windows and one small window, the proposal would involve inserting a new shop front consisting of full height glazed panels for a large portion of the width of the unit. The proposal includes the installation of two extraction fans on the rear elevation although these are not shown on the submitted drawings, with details to be secured by condition.

The proposed shopfront would look out onto the Court at ground floor level and so would not result in a loss of privacy to any neighbouring units.

The site backs onto 4 Meadow Close a residential property, the rear elevation of the site is approximately 1m from the boundary with no. 4 and there are two second floor residential flats in the building. The proposal involves the installation of two extraction fans at the rear of the site which would be adjacent to the boundary with no. 4. The Council's Environmental Health officer has confirmed that subject to appropriate conditions (see below), the proposal would not have a detrimental impact on 4 Meadow Close or the two flats.

An objection has been received from the occupiers of unit 17, which is currently in use as offices, on the grounds that the proposed A3 restaurant / Café / Takeaway uses would result in odours that be detrimental to the operating of their business. The Council's Environmental Health officers were consulted on the proposal and asked to consider the details of the objection received.

Environmental Health officers have advised that in their view the proposal would be acceptable subject to conditions requiring details of kitchen extraction and ventilation in regard to both odour and noise, refuse management and hours of operation to be submitted prior to commencement of development.

Given this it is considered that subject to the conditions set out above the proposed uses would not have a detrimental impact on nearby commercial uses or residential units in accordance with the relevant parts of Policy 7 (NPPF) and Policy 8 (NNJCS).

### 3. Impact on the character and appearance of the area

The existing front elevations contains two large multi-pane windows and one small window, the proposal would involve inserting a new shop front consisting of full height glazed panels for a large portion of the width of the unit. This arrangement is consistent with other retail and café uses in the court and as such it is considered that the proposed shop front would be acceptable in design terms.

The proposal includes the installation of two extraction fans to the rear elevation; however these will not be visible from the public realm.

The court is made of a mix of use including A1, A3, D1 and residential uses, as the proposed A3 / A5 uses would fit in with this mixed use area and would not be detrimental to the character or appearance of the area in accordance with the relevant parts of Policy 7 (NPPF) and Policy 8 (NNJCS).

#### 4. Impact on parking

There are three parking spaces allocated to the site, there are also 35 unallocated parking spaces plus 3 disabled spaces available in Barnwell Court. The Northamptonshire Parking Standards requires 7 parking spaces for this mixed A3 / A5 use therefore the proposal is short four allocated parking spaces.

However, it is considered that some of these spaces could be accommodated in the unallocated parking provision within the court and that there are likely to be some linked journeys due to the other uses in Barnwell Court. Furthermore as previously stated the unit has been unoccupied (other than a short occupancy by a charity) since it was built, as such it is considered that the benefit gained from the site being occupied outweighs the inadequate parking provision.

Therefore the proposal is considered to be acceptable in terms of parking provision in accordance with the relevant parts of Policy 7 (NPPF) and Policy 8 (NNJCS).

#### **Conclusion**

The proposal is acceptable in principle and in terms of its impact on the character and appearance of the area, employment uses, 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: