



**NORTH NORTHAMPTONSHIRE COUNCIL AREA PLANNING COMMITTEE  
(CORBY AREA)  
Wednesday 22<sup>nd</sup> March 2023.**

<b>Application Number:</b>	<b>NC/22/00516/COU</b>
<b>Case Officer:</b>	<b>Hollie McPherson</b>
<b>Location:</b>	<b>66-68 Rockingham Road Corby NN17 1AE</b>
<b>Development:</b>	<b>Change of use from a retail shop (Use Class E) to a hot food takeaway (Sui Generis)</b>
<b>Applicant:</b>	<b>Mr Y Wang</b>
<b>Agent:</b>	<b>Mr M Chan</b>
<b>Ward:</b>	<b>Lloyds Ward</b>
<b>Overall Expiry Date:</b>	<b>23<sup>rd</sup> February 2023. Extension of time requested for 31<sup>st</sup> March 2023.</b>

## **List of Appendices**

- a) Letter received from North Northamptonshire Property Services.

## **Scheme of Delegation:**

This application is brought to Committee as a departure from the Local Plan.

### **1. Recommendation:**

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- 1.1 That Planning Permission be GRANTED subject to planning conditions.

### **2. The Proposal**

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The applicant (North Northamptonshire Property Services) seeks planning permission for a change of use from a retail shop (Use Class E) to a hot food takeaway (Sui Generis).

The application follows previous application LPA ref: NC/22/00292/COU. In this case the applicant has provided further evidence in support to meet policy requirements relating to a marketing campaign. The applicant's letter is appended to provide more background to the proposed officer recommendation.

### **3. Site Description**

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3.1.1 The proposed site relates to 66-68 Rockingham Road falls within the Rockingham Road North centre. The existing use of the Unit is Class E which is for retail shop.

3.1.2 Rockingham Road North is a shopping parade near to the larger Corby Old Village District Centre and Corby Town centre. The parade contains a mix of shops takeaways and other local businesses. The condition of the shop frontages varies; on the officer site visit the occupation levels were seen to be reasonable. The premises which is the subject of this application is in a poor state, having been vacant for 3 years.

3.1.3 The parade is not classified as a Local Centre in the Part 2 Local Plan for Corby.

### **4. Relevant Planning History**

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4.1.1 NC/22/00292/COU - change of use from a retail shop (Use Class E) to a hot food takeaway (Sui Generis) – refused 06.09.2022.

### **5. Statutory Consultation Responses**

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#### **Internal**

##### **5.1.1 Highway Engineer**

The North Northamptonshire Highways liaison officer responded on 09.01.2023 and have raised no objections.

### **5.1.2 Environmental Health**

The North Northamptonshire Environmental Health Liaison Officer responded on 12.01.2023 have assessed the submission. They have raised concerns regarding the lack of information submitted to support the odour control, fumes and noise. It has been agreed that these concerns can be safeguarded by a pre-commencement condition.

### **5.1.3 Local Plans Team**

North Northamptonshire Local Plans team responded on 03.01.2023 and have raised an objection, summarised as follows:

- The information falls somewhat short of evidence to demonstrate an active marketing campaign for a continuous period of 12 months.
- Lack of data and marketing evidence relating to evidence of pressure on the local shops, and an appropriate balance between the number and type of units within the centre exists in line with Policy 20 of the Part 2 Local Plan for Corby and the NPPF.

### **Advertisement/ Representation**

Public consultation was carried out by way of site notice, posted: 04.01.2023, as well as notification to the below neighbours on 29.12.2022:

- 64 Rockingham Road, NN17 1AE
- 64A Rockingham Road, NN17 1AE
- 64B Rockingham Road, NN17 1AE
- 25 Gilchrist Avenue, NN17 1BA
- 27 Gilchrist Avenue, NN17 1BA
- 70 Rockingham Road, NN17 1AE
- 70B Rockingham Road, NN17 1AE
- 70A Rockingham Road, NN17 1AE

No neighbour objections were received.

The following is a link to representations made online:

[NC/22/00516/COU | Change of use from a retail shop \(Use Class E\) to a hot food takeaway \(Sui Generis\) | 66 - 68 Rockingham Road Corby NN17 1AE](#)

### **5.2 3 Corby Town Council**

Objection. Corby Town Council RESOLVED to OBJECT to the application, on the basis of the lack of variety of retail on the existing street.

## **6. Relevant Planning Policies and Material Considerations**

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### **6.1.1 Statutory Duty**

Section 38(6) of the Planning and Compulsory Act 2004 requires Local Planning

Authorities to determine planning applications in accordance with the Development

Plan unless material planning considerations are considered to outweigh it. The 'development plan' comprises the North Northamptonshire Joint Core Strategy 2016 and Part 2 Corby Local Plan 2021. The National Planning Policy Framework 2021 is a material consideration.

### **6.1.2 National Planning Policy Framework (NPPF) (2021)**

Section 8 Promoting Healthy and Safe Communities

Section 12 Achieving Well Designed Places

### **6.1.3 North Northamptonshire Joint Core Strategy (adopted 2016)**

Policy 7 Community Services and Facilities

Policy 8 Place Shaping Principles

### **6.1.4 Part 2 Corby Local Plan (adopted 2021)**

Policy 20 Change of Use of Shops Outside the Defined Centres

### **6.1.5 Neighbourhood Development Plan**

There is no emerging neighbourhood development plan of any material weight in decision making.

## **7. Evaluation**

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Key Determining Issues:

- Principle of Development (Change of Use);
- Design and Impact upon the Street Scene;
- Neighbouring Amenity

### **7.1 Principle of Development**

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7.1.1 The NPPF 2021 is clear that national policies which support local or district centres exclude small parades of shops of purely neighbourhood significance ('neighbourhood centre'). The NPPF para. 92 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

*a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other for example through strong neighbourhood centres and active street frontages,*  
*c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of local shops, and access to healthier food.*

7.1.2 NPPF paragraph 93 supports the social, recreational and cultural facilities and services the community needs through encouraging planning policies and decisions which:

*a) plan positively for the provision and use of shared spaces, community facilities (such as local shops) to enhance the sustainability of communities and residential environments,*

*c) requires local planning authorities to guard against the unnecessary loss of valued*

*facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs,*

*d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.*

7.1.3 Policy 7 of the NNJCS 2016 supports the safeguarding of existing services and facilities unless it can be demonstrated that they are no longer viable, needed, or needed for an alternative community use or the facility is being relocated and improved to meet the needs of a new and existing community.

7.1.4 The Part 2 Local Plan for Corby does not identify Neighbourhood Centres within the network and hierarchy of centres. However, it does note numerous shops across Corby that are of purely neighbourhood significance and recognises that these provide a valuable service to local communities in helping to meet their day-to-day needs, particularly for the elderly and other less mobile residents. It seeks to protect these in order to enhance the sustainability of communities and promote sustainable patterns of development.

#### Officers assessment

7.1.5 This proposed change of use to a hot food takeaway located along Rockingham Road relates to a building which is in a poor condition. North Northamptonshire Property Services have confirmed the property has been vacant for 3 years.

7.1.6 The vacant building would require substantial investment to make it fit for purpose. The proposal is to change the use of the building from Class E use class (retail shop) to Sui Generis (Hot food takeaway). Therefore, it is a matter of planning balance as the property could remain vacant for a further period despite recent permitted development changes which allow opportunity for a wider range of uses. No interest in retail occupation has been brought forward.

7.1.7 Officer's consider that the proposal would contribute to economic regeneration albeit on a small scale, and subsequently an improved shop frontage and also create employment. In terms of crime prevention, it would increase local footfall and natural surveillance. Therefore, it can be argued that a more flexible approach can be taken in this case.

7.1.8 Policy 20 of Part 2 Local Plan for Corby seeks to support the sustainability of communities by ensuring that local shops are protected, especially where the loss would impact on the diversity of local services in local communities. Marketing evidence is required demonstrating an active marketing campaign for a continuous period of 12 months. In Officers' view, the additional information supplied by property services is an important material consideration in justifying the revised officer recommendation.

7.1.9 There are no obvious constraints that prevent this development from coming forward at this location. The previous application submitted under ref NC/22/00292/COU concluded that it was evident from the application that the site is currently empty.

7.1.10 In this new submission, the applicant has sought to satisfy Policy 20 of the Part 2 Local Plan for Corby (2021) by submitting evidence towards a marketing campaign of at least 12 months in duration, comprising of the following:

- To Let details from Corby Property Services (undated)
- Tenant Vacating Unit document from Corby Property Services (27.02.2020)

7.1.11 In summary the property has been vacant for a three year period, which is not a sustainable situation for this area as it does not promote economic viability **or security**. The property has fallen into a state of disrepair, looking unsightly within the street scene. Taking

these factors into consideration, officers consider that on balance, the proposed change of use is acceptable as it would see a vacant unit back into use. The application is therefore put forward as a minor departure from the Local Plan.

## **7.2. Design and Impact upon the Character of the Area**

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7.2.1 Policy 8 of NNJCS states that development should respect and enhance local character by ensuring that it responds to its topography, wider context, the landscape setting and the local streetscape and local building material.

7.2.2 Paragraph 130 of the NPPF also elaborates how well-designed places can be achieved through sustainable development.

7.2.3 No elevational changes have been proposed as part of the development. Taking into account the design and appearance, it is considered that the proposed change of use application will not be detrimental to the existing street scene. Therefore, the proposed development is considered to be acceptable in terms of design and appearance.

## **7.3 Neighbouring Amenity**

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7.3.1 Policy 8 - North Northamptonshire Place Shaping Principles of NNJCS demonstrates the necessity of protecting amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

7.3.2 Paragraph 130 of the NPPF also puts emphasis on the high quality designed good standard of amenity for improving the character and quality of an area and the way it functions. The proposed development would not affect the standards of any neighbouring amenity in terms of loss of privacy, loss of light, overbearing effect.

7.3.3 Further assessment has been carried out regarding noise and odour impact from the proposed scheme. The Environmental Health Officer has assessed the submission and confirmed that the information submitted by the applicant regarding control of odour and noise from the proposed takeaway is not sufficient. However, it has been confirmed by the environmental health officer that a pre-commencement can be attached to safeguard this.

7.3.4 Subject to a safeguarding condition relating to noise and smell emissions, the proposal would comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

## **8. Conclusion**

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8.1.1 In conclusion, it is considered that, on balance, the use of the site as a hot food takeaway is considered to be acceptable given that the property has been vacant for an extended period. Whilst a continuous marketing campaign of at least 12 months has not been supplied, as required by Policy 20 of the Part 2 Local Plan for Corby, evidence that the property has been vacant for three years has been put forward by the Council's property services. This is considered robust evidence to justify a departure from the development plan.

## **9. Recommendation**

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9.1 For all the reasons considered above and weighing up the policies of the North Northamptonshire Joint Core Strategy (2016) and other material considerations it is recommended that on balance, planning permission is granted subject to the conditions set out below.

## **10. Conditions**

1. The development hereby permitted shall begin before the expiration of three years from the date of this application.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in writing to discharge other conditions attached to this decision.

Reason: For the avoidance of doubt and to ensure a suitable form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Prior to the occupation of the building, full details and assessment of noise and odour control measurements shall be submitted to the Local Authority to be assessed accordingly and agreed in writing accordingly.

Reason: In the interests of environmental health and the amenity of the neighbouring occupiers, in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## **Informatives/s**

4. In dealing with the application the Council has taken into account in the National Planning Policy Framework 2021, the Joint Core Strategy Adopted July 2016, Part 2 Local Plan for Corby 2021, and any relevant material considerations.

## Appendix

a)



Property Services  
Corby Innovation Hub  
Bangrave Road South  
Corby, Northants. NN17 1NN  
Tel: 0300 126 3000  
[www.northnorthants.gov.uk](http://www.northnorthants.gov.uk)

Telephone: 07971791719  
Email: [lisa.mcgonigle@northnorthants.gov.uk](mailto:lisa.mcgonigle@northnorthants.gov.uk)  
Date: 7<sup>th</sup> December 2022

Dear Mr Chan,

Following on from our telephone conversation, please see below the requested information from planning regarding the policy change

### *Policy 20 – Change of Use of Shops Outside the Defined Centres*

*Small scale retail development to serve the day-to-day needs of local neighbourhoods will normally be permitted.*

*Individual shops not within the defined centres will be safeguarded for A1 retail purposes, unless an applicant can demonstrate:*

- a) Adequate alternative facilities are already within walking distance, which are capable of meeting the needs currently being met by the existing facility without leading to a shortfall in provision;*
- b) An appropriate balance between the number and type of units within the settlement or neighbourhood area;*
- c) The property has been marketed for its current use for a sufficient period of time at a reasonable price and that there has been no interest in the property, and that the existing use is no longer economically and/or socially viable; and*
- d) The replacement use will result in no harm to the character or amenity of the immediate area.*

- (a) 66 was previously a furniture shop, 68 is still a furniture shop and there is another furniture shop at Odeon buildings which is less than a 2 min walk so would constitute within walking distance.
- (b) I don't believe there to be a Thai/Malaysian takeaway on this parade therefore an appropriate balance between the number and type of units within the settlement or neighbourhood area; that covers
- (c) 66 Rockingham road has been marketed since March 2020, this can be evidenced via the letting particulars (included) and also a tenant vacating form, which advises the date the last tenant vacated. (This can only be provided to the officer managing your application due to data protection)
- (d) The replacement use will result in no harm to the character or amenity of the immediate area. – The unit is currently closed permanently due to being vacant therefore the only character it currently adds to the immediate area is undesirable. Changing the use to a Takeaway would remove this and I can't see how it could possibly harm the immediate area.

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Registered Office: North Northamptonshire Council, Sheerness House, 41 Meadow Road, Kettering, NN16 8TL

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**North  
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All this evidence was accepted previously by planning officer Farjana Mazumder via email dated 03.10.2022 and conforms with policy requirements.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Lisa McGonigle'.

Lisa McGonigle  
For and on behalf of Property Services

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Registered Office: North Northamptonshire Council, Sheerness House, 41 Meadow Road, Kettering, NN16 8TL

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## Appendix B

Good afternoon, Bob,

It was good to talk to you today regarding the application for 66 Rockingham road. I appreciate the call so I could run through a few things with you. I have attached the email whereby Farjana confirmed to the applicant if the information provided for policy 20 was approved the application could be supported, and also Farjana confirming approval.

I just wanted to give you some insight of the struggles we are facing on this parade.

We have had an increase in retail units being handed back to us unfortunately with the inflation costs and electric price rises, businesses are struggling. Several of the businesses on this parade have also approached me to surrender their lease or assign it so I'm concerned in the not-too-distant future we may have even more empty units.

I received a double unit back last week and I have been advised I'll be receiving another one back in the next few weeks, along with the current vacant property on this parade that will leave 4 empty units.

I understand it isn't always ideal having multiple takeaways however, this property has been on the market for nearly 3 years with minimal interest and when we did have interest it was never for retail.

I have had previous interest on this parade for a barbers or gaming arcade however this was rejected by councillors.

There is also the issue with the new planning policy whereby properties have to be advertised for a minimum of 12 months before a change of use would be considered. I had someone interested in one of these units however it required a change of use and as it had only been on the market for 3 months at that time, so it had to be rejected.

I am struggling to re let these units and after years being empty, generating no income and costing the council in maintenance I would have thought a takeaway would have been preferential to empty unit not commanding a rent. We are trying to get interest by offering significant rent-free periods or low rents to get the right tenant in however this doesn't entice people unfortunately.

The applicant in this case also plans to spend a significant amount refurbishing the unit which is great for the council as the landlord.

Let me know if you need anything. I'd really hate to see it sit empty for another 3 years.

Thank you

**Kind Regards**

**Lisa McGonigle | Commercial Property Officer**

North Northamptonshire Council

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