



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 15th November 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0928: Change of Use of part of ground floor from retail (Use Class A1) to restaurant (Use Class A3) including alterations to shop front and conversion of upper floor into five residential flats (1 two bedroom and 4 one bedroom)
44-54 St Giles Street, Northampton

WARD: Castle

APPLICANT: Mr. C. Menekse
AGENT: Mr. A. Ay; A. Anva Ltd

REFERRED BY: Head of Planning
REASON: Proposal affects a Council owned property

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to conditions and for the following reason:

The proposed development would have a neutral impact upon viability and vitality of St Giles Street and the wider town centre; have a neutral impact upon the amenities of the surrounding properties and the character and appearance of the Derngate Conservation Area. The proposal would therefore comply with the requirements of PPS1, PPS4, PPS5, PPS23, PPG24 and Local Plan Policies E20, E26, H7, R5 and R7.

2. THE PROPOSAL

2.1 The applicant seeks permission to convert part of the ground floor of the building to form a restaurant unit. This would therefore result in two separate units being created on the

ground floor, each with independent entrances from St Giles Street. The existing central access would be retained in order to access the upper floor of the building where it is proposed that 1 two bedroom flat and 4 one bedroom flats would be created.

3. SITE DESCRIPTION

- 3.1 The building is located within the Derngate Conservation Area and was constructed during the earlier part of the twentieth century. The building is notable in that it has a good quality shop front and additional architectural detailing around the central window on the first floor. A pediment is a feature of the front elevation, which adds to the character of the building and contributes to a sense of symmetry,
- 3.2 The surrounding buildings are also of a high quality of design and are predominantly used for retail purposes; however, a reasonable number are used for complementary functions, such as a Class A2 (such as 28-30 and 55 St Giles Street) and A3 uses (for instance, 29 St Giles Street). Office and residential accommodation is also a feature of the wider area. Car parking demand within the vicinity is met through a combination of on-street spaces as well as various public and private car parks within the environs of the site.

3. PLANNING HISTORY

- 4.1 N/2011/0594 – Change of use of part of the ground floor from retail shop (Use Class A1) into Restaurant (Use Class A3), installation of extraction flue to rear elevation and change of use of first floor to House in Multiple Occupation (Comprising 10 en suite bedrooms) – Withdrawn.
N/2011/791 – Change of use of part of the ground floor from retail (Use Class A1) into restaurant (Use Class A3) including installation of extraction flue to rear elevation with alterations to shop front conversion of upper floor into six self contained flats – Withdrawn.
- 4.2 Separate to these applications, various applications have been submitted since 1952 for advertisements and alterations to the shop front.

4. PLANNING POLICY

- 5.1 **Development Plan**
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved

policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS4 – Planning for Sustainable Economic Growth

PPS5 – Planning for the Historic Environment

PPS23 – Planning and Pollution Control

PPG13 – Transport

PPG24 – Planning and Noise

5.3 Northampton Borough Local Plan

E20 – New Development

E26 – Conservation Areas

H7 – Housing Development Outside Primarily Residential Areas

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Shop Front Design Guide SPD 2011

5. CONSULTATIONS/REPRESENTATIONS

6.1 Environmental Health (Public Protection) (NBC) – Precise technical details of the odour abatement scheme or the control of noise from the extraction flue or other equipment, such as chillers. Therefore, objections are raised.

6.2 Conservation (NBC) – The introduction of the extra doors has been undertaken in a manner, which reflects the proportions and symmetry of the façade and the rhythm of the upper floors. As such the proposal is sympathetic to the street and wider conservation area. A condition is recommended covering the details of materials to be used.

6.3 Highway Authority (NCC) – No observations. It should be noted that residents would be eligible for a permit to use long stay multi-storey car parks.

6.4 Town Centre Conservation Areas Advisory Committee – The proposal would remove a large retail unit that would enhance the vicinity. The upper floors could be used for further retail floorspace or ancillary functions, such as storage or administration. The proposed restaurant would result in an over-concentration of non-retail uses. It is also considered that the residential development represents an over development of the site.

6.5 Northamptonshire Police Crime Prevention Design Advisor – It is requested that the recessed rear fire escape be amended

so that door is fitted flush with the building line. Further details of the refuse storage is requested. Additional comments are made regarding further security measures to doors and cycle storage.

6.6 85 Scholars Court and 40-42, 44-54 and 62 St Giles Street.
Comments can be summarised as:

- St Giles Street sets a standard for the rest of the town due to the quality of the retailing outlets and sufficient restaurants.
- The proposal would detrimentally impact upon the balance of existing businesses within St Giles Street. The main reason for visitors using St Giles Street is for shopping purposes and café/restaurant uses are secondary to this.
- The creation of such a development would have an adverse impact upon the character of St Giles Street.
- Businesses may close if the number of people using St Giles Street were to fall
- There a number of smaller units available within the town and therefore subdividing the unit would not desirable, particularly as it would result in the loss of a prestigious retail unit.
- The building could be used for other purposes that could support existing businesses within the street and provide new facilities.
- Consideration should also be given to the car parking situation and refuse storage

7. APPRAISAL

Change of Use of Ground Floor

- 7.1 The application site falls within a secondary retail frontage as identified by the Local Plan. Policy R7 of the Local Plan states that changes of use away from a shop use should only be granted in instances in which the level of retailing would exceed 60% of the total frontage and would not result in three or more adjacent units being used for non-retail purposes. The current provision of retailing within the frontage is 89% of the total and should this application be approved, the level of retailing would be reduced to 68%. Furthermore, the two units on each side are utilised for retail purposes. As a result of this, it is considered that the proposed change of use of the ground floor would not unduly impact upon the viability and vitality of St Giles Street and would accord with Local Plan Policy R7.
- 7.2 Reference should also be made to the policies within the emerging Central Area Action Plan. Although this document identifies that the main role of St Giles Street is to provide retailing facilities; the CAAP identifies that this function could be supplemented by additional complementary Class A3 activities.

As a result of this, it is considered that the proposed change of use of the ground floor is in accordance with the current and emerging local planning policies.

- 7.3 The proposed ground floor uses are identified as being town centre functions within PPS4 and are therefore appropriate for this context, subject to compliance with the aforementioned policies. For these reasons, it is considered that the proposal would not unduly impact upon the viability and vitality of the town centre.
- 7.4 By reason of the proposed restaurant use, an extraction flue has been included on the rear elevation of the building. The positioning and scale of this equipment is such as not to cause any significant adverse impact upon the character and appearance of the Derngate Conservation Area. Furthermore, the positioning of the equipment would prevent any significant loss of light or outlook to the occupiers of surrounding properties, including the proposed first floor flats.
- 7.5 It is noted that concerns have been raised from the Environmental Health section regarding the level of noise that would be generated from the extraction flue on the grounds that a precise technical specification has not been submitted with the application. Whilst this point is noted, it is considered that a condition covering the specification of the flue would accord with the requirements of Circular 11/95 with regards to the phrasing of such conditions. An additional condition is also recommended that would require the submission of an assessment of the sources of noise from the proposed use (for example, chillers). Securing and controlling these matters by condition is consistent with other recent decisions for this type of development. Through the imposition of these two conditions it is considered that the proposed development would comply with the requirements of PPS23 and PPG24.
- 7.6 In order to secure a satisfactory standard of development, a further condition is recommended that would require details of the refuse storage to be submitted to and approved by the Local Planning Authority. With reference to the representations from Northamptonshire Police's Crime Prevention Design Advisor, a condition is recommended regarding details of the fire escape to be submitted. Other comments made in relation to security specifications are essentially site management matters, but will be brought to the attention of the applicant.

Change of Use of Upper Floor

- 7.7 The first floor of the building is proposed to be converted to five separate flats. By reason of the layout of the building, a

satisfactory level of light, outlook and privacy for the future occupiers of the development would be secured. The layout and function of the surrounding properties would also ensure that there is no undue impact upon neighbour amenity as a result of utilising the upper floor for residential purposes. Therefore, it is considered that the proposal complies with the requirements of Policy H7 of the Northampton Local Plan. Satisfactory refuse and cycle storage has also been provided as part of the proposal.

- 7.8 No off-street car parking is proposed as part of the development. Given that the property is sustainably located within the town centre in close proximity to a significant number of businesses and services, including public car parking, it is considered that the non-provision of off-street car provision is acceptable. Furthermore, it should be noted that no objections have been received from the Highway Authority. For these reasons, it is considered that the scheme is compliant with the requirements of PPG13.
- 7.9 It is recognised that the proposed ground floor use has the potential to create noise during the evening periods, when a shop may be expected to be closed; however, due to the site being located within the town centre, in which a number of late night uses are expected, it is considered that the proposed combination of uses would not unduly impact upon residential amenity. Matters concerning the transfer of noise between the ground and first floor are addressed under the relevant Building Regulations. For these reasons, it is considered that the proposal is in accordance with the requirements of PPG24 – Planning and Noise.

New shop front

- 7.10 The building occupies a prominent position within the Derngate Conservation Area and is of a high quality design, which is reflected in many of the surrounding buildings. The replacement shop front would maintain the symmetry that already exists within the building as well as maintain a number of traditional features, including a stallriser and mullions. In order to secure a satisfactory standard of development and to ensure compliance with the SPD Shop Front Design Guide and Local Plan Policies R5 and E26, a condition is proposed that would ensure that the details of the proposed materials are submitted and approved by the Council. As a result of these factors, it is considered that the proposal would have a neutral impact upon the character and appearance of the Conservation Area.

8. CONCLUSION

- 8.1 It is considered that the proposed development would have a neutral impact upon the character and appearance of St Giles Street and the wider Derrnigate Conservation Area. Furthermore, the proposed uses would complement the existing commercial activity within the environs of application and would therefore have a neutral impact upon the viability and vitality of the locality.

9. CONDITIONS

- 9.1. 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Details and/or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

3. Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the premises being used for the permitted purpose and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

4. A scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on the site whether from fixed plant or equipment or noise generated within the building and the provisions to be made for its control and the approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and vibration amenity in accordance with the advice contained in PPG24 Planning and Noise.

5. Before the development hereby permitted commences, a scheme shall be submitted to and approved in writing by the Local Planning Authority that specifies the provisions to be made for the collection, treatment and dispersal of cooking odours and the maintenance of the abatement plant. The

approved scheme shall be implemented prior to the development coming into use and be retained thereafter.
Reason: In the interests of the amenity of the surrounding locality and to secure a satisfactory standard of development in accordance with the advice contained in PPS23 Planning and Pollution Control.

6. Notwithstanding the details submitted, details of the rear fire escape shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.
Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Local Plan Policy E40.

10. BACKGROUND PAPERS

10.1 N/2011/0594
N/2011/0791

11. LEGAL IMPLICATIONS

11.1 None

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Position:	Name/Signature:	Date:
Author:	Ben Clarke	27/10/11
Development Control Manager Agreed:	Gareth Jones	02/11/11