



PLANNING COMMITTEE: 10 January 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/1134: Change of use from Offices (Use Class A2) to
Thai Spa Massage Clinic (Use Class D1)
34 York Road

WARD: Castle

APPLICANT: Mrs Supatra Rees
AGENT: None

REFERRED BY: Cllr. Winston Strachan
REASON: Concerns about parking as site is on a busy
road with double yellow lines on both sides.

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposal would not harm the character and appearance of the Boot and Shoe Conservation Area and by reason of its location, would not lead to any adverse impact on the vitality and viability of the town centre or have any adverse impact in terms of demand for parking or highway congestion, or any impacts on nearby commercial or residential premises. The proposal therefore complies with saved Policies E20 and E26 of the Northampton Local Plan and PPS1, PPS5 and PPG13.

2. THE PROPOSAL

2.1 The proposal is to change the use of the vacant property from Office (Use Class A2) to a Thai Massage Clinic (Use Class D1). An original description for the application was submitted for change of use from Retail (Class A1) however during the course of assessing the

application it was identified that the Class A1 shop retail use (although lawfully permitted) had never been implemented. The existing lawful use of the premises therefore remains Use Class A2 (Financial and Professional Services).

- 2.2 The proposed opening hours are Monday – Saturday 10am – last booking 8pm, Sunday 10am – last booking 6pm.
- 2.3 There are no proposed alterations to the external appearance of the property.

3. SITE DESCRIPTION

- 3.1 The application site is situated on the east side of York Road, between Abington Square and St Edmunds Road within Northampton's Boot and Shoe Conservation Area. It consists of a two/three storey, mid terraced property that is currently vacant. Properties adjoining the application site consist of a jewellers (No. 33) and a nail studio (No.35). Other properties in this section are a restaurant, a café, a hair and beauty parlour and a photo studio. Of the twelve properties in this section of York Road, five are currently empty.

4. PLANNING HISTORY

- 4.1 N/2010/0551 – Lawful Development Certificate issued for the proposed change of use from Use Class A2 to Use Class A1.
- 4.2 Planning permissions granted in 1972,1976, 1982 and 1984 for extensions to insurance office.

5. 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
PPS4 – Planning for Sustainable Economic Growth
PPS5 - Planning For the Historic Environment
PPG13 – Transportation
PPG 24 - Planning and Noise

5.3 Northampton Borough Local Plan

E20 – New Development
E26 - Conservation Areas

5.4 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

6. **CONSULTATIONS / REPRESENTATIONS**

- 6.1 Proposal advertised by site and press notices and nearby occupiers notified. At the time of writing the report comments had not been received to re-consultation on the amended application description. The comments received below relate to a change of use of the premises as initially publicised from Retail (A1) to Massage Clinic (D1). Some of the comments only relate to the proposed use and are therefore still considered to be relevant. Any amended / additional comments will be reported verbally to Committee.
- 6.2 **NBC Built Conservation** - Objects as follows – “The obscure shopfront makes an interesting contribution to the character and variety of this terrace of commercial properties. Ideally this would be refurbished so that it can facilitate a successful reuse of the property. I feel that it would be better to retain this property within an A1, A2 or B1 use class. The use of this building for a purpose which has no natural active frontage would detract from this row of shops”.
- 6.3 **NBC Town Centre Manager** – No comments received.
- 6.4 **Northamptonshire Police** – No formal objection to the application provided that the premises operate as described.
- 6.5 **Town Centre Conservation Committee** – the Committee noted that the extension to Steffans Jewellers had the potential to regenerate this row of shops and that this property could benefit. The Committee therefore felt that the premises should remain in retail usage in order to promote the vitality and character of the area.
- 6.6 **33 York Road:** “I feel I must object to change of use to the property adjacent to mine. I feel I must object to the change of use from a retail shop into a massage clinic as I do not feel this is befitting the area.” Considers York Road has always been a retail street and that there are still retail shops which need support from other retail shops. States that his business has been there since 1969 and that he is striving to continue trading. Believes that the Council wishes to encourage shoppers to the Town Centre and therefore does not consider permission should be granted for a shop to be changed to another use. Can see no benefit to surrounding businesses from this type of service and disgusted at the proposal to place a massage clinic next to one of the oldest, most traditional established businesses in the town.

7. APPRAISAL

- 7.1 Whilst the application site falls within the Central Area in both the Local Plan and the Draft Northampton Central Area Action Plan it does not fall within the Town Centre boundary or form primary or secondary retail frontage. In these areas outside of the Town Centre Boundary efficient use of land is encouraged by a mix of land uses in order to increase the vitality and vibrancy of an area and a wider range of choice for users.
- 7.2 The premises are not listed but are situated within the Boot and Shoe Conservation Area. In designated conservation areas there is a requirement to ensure that the special character of the area is protected. PPS5 and the accompanying Good Practice Guide requires Planning Authorities to apply development control policies flexibly and imaginatively in order to achieve long term conservation objectives. PPS5 Policy HE7 requires planning authorities to identify and assess the particular significance of any element of the historic environment that may be affected and the need to take into account the desirability of new development towards making a positive contribution to the character and local distinctiveness of the historic environment. Local Plan policies also seek to ensure that the special character of the conservation area are protected.
- 7.3 The application property has been vacant since 2006 but prior to that it had a history of commercial use. PPS5 recognises that the best way to preserve a building is for the building to be used. The proposed change would be beneficial in ensuring that the building is kept in economic use. Whilst the Council's conservation officers have expressed concern re the proposed change of use it is not considered that a D1 use would provide a less active frontage than the lawful existing A2 use. Furthermore Conservation Officers consider the façade of the premises should be refurbished but as the proposal does not include external alterations to the property this is not a consideration. Despite the comments of the Conservation Officer it is not considered that the character and appearance of the Boot and Shoe Conservation Area would be unduly harmed by the proposal nor that there would be any conflict with the Policies of PPS5 arising from the proposal.
- 7.4 With regard to the impact on amenities the premises are located close to the commercial part of York Road and Abington Square. The impact of noise and disturbance to surrounding occupiers would be limited by existing ambient noise levels. The applicant is proposing that the premises remain open to the last booking at 8pm, Monday to Saturday and until the last booking at 6pm on Sunday. As the applicant has stated that treatments take between half to two hours long it could be 10pm before the premises close during the week and 8pm on Sundays.

It is considered that to protect the amenities of nearby residents an hours of use condition should be attached to any planning permission limiting opening hours to normal working hours. This was the stance taken for a recent application for a change of use from D1 to B1 at 37a York Road (N/2011/1057 refers).

- 7.5 No off street parking facilities are proposed and concerns have been raised about highway safety, as there are double yellow lines on both sides of this section of York Road. Whilst Highway Authority has not commented on the application, it is not considered that the proposed use will generate any more traffic / parking issues than the existing lawful use (Class A2) or the permitted shop use (Class A1). It is noted that there are public car parks within close proximity of the application site (Chapel Place and St, Michael's Road). Given the small scale nature of the use within a town centre location this is considered acceptable and in accordance with PPG13.

8. CONCLUSION

- 8.1 It is considered that the principle of changing this site to a D1 use is acceptable due to its allocation in the Local Plan and due to its location within the Town Centre, close to public car parks and public transport routes. It is not considered that the proposal will unduly impact on the character of the surrounding Conservation Area or impact on neighbouring land uses. In conclusion therefore it is considered that the proposed development can be permitted subject to conditions.

9. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Act 1990.
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any order amending, revoking or re-enacting that Order with or without modification, the development approved under this permission shall be used solely for the purposes of massage clinic use as defined within Class D1.
Reason: For the avoidance of, doubt, in order to define the permission and to allow the local planning authority opportunity to assess the impact of an alternative use within the same use class of the property in the interests of residential and general amenity in accordance with saved Policy E20 of the Northampton Local Plan and PPS1.
3. The premises shall only operate between the hours of 08:30 and 18:30 (Monday to Sundays) unless otherwise approved in writing by the local planning authority.
Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of

premises/dwellings in the vicinity and to accord with saved Policy E20 of the Northampton Local Plan and PPS1.

10. BACKGROUND PAPERS

10.1 N/2010/0551 and N/2011/1057.

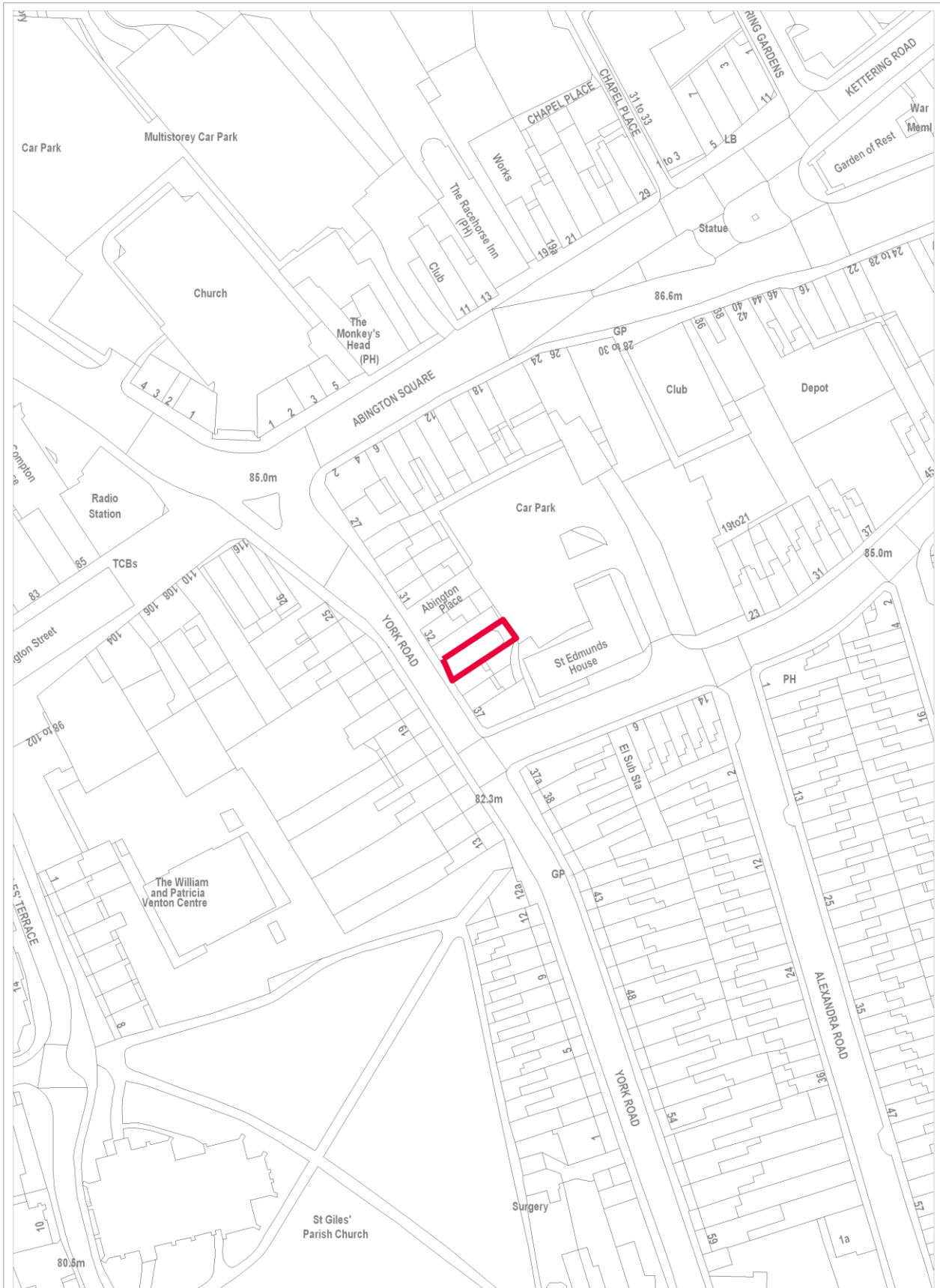
11. LEGAL IMPLICATIONS

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.

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|--|------------------------|--------------|
| Position: | Name/Signature: | Date: |
| Author: | Rowena Simpson | 20/12/2011 |
| Development Control Manager Agreed: | Gareth Jones | 21/12/2011 |



Name: **Charis Holder**
 Date: **28th December 2011**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Site Location Map**

Title
34 York Road

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