



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 3 September 2013
DIRECTORATE: Regeneration, Enterprise & Planning
HEAD OF PLANNING: Susan Bridge

N/2013/0743 Change of use of ground floor and basement from retail (use class A1) into a Parisian café and drinking establishment (use class A3/A4).

WARD: Castle

APPLICANT: Mrs S. Patterson
AGENT: N/A

REFERRED BY: Head of Planning
REASON: Council Owned Property

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposal would not adversely impact on the character and appearance of the Derngate Conservation Area and the amenities of nearby properties or lead to unacceptable traffic problems and would promote the vitality and viability of the Town Centre and hence complies with Policies 1, 12 and 13 of the Central Area Action Plan and would accord with the objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Applicant proposes to convert a vacant retail unit with a floor space of 100sq.m into a 'Parisian style café' and 'gin parlour'.

2.2 The café would serve breakfasts and lunches, which the applicant has advised would be sourced from local organic produce. There would also be an all-day crepe bar.

- 2.3 The applicant proposes to operate a bar use in the evening serving gin. The applicant has advised that patrons of the 'gin parlour' would have to join their 'gin club' as members in order to gain entry. Acoustic background music would be played.
- 2.4 To encourage footfall the applicant states that the basement would be used to sell retro vintage furniture, specialist books and gift gin bottles.
- 2.5 The following layout is indicated:
Ground floor - tables with seating area for 25, sofa area, open kitchen and bar area;
Basement Area - WC and storage area.
- 2.6 The café would operate during the following day/times:
- Mondays to Saturdays 08:00 – 17:00 hours
 - Sundays/Bank/Public Holidays 10:00 – 15:00 hours
- The Gin Parlour would have the following operational times:
- Thursdays, Friday and Saturdays – 18:00 – 23:00 hours
- 2.6 No external alterations are proposed.

3. SITE DESCRIPTION

- 3.1 The building is a single storey double fronted property located within the Derngate Conservation Area on St Giles Street at its junction with Hazelwood Road. St Giles Clinic and a funeral directors are located opposite on the northern side of St Giles Street.
- 3.2 The nearby uses on St Giles Street include a hair salons, coffee shop, hearing aid shop, cooking utensils shop, vacant former delicatessen, office supplies / stationary shop and gift / card shops. Along Hazelwood Road the immediate area is characterised by office uses, whereas nos. 48 and 50 Hazelwood Road are in residential use. The adjoining premises on Hazelwood Road were previously occupied by the Community Law Advice Centre. There are a number of flats in the vicinity above commercial premises.

4. PLANNING HISTORY

- 4.1 None.

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 Development Plan comprises the Northampton Central

Area Action Plan (2013) and saved policies of the Northampton Local Plan (1997).

5.2 Central Area Action Plan

Policy 1 - Promoting Design

Policy 12 - Definition of the Primary Shopping Area

Policy 13 - Improving the Retail Offer

5.3 National Policies

National Planning Policy Framework (NPPF)

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

Planning Out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS

6.1 Northamptonshire Police Crime Prevention Design Advisor –

Advises that the proposal has been discussed with the Night Safe Sergeant and no objection is raised.

6.2 Town Centre Conservation Area Advisory Committee –

Consider the loss of retail use for this site would further impact on the unique shopping experience in St Giles Street. The introduction of another café/bar was unnecessary and would very much change the balance and harmony of uses in the street, to the detriment of the niche area. For the reasons above the committee object to the proposed change of use and urge refusal. Furthermore as the property is owned by the Council, the Committee ask that incentives be provided to enable this to be brought back into use a retail unit as quickly as possible.

6.3 Highway Authority (NBC) – No objection (verbal).

6.4 NBC Environmental Health – following a site inspection raise no objection subject to conditions to control noise.

7. REPRESENTATIONS

7.1 48 Hazelwood Road - concerned with potential noise disturbance from a smoking shelter and odour nuisance arising from the activities of the proposed use.

7.2 70 St. Giles Street (Mochaberry Gift Shop) - the concerns relate to the bar use and the potential for anti-social behaviour to occur particularly outside their porch and suggest NBC Asset Management should provide a roller shutter over their entrance.

7.3 62 St Giles Street (Are you Being Served Café) - refer to a previous planning appeal decision at Church's China which reduced the existing retail frontage and that the current proposal would undermine this

further contrary to policy. Proposal would create additional pressures on the limited on-street car parking in the locality and would further undermine the existing perceived problems within the town centre.

8. APPRAISAL

- 8.1 The key issues in connection with this application relate to the principle of the proposed uses in terms of vitality and viability of the shopping parade, impact of the proposed development on the amenities of surrounding occupiers and transportation implications.

Principle of Development

- 8.2 The site is located within the town centre with a mixed commercial frontage. The proposal would need to demonstrate that it would not lead to an unacceptable increase in the number of non-shop uses or increasing the length of frontage in non-shop use to an unacceptable proportion of the total shopping frontage. Policy 12 of the Central Area Action Plan (CAAP) identifies the site as falling within a primary shopping area, which the Policy identifies as where the main focus for shopping activity within the town centre will be. The site also falls within a secondary retail frontage as identified by Policy 13 of the CAAP. This Policy states that changes of use away from a shop use shall only be approved in instances where the level of retailing would remain above 60% of the total frontage and would not result in three or more adjacent units being used for non-retail purposes.
- 8.3 Of the 13 units that currently make up this secondary frontage there are currently 10 shop use and 3 in non-retail use. No. 44/54 was recently granted planning permission on appeal to subdivide to form a shop and a restaurant. This permission has not yet been implemented but would result in a frontage of 11 units with 4 non-retails uses. Assuming that the permission at nos. 44/54 is implemented and in the event that the change of use proposed here proposed is consented the overall percentage of the frontage (measured in metres) would be some 64%, well above the 60% minimum level required by CAAP Policy 13. The change of use proposed would not therefore breach the Policy.
- 8.4 There are also other material planning matters which should be taken into account that are considered to outweigh in favour of the application. The three units to the west of the site are in shop use. The CAAP recognises the retailing function of St Giles Street could be supplemented by additional complementary activities. Partly in response to the Mary Portas review, changes in legislation were introduced in May 2013, which included allowing new retail ventures, financial and professional services, restaurants, cafes and businesses to be able to open without having to apply for planning permission for up to two years in buildings designated as shops provided no more than 150 sq. m. of floor space in a building is involved. The proposal would also lead to up to 4 employment opportunities.

- 8.5 The existing unit is currently vacant having previously operated as a shop up to March 2013. The property has been marketed for retail purposes with little interest. The proposal would complement existing retail uses in the town centre. The existing retail provision would remain at a healthy level. The use and character of the proposal would not in terms of its size and location significantly adversely affect the overall character of the area. Some element of retail use is to be retained. It is considered that the vitality of this shopping centre would be improved by bringing this vacant unit back into appropriate commercial use.
- 8.6 For the foregoing reason, 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 its environs and would accord with the CAAP in terms of flexibility of uses within secondary retail frontages. Therefore, it is considered that the vitality and viability of this shopping frontage would be improved by bringing this unit back into commercial use in line with the aims and objectives of local and national planning policy.

Impact on Amenities

- 8.7 With regard to noise and general amenity, the representations received are noted. It is recognised that there is a potential for the proposed bar use to impact on the existing amenity through noise. There is no immediately adjoining residential accommodation to the application site. The surrounding area is predominantly commercial in nature and ambient noise levels are also reasonably high during the day and evening. The applicant seeks to operate the proposed café up to 5.00pm on Mondays to Saturdays and the following bar use is proposed to cease at 11pm and only operate on Thursdays, Fridays and Saturdays. The nearest dwellings are situated 28 metres away on Hazelwood Road and above the Manna House Gift Shop (No. 74).
- 8.8 Environmental Health carried out an internal site inspection and following this raise no objections to the principle of the proposed uses. With regard to noise, Environmental Health suggest conditions for plant and equipment. With regard to the provision of entertainment / music, recommend conditions that state that recorded music played on the premises shall be played at background levels, notes entertainment is largely intended to be provided as acoustic sets and suggest a condition which prohibits any electrically amplified music to address this. Therefore it is considered that local amenities would continue to be safeguarded.
- 8.9 Notwithstanding the number of restaurants, cafes and public houses within the vicinity, there it would be limited cumulative impact. The proposal has been discussed with the Police Night Safe Sergeant and

no objection is raised by the Crime Prevention Design Advisor from a general disturbance and crime/anti-social perspective.

- 8.10 It is recognised that the proposed ground floor use has the potential to create a degree of noise/disturbance during the evenings at weekend periods. However late night uses are to be expected in a town centre location and subject to the controls recommended by Environmental Health it is considered that the proposed combination of uses would not unduly impact upon residential amenity.

Heritage

- 8.11 The site is within the Derrigate Conservation Area. The Conservation Area Assessment (2006) acknowledges that buildings in this part of St Giles Street form predominantly retail uses and it is specifically highlighted the locality as consisting of small shops and pubs providing a welcoming variety of styles. Notwithstanding the concerns of the Town Centre Conservation Advisory Committee, this proposal would not harm the character and appearance of the area. The nature of the uses are acceptable would not be out of keeping with the existing mixed commercial frontage. Returning the building to active use would contribute to the upkeep of the premises and the wider Conservation Area. The proposal would introduce diversity to the existing uses and should be welcomed.

Transportation

- 8.12 On-street parking exists directly outside the property and the wider town centre has adequate public parking facilities. The site is within a sustainable location accessible by a number of non-car modes of transport. The proposal would not give rise to highway concerns and the Highway Authority has raised no objection.

9. CONCLUSION

- 9.1 Having given careful consideration to the application and supporting information, the consultation responses and other material considerations referred to above, it is reasonable to conclude that the proposed development is acceptable accords with the Development Plan and should be permitted subject to conditions.

10. CONDITIONS

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 Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Ground Floor Layout and Basement Layout Plans.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. The Class A4 bar element of the use hereby permitted shall only operate between 1800 and 2300 on Thursdays, Fridays and Saturdays and not on any other days.
4. A scheme for the collection, treatment and dispersal of cooking smells and fumes shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall have been implemented prior to the premises being used for the permitted purpose and retained thereafter.
5. 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 including musical instruments and amplification 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.

Reasons 3, 4 & 5: To safeguard the amenities of occupiers of nearby properties in accordance with the objectives of the National Planning Policy Framework.

6. 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 commencing and retained thereafter.

Reason: To safeguard the amenities of occupiers of nearby properties in accordance with the objectives of the National Planning Policy Framework.

11. BACKGROUND PAPERS

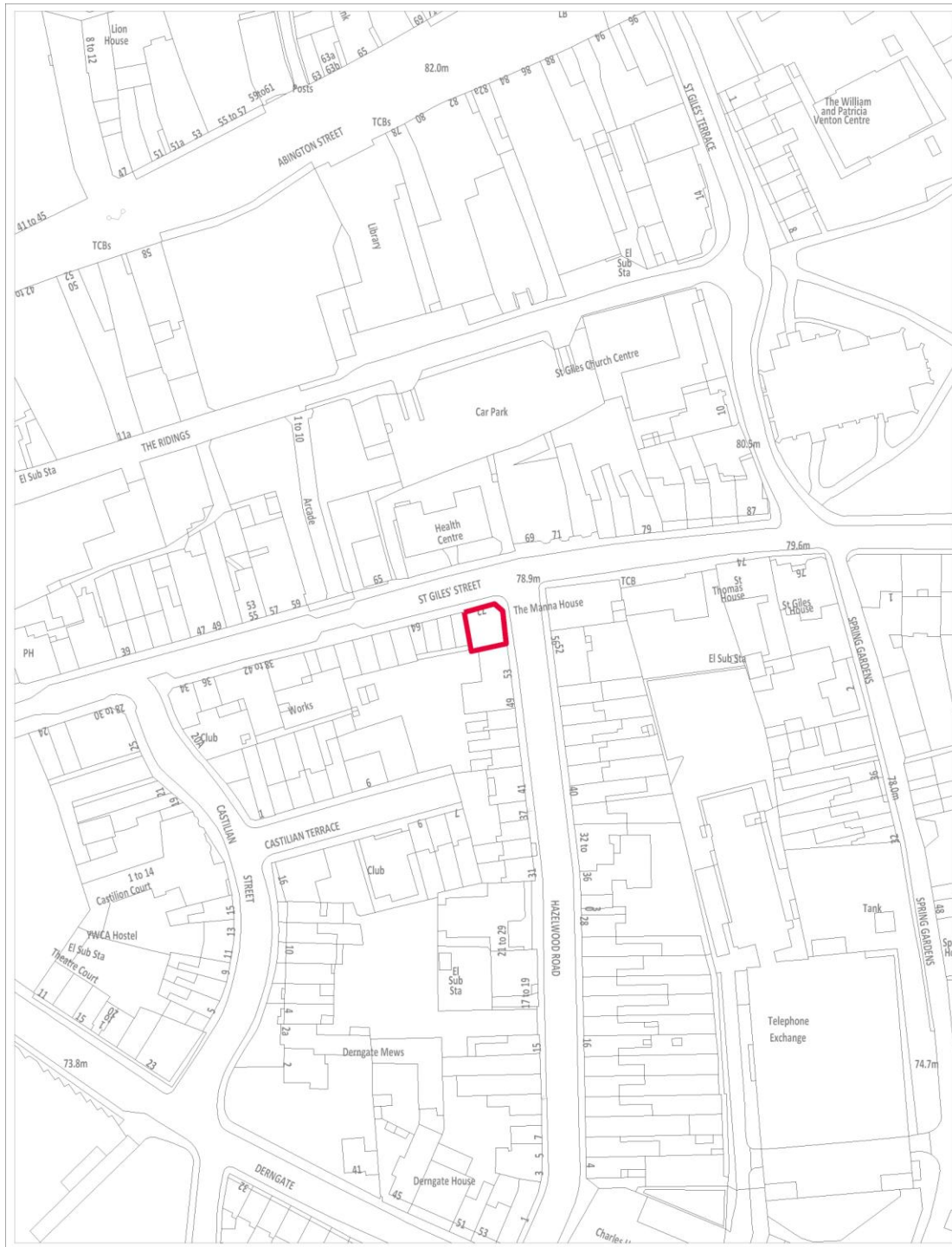
- 11.1 N/2013/0743.

12. LEGAL IMPLICATIONS

- 12.1 None.

13. SUMMARY AND LINKS TO CORPORATE PLAN

- 13.1 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.



Name: **Planning**
 Date: **19th August 2013**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Committee**

Title
72 St Giles Street

Produced from the 2011 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655