



PLANNING COMMITTEE: 17th February 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/1346: Change of use of retail unit (use class A1) to nail salon (Sui Generis) at 70 St. Giles Street

WARD: Castle

APPLICANT: Mr and Mrs P Chuong
AGENT: Mr R Middleton

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Council owned property

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

- 1.1 **APPROVAL IN PRINCIPLE** subject to the conditions set out below and for the following reason:

The proposed change of use will not adversely impact the vitality of the retail offer or active frontage in this area of the town centre and would not be detrimental to the character or appearance of the Derngate Conservation Area in accordance with Policy 13 of the Northampton Central Area Action Plan, Policy E20 of the Northampton Local Plan 1997 (saved policies) and the National Planning Policy Framework.

As the consultation period has not expired at the time of writing this report, it is also recommended that delegated authority be granted to the Director of Regeneration, Enterprise and Planning to resolve issues raised in any further representations received.

2. THE PROPOSAL

- 2.1 The proposal is for the change of use from an A1 retail unit to a nail salon, which is a Sui Generis use.

3. SITE DESCRIPTION

- 3.1 The site comprises of a vacant shop unit, located within the secondary shopping frontage as identified by the Proposals Map of the Northampton Central Area Action Plan (CAAP).

4. PLANNING HISTORY

- 4.1 The unit has gone through a number of historic changes of use, from 1975 onwards, from shop to estate agents, back to shop, then from shop to taxi office and also to offices. The last change of use was approved in 1992 and was for a change of use to Use Class A2 (financial and professional services).

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 for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies, Northampton Central Area Action Plan (2013).

5.2 National Policies

NPPF – National Planning Policy Framework

Paragraph 19 – Supporting Sustainable Economic Growth

Paragraph 23 – Ensuring the Vitality of Town Centres

Paragraph 129 – Assessing the Impact of Development on Heritage Assets

Paragraph 131 – Sustaining and Enhancing Heritage Assets

Paragraph 132 – Impact on the Significance of Heritage Assets

5.3 West Northamptonshire Joint Core Strategy – Adopted December 2015

The JCS provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. The JCS has been adopted by the West Northamptonshire Joint Strategic Planning Committee. Following adoption the JCS forms part of the development plan and is consistent with Section 38(6) and therefore carries significant weight when considering planning applications.

5.4 Northampton Central Area Action Plan 2013 (CAAP)

Policy 13 – Improving the retail offer - The policy states that change of use from retail (Class A1) will be allowed where it will not result in a decline in the total length of identified retail frontage falling below 60%. In addition proposals are expected to positively contribute to the character and function of the frontage, provide high quality shop fronts and in the case of non-retail uses provide an active frontage.

5.5 Northampton Local Plan 1997 (Saved Policies)

E20 – New development.

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **NBC Conservation** - It is considered that the proposed use as a nail salon will not adversely affect the vibrant commercial character of this part of the Conservation Area. With no external alterations proposed, the proposal would have a neutral affect upon the appearance of the Conservation Area.
- 6.2 **Town Centre Conservation Area Advisory Committee** - Concerned at the loss of a retail unit. Also note that this may not be consistent with the Central Area Action Plan policy which defines this area as Secondary frontage, with no less than 60% retail.
- 6.3 The application was notified to adjoining occupiers and advertised by site and press notices. Representations were received from **14A Castilian Street, 23 Dergate and 62 St Giles Street**, which can be summarised as follows:
- At a recent meeting there was a discussion about the viability of St Giles as a retail area and many businesses expressed their concern at the imbalance between retail and non-retail units.
 - In recent years the area has lost five independent businesses, three of these have been replaced by cafes.
 - There are already 3 cafes adjacent to each other and change away from A1 would mean that out of eleven premises that the council owns in St Giles Street there would remain only 2 retail and 9 non-retail. This is a complete imbalance 20% retail and 80% non-retail.
 - Change of use to nail bar further diminishes the proportionate balance of retail units to service/cafe/restaurant units in direct contradiction to NBC Planning directives.
 - Object to change of use to sui generis which is an open ended classification.

7. APPRAISAL

- 7.1 The issues to consider in the determination of this application relate primarily to planning policy and the acceptability of the proposed change of use in this respect.
- 7.2 The premises are in a secondary shopping frontage as identified by the CAAP Proposals Maps. Policy 13 of the CAAP states that within such areas a change of use from retail will not be allowed where this would result in a significant decline of the total length of identified retail frontage below 60%, or where this is already below 60%, further reduce the frontage.
- 7.3 Of the 13 units in this frontage, 4 are currently in non-retail use, therefore 69% of the units are in A1 use. This would be increased to 5 units out of 14 if the recent approval at the former Church's China unit is implemented, as the proposal at Church's China unit proposes a subdivision of the unit also. With the implementation of the Church's China permission this would drop to 65%.
- 7.4 If the change of use proposed in the current application was to take place, together with the permission at Church's China this would reduce the proportion

of A1 to 60%. This would be at the threshold set by the policy, but is nevertheless policy compliant.

- 7.5 It is also necessary to consider the precise use which is proposed in this instance, which is for use as a nail bar. This is a *sui generis* use, but it is considered that this is a use which is similar in character to certain A1 uses, such as a hairdressers. It is considered, therefore, that this use would be complimentary to the vitality of the street and would have the benefit of bringing this vacant unit back into use, which as a rather small unit (40m²) would be suited only to a limited range of retail uses.
- 7.6 Concerns have been raised that allowing a sui generis use would create an open ended permission, this is not the case; a sui generis use has no permitted change of use. The planning permission, if approved, would allow for the use of the premises as a nail bar only and would not permit any other sui generis use. Therefore if and when the nail bar use is discontinued any other future use of the premises would require planning permission.
- 7.7 The premises are located within the Derngate Conservation Area, the impact of the development on the character and appearance of the conservation area is a key material consideration in the determination of the application. This proposal does not make any physical alterations to the premises and it is considered that the use in itself would not be detrimental to the conservation area, given that it is considered to be beneficial to the shopping area in wider terms.

8. CONCLUSION

- 8.1 The proposed change of use would result in the retention of at least 60% of the units in the relevant frontage remaining in A1 use and is considered to be complimentary to the shopping character of the area and would not be detrimental to the character or appearance of the Derngate Conservation Area in accordance with in accordance with Policy 13 of the Northampton Central Area Action Plan 2013 (CAAP), Policy E20 of the Northampton Local Plan 1997 (saved policies) and the National Planning Policy Framework.

9. 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: Location Plan, Existing and Proposed Floor Plan.

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

10. BACKGROUND PAPERS

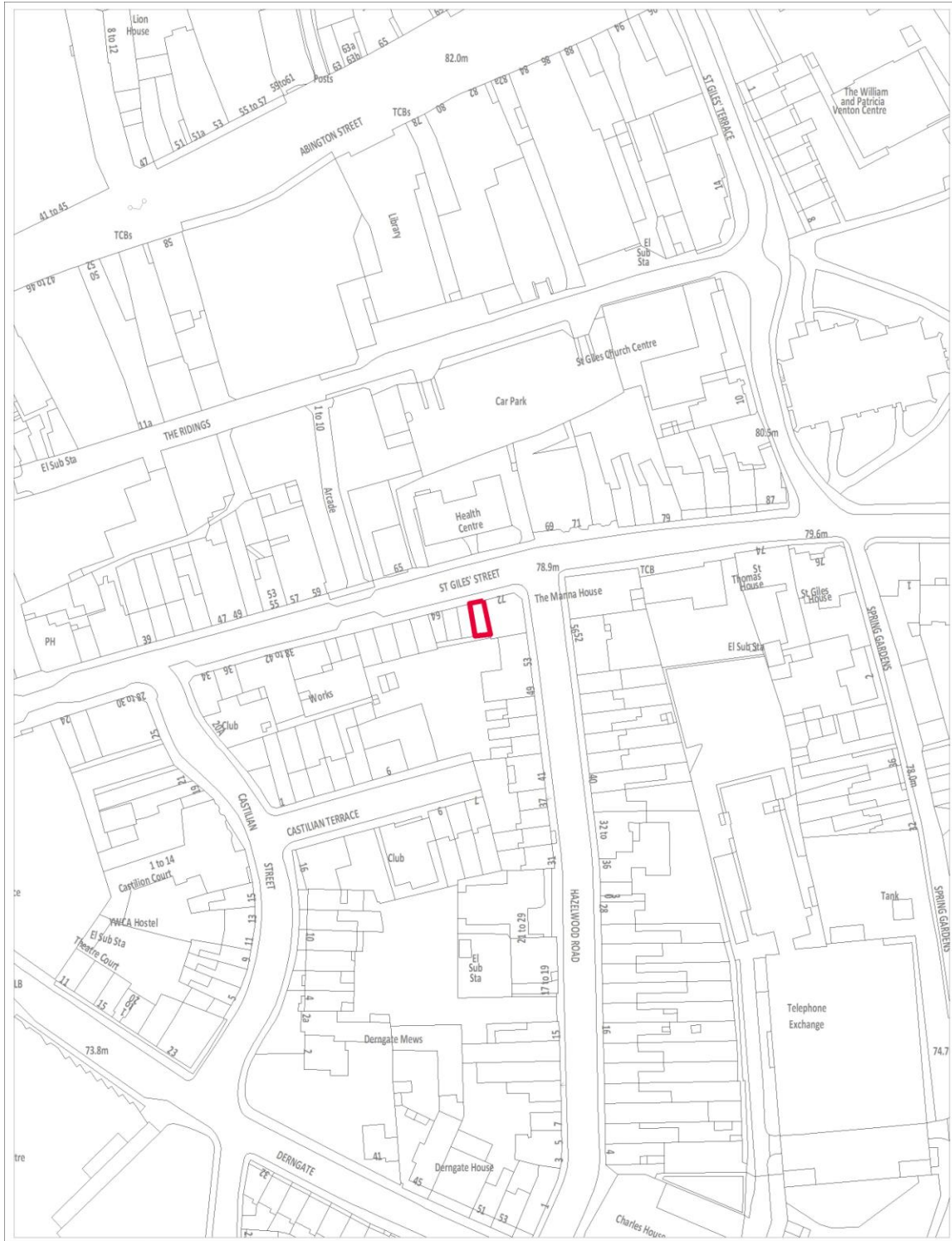
- 10.1 Application File N/2014/1346

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.



Name: Location Plan
 Date: 4th February 2015
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title
70 St Giles Street

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