



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 2nd September 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0750: Change of use from retail to a café/restaurant including outdoor seating area and redecoration of shop front

N/2015/0749 Display illuminated fascia sign and illuminated projecting sign

N/2015/0755 Display illuminated lettering and illuminated projecting sign

All at 24 Market Square

WARD: Castle

APPLICANT: Slurp Coffee Co.
AGENT: Mr. J. Grant; @architect Ltd

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: The applicant is related to a Councillor

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

Planning Application N/2015/0750:

1.1 APPROVAL subject to conditions and for the following reason:

The proposed development would support the viability and vitality of Market Square and would have a neutral impact upon the character and appearance of the surrounding area and neighbour amenity. The development is therefore compliant with the requirements of the National Planning Policy Framework; Policy S10 of the West Northamptonshire Joint Core Strategy; and Policy 1 of the Central Area Action Plan.

Advertisement application N/2015/0749:

1.2 APPROVAL subject to Standard Advertisement Conditions.

Advertisement application N/2015/0755:

1.3 **APPROVAL** subject to Standard Advertisement Conditions.

2. THE PROPOSALS

2.1 The applicant seeks planning permission to change the use of the property from retail to a café/restaurant. As part of this development, it is proposed that an outdoor seating area be created within Market Square. The development also proposes the renovation of the building's shop front.

2.2 By way of clarification, the applicant has identified the proposed use as falling within Class A3 of the Use Classes Order as the majority of trade would be for the consumption of food and drinks on the premises; however, it is noted that a shop selling drinks and certain types of food for consumption off the premises would be classed as a retail use. As a consequence, there are a number of similarities between the two functions, despite falling within separate use classes in this instance.

2.3 The ground floor of the building would include the business's counter, food and drink preparation areas and seating (which would extend to the external seating area). This would be supplemented by additional customer seating on the first floor. Various back of house facilities would be included on the first and second floors.

2.4 Two separate advertisement applications have been submitted for consent to display new fascia signs and a projecting sign. One consists of the application of individual lettering directly to the fascia of the building and the second would consist of the installation of a new fascia sign. In the event that both of the applications are approved, the applicant would decide which one to implement following further investigation regarding the condition of the existing façade.

3. SITE DESCRIPTION

3.1 The application site consists of a substantial building located on the eastern side of the Market Square. The building is currently occupied by a retailer; however, it is understood that it will soon be vacated. The building is located adjacent to the southern entrance to the Market Square and therefore occupies a prominent position. The site also forms part of the All Saints Conservation Area.

3.2 The building is located within an area allocated by the Central Area Action Plan (CAAP) as being a primary retail frontage and as a consequence of this allocation, the majority of the eastern side of the Market Square is utilised for retail purposes. The same allocation also applies to the northern side of the Market Square. The southern and western sides of the Market Square are allocated as secondary retail frontages and feature a wider mix of uses and lower provision of retailing.

3.3 Due to the commercial nature of the surrounding area, the presence of advertisements is a defining characteristic of the area. This includes the application site.

4. PLANNING HISTORY

- 4.1 N/2012/0250 – Change of use of ground floor from shop to restaurant – Refused and dismissed on appeal.
- 4.2 The above application was refused due to it representing a loss of retail unit within an allocated primary frontage. In considering the appeal, the Inspector concluded that the proposal would represent an unacceptable loss of a retail unit for a use that could be accommodated elsewhere within the Market Square in a policy compliant location. Moreover, the Inspector noted that whilst the use of the property as a restaurant would support the vitality of the Market Square during the evenings any benefits would be outweighed by the lack of activity during the day and the lack of an active frontage.

5. PLANNING POLICY

Development Plan

- 5.1 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) (JCS) and the Central Area Action Plan (2013) (CAAP).

National Policies

- 5.2 The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application.
- 5.3 Paragraph 17 states that planning should take into account the various characters of differing areas and work to promote the vitality of urban areas.
- 5.4 Paragraph 23 is of particular relevance. This recognises the importance of town centres as the heart of a community and as a consequence, there should be a significant proportion of retailing (meeting a diverse set of demands) available. In achieving this, there should be a variety of retail units (in terms of sites) to meet this requirement. Notwithstanding this, the same paragraph recognises that there is a need to create a number of different markets within town centres in order to promote vitality.
- 5.5 Paragraph 67 states that applications for advertisements should be judged based upon their impacts on public safety and amenity.

West Northamptonshire Joint Core Strategy (2014)

- 5.6 Policy N2 sets out the requirement that the predominant function of the town centre will be retailing; however, the Central Area should also include suitable levels of leisure developments. Policy S10 states that the developments should promote a strong sense of place.

Northampton Central Area Action Plan

- 5.7 Policy 14 of the CAAP states that within the Primary Frontages the change of use from retail (Class A1) will be allowed where it will not result in a significant decline in the total length of the identified retail frontage below 80%, or, where this is already below 80% reduce further retail frontage and that two or more adjoining premises being used other than for retail. Policy 31 of the CAAP seeks to establish leisure uses within the Market Square.
- 5.8 In addition to these factors, Policy 1 requires that new developments positively contribute towards the character of an area; that streets should be lined with active buildings and frontages; that developments pay suitable regards to the Central Area's Conservation Areas; and that a mix of land uses is promoted in order increase vitality and vibrancy of an area and to increase choice for visitors.

Supplementary Planning Documents

- 5.9 Shop Front Design Guide.

6. CONSULTATIONS/REPRESENTATIONS

- 6.1 The application has been the subject of various forms of consultation including letters being sent to occupiers of neighbouring properties and site and press notices. At the time of preparing this report, no comments had been received; however, the consultation period had yet to conclude. As a consequence, any responses received will be brought to the attention of the Committee via means of the addendum, which will be circulated prior to the meeting commencing.

7. APPRAISAL

Principle of the development

- 7.1 The policy position of the CAAP is that the level of retailing alongside the eastern elevation should not fall below 80% and there should not be two or more non-retail uses in consecutive units. If the proposed development were to proceed the amount of retailing within the frontage would fall to 73%. In addition there would be two consecutive units in non-retail uses (comprising the applications site and the adjacent Burger King restaurant). Of further note is that the adjacent unit at 22 Market Square/1 Abington Street benefits from an extant permission to be used for a restaurant. Should this development proceed, the level of retailing would fall to 64%.
- 7.2 It is clear that the development does not comply with the objectives of Policy 14 of the CAAP. In instances such as this, it is necessary to undertake an assessment of the level of harm that would emanate from this breach and whether the breach is outweighed by the benefits of the scheme proceeding.
- 7.3 In this particular instance, it is considered that the operation of a café/restaurant would serve to improve the viability and vitality of the Market Square. In reaching this view, weight has been given to the character assessment of each frontage that has been carried out as part of the CAAP. In the case of the eastern frontage it is noted that whilst there should be a predominance of retailing, additional uses which would add variety and vibrancy to the Market Square should be sought, particularly in instances where the use would operate throughout the day and into the evening. Therefore, it is considered that as retailing would occupy the majority of this frontage and the development would offer the characteristics as identified

above, the proposal would support some of the overarching aims of the CAAP.

- 7.4 A further consideration is that the CAAP identifies the need to increase the level of restaurants and cafés within the Market Square in order to promote vitality. Whilst it is accepted that the CAAP directs these uses to the southern and western frontages, the general lack of suitably sized available units in these frontages means that alternative locations can be considered in order to support this objective.
- 7.5 In addition to these factors, it is recognised that the operation of a café within this location would support the operation of Market Square as a retailing location, as customers would link a visit to the proposed cafe with the surrounding shops and market. As such, the development would offer some benefits to enhancing the viability of the locality. In addition, the development would also support the town's evening/night economy.
- 7.6 Given that planning permission runs with the land rather than a specific business, the fact that the building would be utilised as a Starbucks café is something that can only be given limited weight. Nonetheless, it is noted that the development would result in the introduction of a popular brand into the area, which is not currently represented within the town centre.
- 7.7 A further area for consideration is that the operation of a shop predominantly selling drinks for consumption off of the premises is defined within planning legislation as being a retail use. As a consequence, this type of operation would not require planning permission within the application site. Given the inherent similarities between this and the use proposed, it is considered that there would be no significant harm arising from this proposal proceeding.
- 7.8 On balance, it is considered that the proposed development is acceptable and the benefits of the proposal do outweigh the harm arising from the breach of the CAAP policy.
- 7.9 As discussed in paragraphs 4.1 and 4.2, this building was the subject of a dismissed appeal for the operation of a restaurant (submitted by a different developer). It is considered that there are material differences between this and the appeal proposal which justify a differing approach. In particular, the proposed development would be open during the day, which would support the viability of the Market Square. In addition, the inclusion of outdoor seating area would generate activity and interest at street level, which directly addresses one of the criticisms raised by the Inspector during the appeal process. In addition, this development is of a larger scale than that previously considered and as a result the proposal could not be reasonably accommodated within any of the limited vacant units within the Market Square.

External alterations

- 7.10 The applicant proposed the renovation of the shop front, which would maintain the character and appearance of the building and the wider All Saints Conservation Area and would ensure a neutral impact upon visual amenity. In addition, the proposed works would not result in the removal of any existing feature of architectural note. The installation of a shop blind represents the introduction of a traditional feature. The fenestration arrangement of the building would not be altered and for these reasons, it is

considered that the development is in conformity with the National and Local Planning Policies, including the Council's Shop Front Design Guide.

- 7.11 In order to provide certainty regarding the potential impacts of the development, a condition is recommended that would enable the Council to approve the details of any new external materials prior to works taking place.
- 7.12 It is considered that the outdoor seating area, measuring some 7.0m x 2.35m to the front of the premises, would add activity to Market Square and have some benefit in promoting viability and vitality. In addition, the seating area has been designed to prevent obstruction to movement of pedestrians in the vicinity. In addition, the screens that would denote the boundaries of the seating area are of an appropriate design.

Impact upon neighbouring properties

- 7.13 Due to the relatively small scale and nature of the external alterations, it is considered that there would be no significant undue detrimental impact upon the amenities of surrounding properties in terms of light, outlook and privacy. Given the predominantly commercial character of the surrounding area, which includes a number of properties which are open into the late evening, it is considered that this development would not cause an undue detrimental impact on neighbour amenity as a result of noise and disturbance.
- 7.14 In order to secure a good standard of development, a condition is recommended that would require the proposed refuse storage to be fully implemented prior to the first use of the café and for this to be retained throughout the life of the development.

Advertisement applications

- 7.15 As discussed previously, the two applications for advertisement consent would not be implemented in unison. In the event that both applications are approved, the applicant will make a decision as to which one to implement at a later stage. The proposed signage – of both proposals – would have a neutral impact upon the character and visual amenity of the locality due to the use of external illumination and the signage being of an appropriate scale and style that is complementary to the proportions of the existing building.
- 7.16 On account of the positioning of the building and the scale of the signage, there would be no significant adverse impact upon public safety. For these reasons, it is considered that the signage is compliant with the requirements of the National Planning Policy Framework.

8. CONCLUSION

- 8.1 Whilst it is noted that the proposed development is not compliant with the requirements of the allocated planning policy relating to retail provision in the town, it is considered that any harm arising from this breach would be outweighed by the benefits to the town centre and specifically the Market Square's viability and vitality.

9. CONDITIONS

Conditions for Planning Application N/2015/0750:

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. The development hereby permitted shall be carried out in accordance with the following approved plans: PL01; PL02; SK0079 SK02; 150079 Rev. A; 15.0079; 15.0079 SK01; 15.0079 SK02; 1052691/E01 Rev. A; 1052691/E02 Rev. A; 1052691/E03 Rev. A; 152691/E04; and 1052691/E05.

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

3. Prior to the commencement of development, details 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 and retained thereafter.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy 1 of the Central Area Action Plan. This condition is required in order to ensure that the assessment of such materials in a timely manner.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the development hereby permitted shall be use as a café/restaurant only and no other use.

Reason: In order to assess the merits of alternative uses and to maintain the viability and vitality of the town centre in accordance with the requirements of the National Planning Policy Framework.

5. The refuse storage as shown on drawing 15.0079 SK02 Rev A shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

Conditions for Advertisement Consent Applications: N/2015/0749 and N/2015/0755

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

2. No advertisement shall be sited or displayed so as to:

a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

- b. obscure or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
- c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

10. BACKGROUND PAPERS

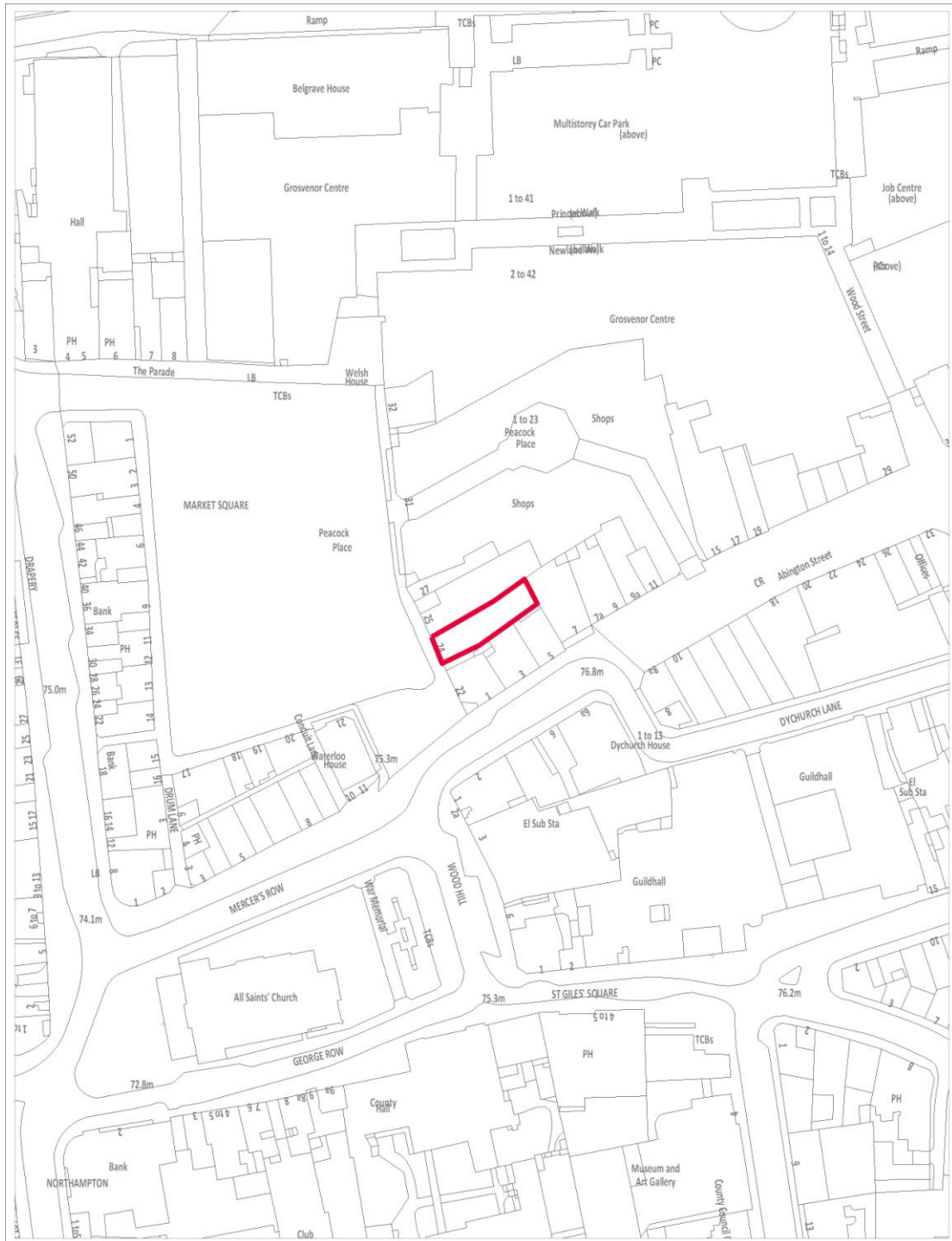
10.1 None.

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: **Site Location Plan**
 Date: **18th August 2015**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Planning Committee**

Title
24 Market Square

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