

<b>PLANNING COMMITTEE:</b>	14 <sup>th</sup> June 2016
<b>DIRECTORATE:</b>	Regeneration, Enterprise and Planning
<b>DIRECTOR:</b>	Steven Boyes
<b>APPLICATION REF:</b>	N/2016/0214
<b>LOCATION:</b>	24 Market Square
<b>DESCRIPTION:</b>	Change of use of 2nd floor from shop (Use Class A1) to day centre (Use Class D1) including disabled access throughout and the creation of a roof garden to the rear
<b>WARD:</b>	Castle Ward
<b>APPLICANT:</b>	Slurp Coffee Co
<b>AGENT:</b>	@ architect limited
<b>REFERRED BY:</b>	Director of Regeneration, Enterprise and Planning
<b>REASON:</b>	Applicant is relative of a Council Member
<b>DEPARTURE:</b>	No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposed development would have a neutral impact upon visual amenity, the character and setting of the All Saints Conservation and the adjoining Grade II Listed Building and neighbour amenity. In addition, the development would contribute to the ongoing viability and vitality of the Market Square. As a consequence, the development is in conformity with the requirements of the National Planning Policy Framework; Policies BN5 and S10 of the West Northamptonshire Joint Core Strategy; and Policies 1 and 31 of the Northampton Central Area Action Plan.

**2. THE PROPOSAL**

2.1 The applicant seeks permission to change the use of the second floor to a day centre. This would include a small roof garden on an existing flat roof to the rear of the property. This would be accessed via an existing entrance, which is sited adjacent to the café entrance. No alterations are proposed to the front 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 café, with back of house facilities being sited on the upper floors. 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. The adjacent building (22 Market Square) is a Grade II Listed Building.

- 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; however, other uses are common.

#### **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 N/2015/0750 – Change of use from retail to a café/restaurant including outdoor seating area and redecoration of shop front – Approved.

#### **5. PLANNING POLICY**

##### **5.1 Statutory Duty**

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) and Northampton Central Area Action Plan (2013).

- 5.2 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

##### **5.3 National Policies**

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.

- 5.4 Paragraph 17 states that planning should take into account the various characters of differing areas and work to promote the vitality of urban areas.
- 5.5 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.
- 5.6 Paragraphs 131 and 132 encourage the consideration of the impact on the significance of heritage assets and their settings.
- 5.7 **West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (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.

5.8 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 should be provided. Policy S10 states that the developments should promote a strong sense of place. Policy BN5 requires that heritage assets are conserved and enhanced in line with their significance.

#### 5.9 **Northampton Central Area Action Plan 2013**

The Central Area Action Plan (CAAP) provides specific planning policy and guidance for the town centre and adjoining areas where significant regeneration and investment is proposed in the period up to 2026 and is in conformity with the objectives of the NPPF.

5.10 Policy 31 of the CAAP seeks to establish leisure uses within the Market Square. 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.

### 6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **Conservation (NBC)** – No objections as the proposal would support the productive use of the building and would have a neutral impact upon the character and appearance of the Conservation Area and the nearby Listed Building.

6.2 **Town Centre Manager (NBC)** – No objections.

6.3 **Town Centre Conservation Area Advisory Committee** – The changes to the exterior of the building should be sympathetic. The proposed use is welcomed.

### 7. **APPRAISAL**

7.1 The proposed development does not impact upon the use of the building on the lower floors and therefore there would not be a reduction in the level of activity at this level, notwithstanding the loss of space for back of house operations within the building. As a consequence, the introduction of a day centre on the second floor is likely to attract a greater number of people into the Market Square, which would support the viability and vitality of this part of the town centre.

7.2 By reason of the nature of the predominantly commercial buildings within the vicinity, it is considered that the proposed development would have a neutral impact upon the amenities of surrounding properties. The arrangement of buildings within the vicinity means that the creation of a roof garden would not cause any undue detriment arising from noise or overlooking. In order to secure a satisfactory form of development, a condition is recommended that would enable the Council to approve the details of the boundary treatment to this space.

7.3 Given that the roof garden comprises the only external alteration and this would not be visible from the any public viewpoint, the proposal would not have an impact upon the character and setting of the St Giles Conservation Area, therefore the development cannot have any particular impact upon the historic significance of the Conservation Area. Due to this arrangement, it also

means that the development would not be viewed alongside the adjacent Listed Building and therefore its setting would not be affected. The development does not require any alterations to be made to the adjacent Listed Building (which is situated outside of the application site) and therefore the fabric of this heritage asset would not be impacted by the proposal. It is also noted that no objections have been received from the Council's Conservation section. As the building is not listed, the proposed internal alterations do not require any formal consent from the Council as Local Planning Authority.

- 7.4 As a consequence of the development being sustainably located in the town centre, it is considered that the development would not pose an undue detrimental impact upon the highway system.

## **8. CONCLUSION**

- 8.1 It is considered that the proposed development would have a neutral impact upon neighbour amenity and the surrounding heritage assets, whilst contributing to the viability and vitality of the Market Square. As a result, the development is considered to be in conformity with the requirements of national and local planning policies.

## **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 Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; EX01 - Existing Plans & Elevations; and PL01 Proposed Plans, Elevations & Site Plan.

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

3. Notwithstanding the details submitted, full details of the proposed boundary treatment to the proposed roof garden shall be submitted to and approved in writing. Development shall be carried out in accordance with the details submitted, be fully implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: In the interests of general amenity in accordance with the requirements of Policy 1 of the Northampton Central Area Action Plan.

## **10. BACKGROUND PAPERS**

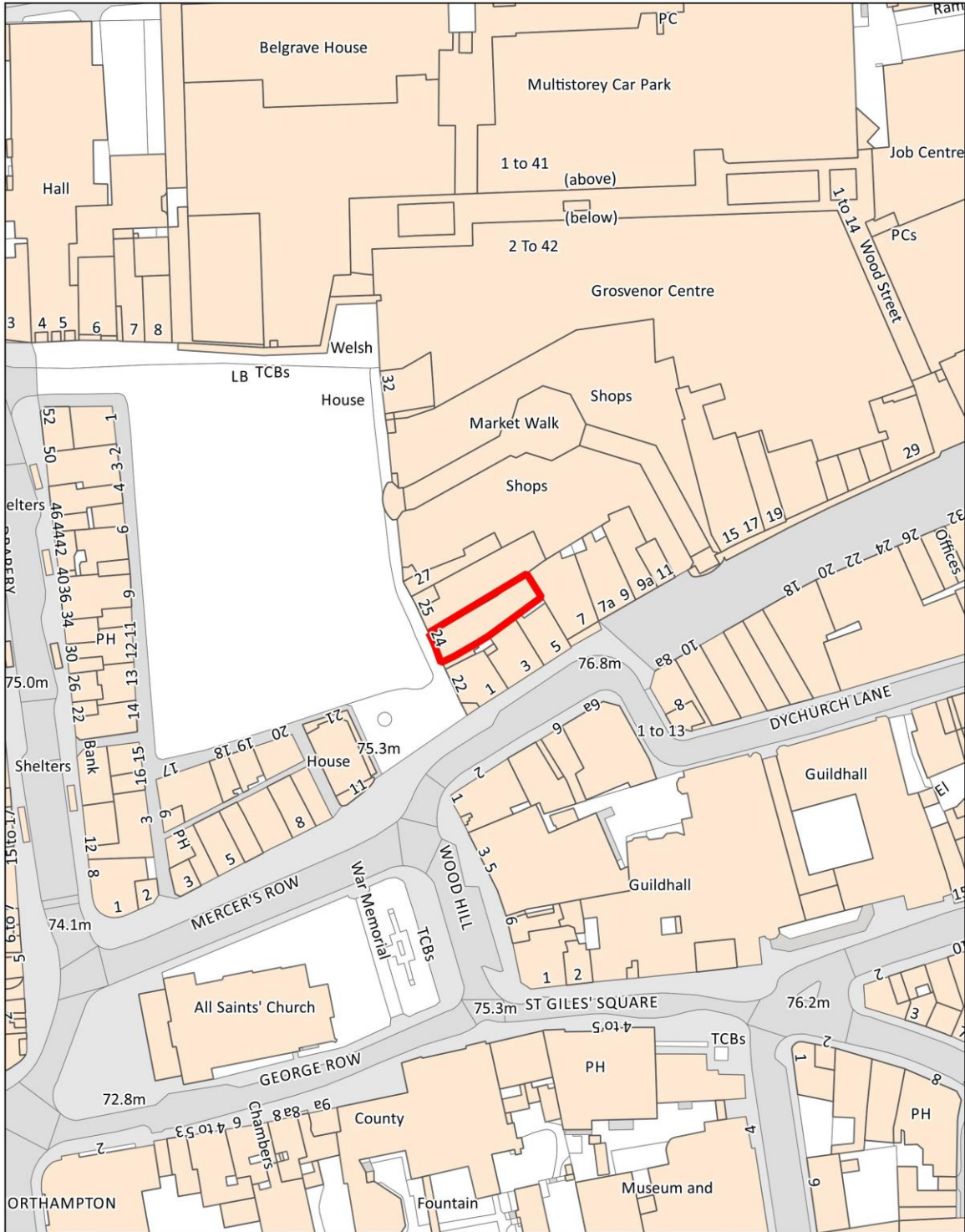
- 10.1 N/2016/0214.

## **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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Scale: 1:1,250

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