



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 22nd November 2016
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2016/0985

LOCATION: 45 St Giles Street

DESCRIPTION: Change of use from retail (Use Class A1) to pub (Use Class A4)

WARD: Castle Ward

APPLICANT: Mr Ian Tompkins

REFERRED BY: Head of Planning
REASON: A Councillor is a trustee of the charity that owns the site

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed change of use would not have any adverse impact on the listed building or the conservation area and would improve the vitality of the area through the introduction of an appropriate independent use in the Secondary Shopping Area. The application is therefore in accordance with the National Planning Policy Framework and Policies S9, S10 and BN5 of the West Northamptonshire Joint Core Strategy and Policies 1 and 13 of the Northampton Central Area Action Plan.

2. THE PROPOSAL

2.1 The application relates to the change of use of a vacant retail unit (Use Class A1) to a micro pub (Use Class A4).

3. SITE DESCRIPTION

3.1 The property is the end property of a group of Grade II Listed, Mid-19th Century, three storey properties (Nos. 33 to 45 St Giles Street) situated on the northern side of St Giles Street within the Derngate Conservation Area and within the Town Centre. The group are quite distinctive with their black wooden frontage shop units with gold coloured detailing and white stucco finish to the upper two floors and a slate roof.

4. PLANNING HISTORY

4.1 In 2000 advertisement consent was granted for a non-illuminated projecting canopy.

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 the Northampton Central Area Action Plan (2013).

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.

5.2 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:

Paragraph 131 - Account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraphs 132 - In considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Paragraph 134 - Where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

5.3 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. Policies of particular relevance are:

Policy S10: Sustainable Development Principles - Seeks to achieve the highest standards of design and to protect, conserve and enhance heritage assets and their settings.

Policy BN5: The Historic Environment and Landscape – Heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative significance.

5.4 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. Relevant policies include:

Policy 1: Promoting Design Excellence – make efficient use of land by promoting an appropriate mix of land uses in order to increase the vitality and vibrancy of an area and a wider range of choice for users.

Policy 13: Improving The Retail Offer - Within the Secondary 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 identified retail frontage below 60%, or, where this is already below 60% reduce further retail frontage.

5.5 Other Material Considerations

Derngate Conservation Area Appraisal – this identifies the significance of this group of buildings.

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Conservation** - No objection in principle to the change of use on conservation grounds, which will have an acceptable impact on the character and appearance of the Conservation Area. The applicant is advised that the property is a Grade II Listed Building and Listed Building Consent is likely to be required for any internal or external alterations affecting the character of the building including signs.
- 6.2 **NBC Environmental Health** – Concern expressed regarding the use of the property for A4 use, due to the structure of the building, given that it is a Listed Building. No information has been provided in respect of noise, but recommend opening hours are restricted by condition, along with a further condition restricting live or amplified music being played.
- 6.3 **Town Centre Manager** – No objections. The proposed micro-pub will bring back into use a vacant property, and enhance the independent offer in St Giles Street. The applicant needs to ensure that adequate waste/rubbish storage is provided within the property.
- 6.4 **NCC Highways** – No objections subject to no outward opening windows, fenestration or advertisement that could encroach or overhang the highway.
- 6.5 **Northamptonshire Police** – No objections. Discussions have already taken place with the applicant regarding the licence and any potential crime and disorder issues which may arise as a result of permission being granted.
- 6.6 One letter of objection has been received raising concern regarding the loss of a Class A1 unit in a high quality shopping street and concern about the number of drinking and eating places in the town centre.

7. APPRAISAL

- 7.1 The main issues to consider are the impact on the character, appearance and historic interest of the listed building, the setting of the conservation area and the impact on the Secondary Retail Frontage of the proposed change of use.
- 7.2 The proposal is for the change of use of the ground and lower ground floors of the premises only, with no alterations proposed to the structure or appearance of the building. The upper floors are to remain in office use, which will be associated with the business, but not part of the sales area.
- 7.3 The application form states that this is intended as a micro-pub aimed at an adult market where people can meet and enjoy cask conditioned ales, wine and local cider. No food will be served,

other than packaged snacks and crisps, although links may be made with other local food retailers encouraging joint offers to allow certain foods to be consumed on the premises.

- 7.4 The applicant does not intend to provide entertainment (recorded or live music or television) although this would be a matter for the Premises Licence rather than something that would be controlled through the planning process.
- 7.5 It is therefore considered that the proposed use would not have any detrimental impact on the character and historic interest of the building or the conservation area, whilst also ensuring a viable ongoing use for the building.
- 7.6 The site is within a Secondary Retail Frontage within the Town Centre. Policy 13 of the Central Area Action Plan seeks to retain 60% of retail uses within Secondary Retail Frontages. In this instance 62% of units on St Giles Street are currently in retail use. The proposed change of use would reduce the number of units in retail use to 56%.
- 7.7 Whilst it is acknowledged that this would fall below the policy requirement, the unit has been vacant for some time. The proposal would bring this vacant listed building, in a prime Town Centre location within the Conservation Area, back into use as an artisan type of occupier, in keeping with other niche retail outlets in St Giles Street, and would assist in improving the vitality of the area.
- 7.8 In terms of the impact on the amenities of surrounding properties the submitted details state that the micro-pub will be open from 11am to 11pm only. The site is located in a Town Centre environment, and the proposed hours are not considered inappropriate in such a location. Hours of use could be controlled by condition to ensure surrounding amenity is preserved.
- 7.9 The property has a rear access served from The Ridings which would allow for the provision of bulk refuse and recycling storage. This is considered to be acceptable bearing in mind the scale of the development.

8. CONCLUSION

- 8.1 The proposed change of use would not have any adverse impact on the listed building or the conservation area and would improve the vitality of the area through the introduction of an appropriate independent use.

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, Block plan and proposed floor plans (dated 12 September 2016).

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

(3) The premises shall be open to customers between the hours of 11am to 11pm only and at no other time.

Reason: In the interests of the protection of residential amenity in accordance with National Planning Policy Framework and Policy S10 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

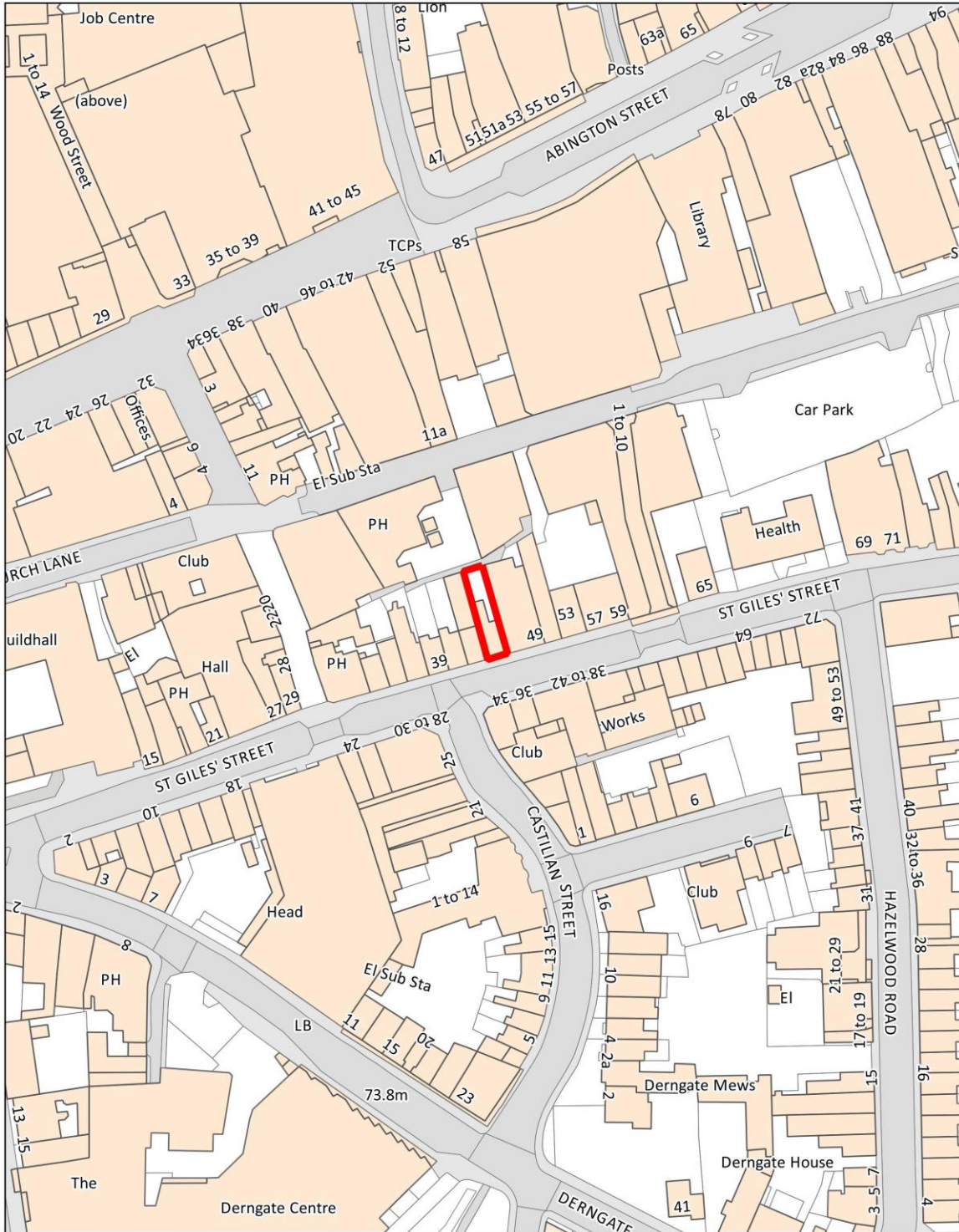
10.1 N/2016/0985

11. LEGAL IMPLICATIONS

11.1 The development is not CIL liable.

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.



Title: **45 St Giles Street**

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Date: 07-11-2016

Scale: 1:1,250

Drawn by: