

**PLANNING COMMITTEE:** 20<sup>th</sup> December 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/0856

**LOCATION:** 14 Fish Street

**DESCRIPTION:** Conversion and extension of former council office building to restaurant and hot food takeaway, retail unit and 24 new student units and three self-contained living accommodation units, removal of external staircase; erection of entrance canopy and awning; change of use of footway to introduce outdoor seating area on Fish Street

**WARD:** Castle Ward

**APPLICANT:** Charter Land  
**AGENT:** GSSARCHITECTURE

**REFERRED BY:** Head of Planning  
**REASON:** Council owned land

**DEPARTURE:** 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 mix of uses are considered appropriate in this location which would assist in improving the vitality and viability of the area and bring back into use a vacant building in a prominent location within the Town Centre and the Derngate Conservation Area. The design and appearance are acceptable and would not adversely impact on the character and appearance of the Conservation Area or adjacent listed buildings, and the development would not lead to any unacceptable adverse impacts on surrounding amenity or highway safety. The proposal is therefore considered to be in accordance with Policies S2, S10, BN5, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and the aims and objectives of the National Planning Policy Framework.

### **2. THE PROPOSAL**

2.1 The existing building currently has a restaurant at basement level with previous office use (Use Class B1) in the now vacant parts of the building at ground, first and second floors. The application proposes the conversion of the building to extend the restaurant use onto the ground floor, the installation of a single unit for use as a restaurant/café/hot food takeaway at ground

floor level, and the provision of 24 student units and three self-contained living accommodation units for students on the first and second floors. The proposed student accommodation would comprise of the subdivision of the first and second floors together with an extension of the second floor.

- 2.2 The main external alterations to the building would be on Dychurch Lane with the insertion of a main and secondary glazed entrance to the restaurant, the insertion of a new shop front and entrance, bin store and student accommodation entrance, alterations to third floor windows and the erection of a clad extension to the second floor. A canopy and external seating area is proposed on the Fish Street side of the building.
- 2.3 A further entrance to the student accommodation would be via Fish Street. Access to bin and cycle storage would be via separate entrances on Dychurch Lane.
- 2.4 The property is currently owned by the Council, but sold subject to planning permission.

### **3. SITE DESCRIPTION**

- 3.1 The application property is a four storey building, including basement level, located on a prominent corner of Fish Street and Dychurch Lane within the Town Centre and within Derngate Conservation Area. A Grade II listed building, City Buildings, is located directly to the east of the site, with locally listed buildings located to the north east and immediate south. The Fish Street elevation is defined as a Secondary (retail) Frontage within the Northampton Central Area Action Plan. Surrounding uses comprise a mix of commercial, retail and residential.

### **4. PLANNING HISTORY**

- 4.1 No relevant planning history. With the exception of the basement restaurant, the majority of the building was used as Council Offices.

### **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:

The NPPF has a presumption in favour of sustainable development.

Paragraph 17 seeks to ensure high quality design and that a good standard of amenity for existing and proposed occupiers is secured.

Paragraphs 18 to 20 advise on the importance of supporting sustainable economic growth and planning proactively to meet the needs of businesses.

Paragraph 23 advises on the need to promote competitive town centre environments, allocating a range of sites to meet the scale and type of retail, commercial and residential development needed in town centres and recognises the important role that residential development can play in ensuring the vitality of town centres.

Paragraphs 56 and 57 promote the importance of good design.

Paragraphs 131 to 133 advise on the desirability of sustaining and enhancing the significance of heritage assets.

Paragraph 134 advises that where development will lead to less than substantial harm to the significance of a heritage asset, the harm should be weighed against the 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 S2: Hierarchy of Centres – seeks to ensure the vitality and viability of the town centre is maintained and enhanced.

Policy S9: Distribution of Retail Development – retail floor space should be firstly accommodated in the Primary Shopping Area and then other town centre locations.

Policy S10: Sustainable Development Principles – development will achieve the highest standards of sustainable design incorporating safety and security considerations, be located where services and facilities can be easily accessed by sustainable transport methods; protect, conserve and enhance the natural and built environment, heritage assets and their settings; minimise pollution from noise.

BN5: The Historic Environment and Landscape – designated and non-designated heritage assets and their settings will be conserved and enhanced.

BN7: Flood Risk – development proposals will need to demonstrate there is no increased risk of flooding to existing properties and is (or can be) safe.

BN9: Planning for Pollution Control – development proposals should demonstrate opportunities to minimise and where possible reduce pollution, including reducing the adverse impacts of noise.

### **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 – development within the Central Area must demonstrate a high design standard and positively contribute to the character of an area; create uncluttered

streets lined by active building frontage, in order to provide a vibrant and safe street scene; where appropriate, recognise the inherent sustainability in the reuse and refurbishment of existing buildings; make efficient use of land by promoting an appropriate mix of land uses; preserve and enhance the character, appearance and setting of the Central Area's heritage assets.

Policy 5: Flood Risk and Drainage – development in the Central Area will be expected to implement measures to ensure no increase in the flow of surface water or foul sewage network.

Policy 10: Parking – within the Town Centre Boundary, no additional private car parking for non-residential development will be permitted.

Policy 13: Improving the Retail Offer – development at ground floor level within the Central Area will be expected to positively contribute to the character and function of a frontage, provide high quality shop fronts, and in the case of non-retail uses, provide an active frontage.

Policy 16: Central Area Living – residential developments in the Central Area will comprise a mix of dwelling types, sizes and tenures. Student accommodation will be acceptable.

## 5.5 **Northampton Local Plan 1997 (Saved Policies)**

The relevant policies of the Local Plan are superseded by the policies of the Northampton Central Area Action Plan above.

## 5.6 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

## 5.7 **Other Material Considerations**

Derngate Conservation Area Appraisal and Management Plan 2006

## 6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NBC Conservation** - no objection to the revised scheme. The retention of the corner windows onto Dychurch Lane and Fish Street and removal of second entrance to Dychurch Lane are an improvement to the originally submitted scheme.

6.2 **NBC Public Protection** – no objection to restaurant and takeaway use but raise concerns regarding impacts on the proposed residential accommodation arising from surrounding uses in relation to noise and cooking odours. *Additional information has been received from the Applicant in relation to mitigation of noise and odour issues. Further comments from Public Protection will be reported to Committee on the Addendum to this Agenda.*

6.3 **NCC Lead Local Flood Authority** – no objection.

6.4 **NCC Highway Authority** – no objection. A licence will be required for the placing of tables, chairs and any accompanying furniture.

6.5 **Northamptonshire Crime Prevention Officer** – makes recommendations in relation to security measures including controlled access, secure bike storage, provision of CCTV and general management of the student accommodation.

6.6 **Historic England** – no comment.

- 6.7 **Town Centre Conservation Area Advisory Committee** – welcome the active frontage but suggest cladding of the extension in brick, splitting the canopy in two to match the windows and raise concern regarding storage of waste.
- 6.8 **Town Centre Manager** – no objections.
- 6.9 **Environment Agency** – No objection, subject to a condition relating to the provision of mains foul sewage for any new build element.
- 6.10 **No. 14 City Buildings, Fish Street**, raises concerns which are summarised as follows:
- Existing awful noise problems on Fish Street; adding students would be one more noise complaint.
  - City Buildings has 21 flats with mostly working people and small children and student accommodation opposite would not be a good mix.
  - Most flats in City Buildings have windows facing Fish Street.
  - Need to limit construction hours.
  - Work should coincide with the proposed re-paving works for Fish Street.
- 6.11 Further consultation has been carried out on the amended plans received, repositioning the main entrance onto Dychurch Lane. The consultation period has not yet expired. Any further comments received will be reported to Committee on the Addendum to this agenda.

## **7. APPRAISAL**

### **Principle**

- 7.1 Paragraph 23 of the National Planning Policy Framework advises on the need to promote competitive town centre environments, allocating a range of sites to meet the scale and type of retail, commercial and residential development needed in town centres and recognises the important role that residential development can play in ensuring the vitality of town centres.
- 7.2 Policy 16: Central Area Living allows for the provision of a range of residential accommodation within the Central Area, including the provision of student accommodation.
- 7.3 The property has been vacant for some time, and whilst an attractive building with a strong presence within the street, as an empty property, it does little to enhance the vitality of this part of the Town Centre. The extension of the existing restaurant use to the ground floor and proposed restaurant/café/takeaway use would assist in providing a more active frontage, particularly onto Dychurch Lane, to the benefit of the appearance of the area. The provision of student accommodation is in accordance with policy and would provide appropriate accommodation in a sustainable location within the Town Centre with the potential to add to the vitality and viability of the area.
- 7.4 The principle of the uses proposed is therefore considered appropriate and acceptable in this location.

### **Design and Impact on Heritage Issues**

- 7.5 The proposed extension to the second floor has been designed as a more contemporary addition, and would be visible from Dychurch Lane. The overall scale and form would be in keeping with this part of the building, and proposed windows would be in keeping with existing window proportions of the building below. The details of the proposed cladding and materials

could be agreed by condition to ensure development remains sympathetic to the overall character.

- 7.6 The scheme has been amended to retain the existing ground floor corner windows onto Fish Street/Dychurch Lane, originally proposed to be full length windows, and the proposed glazed main restaurant entrance re-positioned to sit within the existing building columns fronting onto Dychurch Lane. Similarly, the proposed alterations to provide a glazed secondary restaurant entrance, retail entrance and shopfront would all sit within the existing brick columns of the building, sympathetic to the overall character of the building and assisting in maintaining the strong rhythmic appearance of the building.
- 7.7 It is not considered that the proposed alterations would lead to any adverse impact on the setting of the adjacent Grade II listed building and, whilst the proposed alterations to the building would alter the appearance of the elevation fronting onto Dychurch Lane, introducing large areas of glazing at ground floor level, this should be balanced against bringing the building back into a viable use and providing a more active frontage onto Fish Street and Dychurch Lane, which would overall enhance the character and appearance of the Conservation Area.

### **Impact on Amenity**

- 7.8 The site is located within the Town Centre with a mix of surrounding uses including retail, commercial and residential use opposite at City Buildings and at first floor level on Dychurch Lane.
- 7.9 The concerns of the adjacent resident regarding the potential for additional noise are noted. However, the site is located in a Town Centre, with a number of surrounding varied uses which include night time activities including pubs, clubs, restaurants and takeaways, which are likely to generate noise during the later hours. A mix of uses within the Town Centre, including the provision of student accommodation is in accordance with policy, and it is not considered that an objection on the grounds of increased noise would be sufficient reason for refusal.
- 7.10 Public Protection has advised that there is no objection to the proposed restaurant and takeaway use in this location but raise concern regarding the impact of noise and odours from existing extraction systems, and noise from surrounding uses, on the proposed occupants of the student accommodation, in particular those arising from existing established pubs, clubs, restaurants and takeaways. The application is supported by a Noise Assessment and further details have been submitted by the Applicant for consideration in response to Public Protection's concerns. The further comments will be reported to Committee on the Addendum to this agenda.
- 7.11 Discussions with Public Protection indicate that appropriate mitigation is feasible to provide acceptable living conditions for the proposed residents without having any adverse impact on existing surrounding uses, albeit that this is likely to entail some form of mechanical/alternative ventilation. Therefore, it is not considered that this issue should not prevent the development coming forward.
- 7.12 An enclosed refuse storage area with access from Dychurch Lane providing sufficient storage for both the commercial uses and student accommodation would be provided, and provision prior to occupation and retention thereafter would be secured by condition.
- 7.13 The layout and accommodation as proposed for the student accommodation are considered acceptable and would provide an acceptable level of amenity to the future occupiers. A planning condition will be included to ensure provision of appropriate security measures for the accommodation.

## **Other Matters**

- 7.14 The existing cycle loops to the side of the building would be re-located in consultation with the Highway Authority as part of the proposed refurbishment works to Fish Street.
- 7.15 The Highway Authority has raised no objection to the provision of an outside seating area on Fish Street, and a separate application would be required to be submitted to the Highway Authority for approval of the outdoor seating scheme.

## **8. CONCLUSION**

- 8.1 The proposal would bring back into use an existing vacant building in a prominent location within the Town Centre and the Conservation Area with an appropriate mix of uses. The design and appearance are acceptable and would not adversely impact on the character and appearance of the Conservation Area or adjacent listed buildings, and the development would not lead to any unacceptable adverse impacts on surrounding amenity. The proposal is therefore considered to be in accordance with planning policy and therefore recommended for approval.

## **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) Details of all proposed external facing materials and details of the proposed canopy shall first be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

(3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (SK)015 rev A, (SK)011 rev E, (SK)006 rev A, (00)008, (SK)007 rev C, External Bin Store Doors, (SK)016 in relation to canopy details only,

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

(4) The refuse storage as shown on drawing no. (SK)016 shall be provided prior to occupation of the proposed development hereby permitted and retained thereafter.

Reason: To provide a satisfactory standard of development and in the interests of amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

(5) The cycle storage as shown on drawing no. (SK)011 rev E shall be provided prior to occupation of the proposed development hereby permitted and retained thereafter.

Reason: To provide a satisfactory standard of development and in the interests of amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

(6) The development hereby permitted shall be carried out in accordance with the surface water drainage details as outlined in the email dated 3<sup>rd</sup> November 2016 from Hydrock.

Reason: To provide a satisfactory standard of development and to ensure appropriate surface water drainage provision in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

(7) No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme, including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To provide a satisfactory standard of development and to ensure appropriate foul water drainage provision in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

(8) Notwithstanding the submitted detail, prior to the occupation of the development hereby permitted a scheme demonstrating how the development will achieve Secure By Design principles shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and maintained in perpetuity.

Reason: To ensure a secure and satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

## **10. BACKGROUND PAPERS**

10.1 N/2016/0856

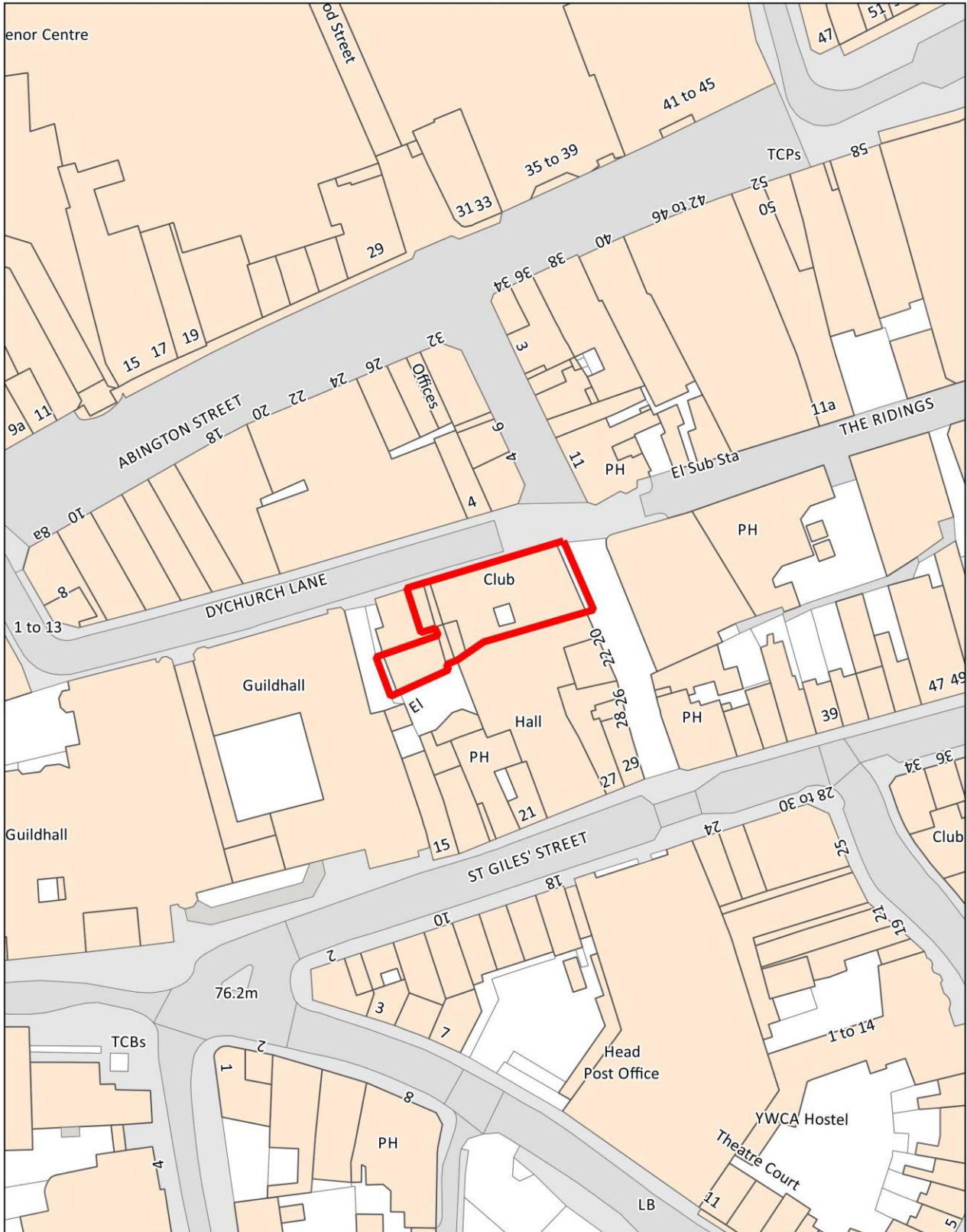
## **11. LEGAL IMPLICATIONS**

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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Date: 09-12-2016

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