



PLANNING COMMITTEE: 13th March 2018
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/1523 and N/2017/1524

LOCATION: J Lawrence & Co , 35 - 37 St Giles Street

DESCRIPTION: Change of Use from Retail and Cafe to Cafe/Restaurant (Use Class A3) with 2no two bed flats and associated internal alterations; and
Listed Building Consent Application for alterations including removal and addition of internal walls, new internal doors and alterations to staircases

WARD: Castle Ward

APPLICANT: Northampton Municipal Church Charity
AGENT: DJC Associates

REFERRED BY: Head of Planning
REASON: Council Member is a trustee of the application organisation

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATIONS

N/2017/1523 Planning Application

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

The development supports the viability and vitality of the town centre and, on balance, would have an acceptable impact upon the character and appearance of the surrounding area, conservation area, listed building, highway safety and neighbouring amenity. The development is therefore compliant with the requirements of the National Planning Policy Framework, Policies S10, BN5 and BN9 of the West Northamptonshire Joint Core Strategy; and Policies 1, 10 and 13 of the Central Area Action Plan.

N/2017/1524 Listed Building Consent Application

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

The works, on balance, would have an acceptable impact upon the listed building in accordance with the guidance contained within the National Planning Policy Framework, Policy 1 of the

Northampton Central Area Action Plan 2013, and Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy.

2. THE PROPOSALS

- 2.1 The Planning Application seeks permission for the change the use of the property from Retail and Cafe (sui generis use) to Cafe/Restaurant (Use Class A3) at ground floor level and 2no. two bed flats on the upper floors, with associated internal alterations. The proposal does not include any extraction flue or air conditioning units to serve the proposed café use.
- 2.2 The Listed Building Application seeks consent for alterations including removal and addition of internal walls, new staircase and internal doors, and alterations to existing staircases incorporating new floors to facilitate the conversion of the property to ground floor café with two upper floor flats.

3. SITE DESCRIPTION

- 3.1 The site fronts onto the busy St Giles Street in the town centre and Derngate Conservation Area. It comprises a Grade II listed three storey property with a vacant ground shop and café and ancillary accommodation on the upper floors. The building is located between two existing shops and is designated as a Secondary Shopping Frontage in the Central Area Action Plan.

4. PLANNING HISTORY

- 4.1 No relevant planning history.

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).

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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:

Paragraphs 6, 7, 8 and 14 set out that the presumption in favour of sustainable development.

Paragraph 17 states that planning should take into account the various characters of differing areas and work to promote the vitality of urban areas. It also encourages good design and consideration of amenity of neighbouring uses.

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 to meet this requirement.

Paragraph 32 relates to safe access for all.

Section 7 requires good design.

Section 12 seeks to conserve heritage assets in a manner appropriate to their significance and advises that great weight should be given to an asset's conservation.

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:

S10 Sustainable Development Principles
BN5 Historic Environment and Landscape
BN9 Planning for Pollution Control

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
Policy 10 Parking
Policy 13 Improving the Retail Offer

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004

5.6 **Other Material Considerations**

Derngate Conservation Area Appraisal and Management Plan 2006

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Built Conservation (NBC):** The change of use of the ground floor and conversion of the upper floors into flats, and the internal alterations that will be required, would have an acceptable impact on the listed building and on the character and appearance of Derngate Conservation Area by securing a viable use for the premises. It is noted that no alterations to the external appearance of the buildings is proposed; it is important that features such as the timber sash upper floor windows, shopfronts and the brass name plaque on the shop windows are retained. The

amended ground floor plan indicates the retention of part of the dividing wall between the front and rear sections of No.35 and will allow an appreciation of the historic plan form of the building. Although the widening of the opening on the ground floor between the two properties will result in some loss of historic fabric, the overall level of harm to the character of the buildings will now be less than substantial.

- 6.2 **Public Protection (NBC):** Clarification should be provided of the extract equipment and refuse arrangements for the ground floor uses. In addition, recommend a condition relating to noise from air conditioning units and extract fans associated with the ground floor use. No objections to residential uses on the upper floors subject to the impact of the surrounding town uses being adequately assessed and appropriate mitigation and this matter can be addressed by condition.
- 6.3 **Northampton Town Centre Conservation Area Advisory Committee:** Regret the loss of the panelling which has been removed from the café area. Recommend as much historical fabric be kept in the remaining renovations, particularly on the upper floors where there have been fewer modern alterations. Also recommend that historic brass shopfront name plate be retained either on site through the museum due its historical significance.

7. APPRAISAL

Principle of residential development

- 7.1 The application site is located in Northampton Town Centre and the conversion of the upper floors to residential would contribute to the Strategic Objective of the Central Area Action Plan to repopulate the town centre and add to the vitality and viability of the town. As such, the principle of the conversion of the upper floors is acceptable under the Development Plan.
- 7.2 The Council, however, cannot presently demonstrate a five year housing land supply. Therefore, in accordance with the presumption in favour of sustainable development in Paragraphs 14 and 49 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The provision of two dwellings on the site would make a contribution towards the Council's housing supply with associated social and economic benefits and this, therefore, weighs in favour of the proposal.

Character of shopping frontages

- 7.3 The site is located within a Secondary Shopping Frontage in the Central Area Action Plan, wherein Policy 13 seeks to resist the loss of retail units to other uses below a threshold of 60% of the total length of the retail frontage. The total retail frontage is already significantly below this threshold, with 11 retail units occupying only some 36% of the total length of the frontage. Therefore any further loss of a retail unit would be contrary to the aforementioned development plan policy. However, the application property operated as a mixed use and, as such, the proposal would not result in the loss of a Use Class A1 unit. Notwithstanding this, the existing property has been vacant since March 2017 and there is a reasonable amount of retail uses in the immediate vicinity of the site, with retail units to either side of the site. Furthermore, the proposal would contribute positively to footfall on St Giles Street and is a use expected in a town centre location. As such, it is considered that the proposal would not significantly alter the character of the shopping frontage and would have a positive effect on the vitality and viability of the town centre.

Heritage Assets

- 7.4 The application property is Grade II listed and as such Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty of local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of

special architectural or historical interest which it possesses, with the NPPF requiring great weight to be given the conservation of heritage assets.

- 7.5 The proposal does not include any external alterations to the property. The widening of the opening on the ground floor between the two parts of the property would result in some loss of historic fabric and this harm would be less than substantial, in accordance with guidance in paragraph 134 of the NPPF. However, amended plans have been submitted to show the retention of part of the dividing wall, which will allow an appreciation of the historic plan form of the building. Furthermore, the other internal works to the property, including the re-insertion of a staircase, would facilitate the use of the upper floor of the property as flats and help to secure a viable use of the whole of the premises. As such, and having regard to the comments of the Conservation Officer, it is considered that the harm would be outweighed by the wider benefit of securing re-use of the buildings and no objections are raised to the application.

Residential Amenity

- 7.6 The application site is located in a town centre location with properties predominantly comprising commercial uses on the ground floor (including restaurants and public houses in the vicinity of the site), with a mix of ancillary and residential uses on the upper floors. The proposed flats would both have two bedrooms and would be generous in size for town centre apartments. In addition, all habitable rooms would be served by windows and an independent access from the ground floor unit would be created that would utilise an existing doorway to St Giles Street. Furthermore, Environmental Protection do not object to the principle of the introduction of residential uses on the upper floors, although they do recommend conditions to require the submission of noise assessments and mitigation measures as necessary. However, the change of use of the upper floors of a shop to two flats is normally permitted development and, as such, it is considered that it would not be reasonable to seek further noise details in this instance.
- 7.7 Environmental Protection are also seeking details of extract and other plant and associated equipment to serve the proposed ground floor Class A3 use. However, the application property is currently being marketed and there is not presently a specific end user for the proposed café use. Although, it is possible for a Class A3 use to operate without the need for extraction and other such equipment. In any event, extract and other such equipment would require planning permission and listed building consent and it would be open for the end user to submit separate applications for such equipment in the future should a need for the equipment arise.
- 7.8 The existing mixed retail and café use is not subject to any planning restrictions on hours of use. As such, and given the town centre environment, it is considered that it would not be reasonable to restrict the hours of opening of the Class A3 unit.
- 7.9 Overall, it is considered that the proposal would not be objectionable with regards to the amenities of future occupiers or neighbouring properties.

Parking and Highways

- 7.10 The site is located within the heart of the town centre close to car parks and bus routes with the bus station nearby. Parking is provided on a restricted basis on the street in front. Due to the sustainable location, there would be no objection in terms of parking and highway safety.

Other Considerations

- 7.11 The comments of Environmental Protection regarding bin storage for the ground floor use are noted. However, as the existing property was occupied as a mixed shop and café use, it would not be reasonable to introduce additional bin storage requirements under this application.

8. CONCLUSION

- 8.1 The site is in the Town Centre and the principle of additional upper floor residential accommodation is acceptable under the Development Plan. However, the Council cannot presently demonstrate a five year housing land supply and it is necessary to assess the proposal against the presumption in favour of sustainable development. In this instance, the proposal would contribute, albeit on a small scale, towards the Council's housing supply with associated social and economic benefits. In addition, the proposal would not significantly impact on the character of the shopping frontage and would support the viability and vitality of the town centre.
- 8.2 The proposed works would result in the loss of some historic fabric as a result of the widening of the existing central ground floor opening. This harm is, however, less than substantial and would be outweighed by the benefits of securing a viable future for the whole of the premises and thereby ensuring a continuing viable future for the listed building. The proposal would have an acceptable impact on the listed building and the character and appearance of the Conservation Area and would also be acceptable on residential amenity and parking grounds. Therefore, it is recommended that planning permission and listed building consent is granted subject to conditions.

9. CONDITIONS

9.1 N/2017/1523 Planning Application

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: 17.64.10, 17.64.11 and 17.64.14.

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

9.2 N/2017/1524 Listed Consent Application

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 17.64.10, 17.64.11 and 17.64.14.

Reason: For the avoidance of doubt and to accord with the terms of the listed building consent application.

10. BACKGROUND PAPERS

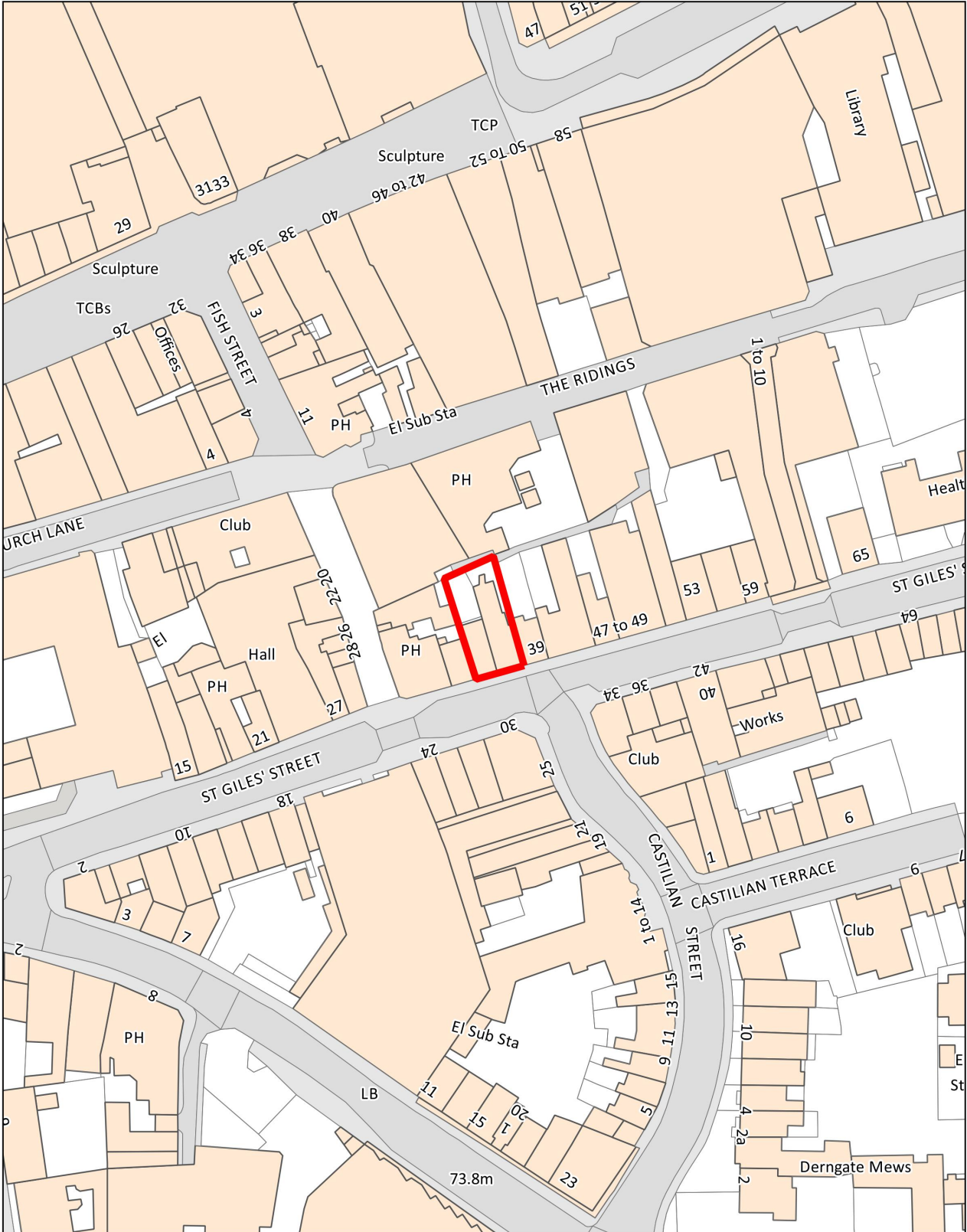
- 10.1 N/2017/1523 and N/2017/1524.

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: **35 -37 St Giles Street**

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