



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE:	22 nd November 2016
DIRECTORATE:	Regeneration, Enterprise and Planning
HEAD OF PLANNING:	Peter Baguley
APPLICATION REF:	N/2016/1344
LOCATION:	24 Market Square
DESCRIPTION:	Change of use of part first floor to day centre (Use Class D1) to be used in conjunction with the proposed day centre on the second floor
WARD:	Castle Ward
APPLICANT:	Mr Choudray
AGENT:	CS2 Chartered Surveyors
REFERRED BY:	Head of Planning
REASON:	Applicant is a relative of a Council Member
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 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 planning permission to change the use of part of the first floor to a day centre. This would operate as part of the previously approved day centre on the upper floors of the building, but would be separate from the cafeteria that operates in the lower section of the building. The proposed change of use would not require any external alterations.

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. Planning permission was granted earlier in 2016 to operate a day centre on the upper floor of the building. 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.
- 4.3 N/2016/0214 – Change of use of 2nd floor from shop (Use Class A1) to a day centre (Use Class D1) including disabled access throughout and the creation of a roof garden to the rear – 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).

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 17 states that planning should take into account the various characters of differing areas and work to promote the vitality of urban areas.

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.

Paragraphs 131 and 132 encourage the consideration of the impact on the significance of heritage assets and their settings.

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.

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.

5.4 **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.

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**

6.1 **Conservation (NBC)** – No objections.

6.2 **Highway Authority (NCC)** – No objections.

7. **APPRAISAL**

7.1 The proposed development does not involve any external alterations and as a result of this, there would be a neutral impact upon the character and appearance of the surrounding area, including the All Saints Conservation Area, in addition to neighbour amenity. The development would operate in conjunction with the previously approved day centre, and as such, the scheme would not cause any undue pressure on existing refuse storage or the highway system.

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 in terms of matters, such as noise and disturbance.

7.3 In addition to these factors, it is considered that a day centre of increased size is likely to attract a greater number of people to the Market Square and, by extension, the Town Centre. This will support the viability and vitality of the Town Centre. In addition, it is considered that a more intensive use of the application site would assist in creating a long term viable use for the building. This is of particular importance due to its prominence within a key area of the Town Centre.

7.4 The lack of external alterations means that there would be a neutral impact upon the character and setting of the adjoining Listed Buildings as required by the National Planning Policy Framework.

8. CONCLUSION

8.1 It is considered that the principle of the development is acceptable, and would assist in creating a viable use for this large and prominent building, whilst supporting activity within 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: Site Location and Block Plan; 001; and 004 Rev. D.

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

10. BACKGROUND PAPERS

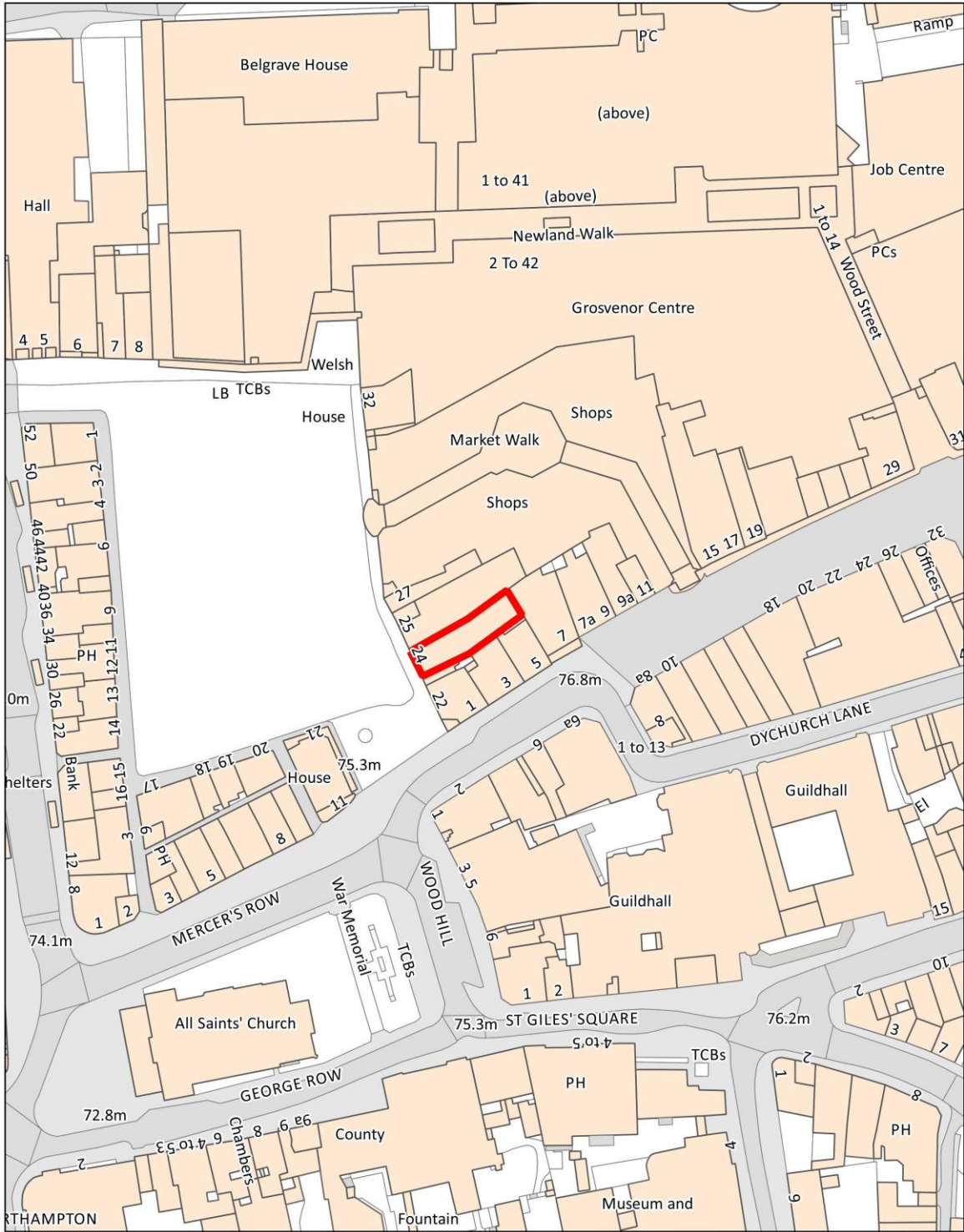
10.1 N/2016/1344

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.



Title: **24 Market Square**

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Date: 10-11-2016

Scale: 1:1,250

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