



PLANNING COMMITTEE: 21st November 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/1091

LOCATION: 14 Fish Street

DESCRIPTION: Conversion and extension of former council office building to form restaurant and hot food takeaway, new retail units and student accommodation within 3 apartments, ancillary bins and bike storage areas; erection of entrance canopy and awning; change of use of footway to introduce outdoor seating area on Fish Street

WARD: Castle Ward

APPLICANT: Mr Charles Sandy
AGENT: Mr Michael Magri

REFERRED BY: Head of Planning
REASON: Council owned land

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 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 Dergate Conservation Area. The proposed external alterations are acceptable and would not adversely impact on the character and appearance of the existing building, the Conservation Area or the setting of adjacent listed buildings, and the development would not lead to any undue impacts on surrounding amenity, highway safety or drainage. The proposal is therefore considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies S2, S10, BN5, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Policies 1, 5, 10, 13 and 16 of the Northampton Central Area Action Plan.

2. THE PROPOSAL

2.1 The application proposes the conversion and extension of a former Council building, previously used as offices, with an existing restaurant at basement level, to a restaurant at ground floor level extending the existing restaurant space, a new restaurant/café/take-away unit (Use Classes

A3/A5) at ground floor level fronting onto Dychurch Lane, and the conversion of the existing office space at first and second floor level to student accommodation.

- 2.2 External changes at ground floor level would comprise of a new glazed entrance to the restaurant with a frameless glass canopy fronting onto Dychurch Lane, a new glazed shop front, student entrance and bin storage entrance on Dychurch Lane, and an external seating area and canopy on Fish Street. At second floor level, new enlarged window openings would be inserted to serve the proposed student accommodation, and the existing rooflights removed.
- 2.3 The new student accommodation would comprise of 20 bedrooms with en-suite facilities split into three cluster flats, each served by a living/kitchen/dining area. Access to the student accommodation would be via entrances from Fish Street and Dychurch Lane, with separate access to a cycle storage area to the rear of the building. Refuse storage would be accessed from Dychurch Lane, with commercial and student bin storage areas contained separately.
- 2.4 The property is currently owned by the Council, but sold subject to planning permission.

3. SITE DESCRIPTION

- 3.1 The application property comprises a late 19th century three storey building, plus basement, with a later 1930s extension, 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 commercial uses at ground floor and residential above, and 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. With the exception of part of the basement level, currently used as a restaurant, the building has been vacant for some time.

4. PLANNING HISTORY

- 4.1 N/2016/0856 - 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. Withdrawn 15.12.16

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 SA: Presumption in Favour of Sustainable Development – applications that accord with planning policy will be approved without delay, unless material considerations indicate otherwise.

Policy S1: The Distribution of Development – development will be concentrated primarily within the principal urban area of Northampton.

Policy S2: Hierarchy of Centres – seeks to ensure the vitality and viability of the town centre is maintained and enhanced.

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 **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 **Conservation Officer** – no objection. This is a prominent and attractive building at the corner of Fish Street and Dychurch Lane that makes a positive contribution to the character and appearance of this part of Derngate Conservation Area. The proposed uses are appropriate to the town centre location. The formation of the main entrance into the restaurant from Dychurch Lane will result in loss of some original fabric but the impact is acceptable and justified as a means of bringing the ground floor into viable use. Details of the entrance canopy on Dychurch Lane should be requested by condition. The alterations to enlarge the top floor windows, to create shop units on Dychurch Lane and the awning and outdoor seating area on Fish street will not harm the Conservation Area or the setting of the adjacent listed building.
- 6.2 **Environmental Health** – a noise assessment and revised ventilation strategy has been submitted. Request conditions for the mitigation contained within these reports to be implemented. The supply air (for the ventilation system) should not be sourced in close proximity to the restaurant's commercial extraction termination point to avoid odour laden air being drawn into the ventilation system serving the building. Request conditions for an odour control scheme for any new extraction.

- 6.3 **Highway Authority** – no comments.
- 6.4 **Crime Prevention Design Advisor** – the application has not clarified areas of concern raised before. Requests applicant provides a full security strategy, management plan and code of conduct/ tenancy agreement. Suitable levels of security to be provided should be conditioned.
- 6.5 **Environment Agency** – no objection, subject to condition in relation to any new building works required to be served by water services, until full details of a scheme for the provision of foul sewage infrastructure has been submitted and approved.
- 6.6 **Town Centre Conservation Advisory Committee** - welcome the removal of the extension shown in the previous application. Raise concern regarding the removal of the middle windows, which are a characteristic feature of this prominent building, to create an entrance to the restaurant which seems unnecessary. Otherwise, welcome the revised proposals.
- 6.7 **Lead Local Flood Authority** – no objection.

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, recognising the important role that residential development can play in ensuring the vitality of town centres. This is reflected in Policy S2 of the JCS which seeks to ensure the vitality and viability of the town centre is maintained, and Policy 16 of the CAAP which allows for the provision of a range of residential accommodation within the Central Area, including the provision of student accommodation.
- 7.2 The property has been vacant for some time, and whilst an attractive building with a strong presence in the street, as an empty property, 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 and allow the expansion of an existing established business. The provision of student accommodation is in accordance with policy and would provide appropriate accommodation in a sustainable location in the Town Centre, which in conjunction with the proposed ground floor uses, has the potential to add to the vitality and viability of the area.
- 7.3 The principle of the uses proposed is therefore considered appropriate and acceptable in this location.

Design and Impact on Heritage Assets

- 7.4 The exterior of the existing building has a strong, rhythmic pattern of windows and stone and brick columns which, together with the prominent location on the corner of Fish Street and Dychurch Lane, add to the building's visual presence within the street.
- 7.5 The proposal includes the insertion of a new glazed entrance between the existing stone piers on the Dychurch Lane elevation to provide access to the new restaurant. The scheme has been amended to retain a strip of brickwork either side of the new entrance to provide better definition to the doorway and enable the entrance to reflect the rhythm and proportions of the window openings either side.

- 7.6 The proposed ground floor glazing to provide the new shopfront on Dychurch Lane, in a later 1930s section of the building, would sit between the existing brick pillars replacing existing window and door openings in the building. The bin store, and student entrances on Dychurch Lane would utilise and improve existing doorways into the building.
- 7.7 The enlargement of windows on the second floor and alterations to the roof removing existing roof lights would not be visually prominent from the street and are considered acceptable. The subdivision of rooms internally would not be discernible from the exterior of the building with any new internal walls being located so as to align with existing external brick pillars or window frames. With the exception of the second floor windows to be enlarged, existing timber windows would be retained throughout the building and re-painted and re-furnished as necessary.
- 7.8 The inclusion of an outdoor seating area and awning on Fish Street along with the proposed alterations on Dychurch Lane will provide a more active frontage to the building and bring extra activity onto Dychurch Lane. The existing cycle loops to the side of the building would be re-located in consultation with the Highway Authority as part of future proposed refurbishment works to Fish Street, and a separate application would be required to be submitted to the Highway Authority for the change of use of the highway to an outdoor seating area.
- 7.9 The proposed alterations will assist in bringing the building back into a viable and contribute to the vibrancy of this part of the conservation area without adversely impacting on the setting of adjacent listed buildings.
- 7.10 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, it is considered that the proposed alterations would lead to less than substantial harm on surrounding historic assets, and that 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 and contribute positively to the character and appearance of the Conservation Area and setting of adjacent listed buildings.

Impact on Amenity

- 7.11 The site is located within the Town Centre with a mix of surrounding uses including retail and commercial, and residential use as first floor level opposite the site at City Buildings and on Dychurch Lane. These existing surrounding varied uses include night time activities from pubs, clubs, restaurants and takeaways, which by their very nature are likely to generate noise during the later hours.
- 7.12 The application is supported by a Noise Assessment which specifies improvements to glazing, using secondary glazing where existing windows are to be retained, and trickle ventilation to ensure appropriate noise mitigation for proposed residential occupants of the building.
- 7.13 In respect of occupiers of existing residential accommodation, whilst the proposal will introduce additional activity in the vicinity, the proposed uses are considered appropriate to a Town Centre location, and the provision of student accommodation and further 'A' Class uses is in accordance with policy requirements. It is not considered that the proposal would lead to an undue increased impacts on existing residential occupiers to that arising from the existing surrounding environment.
- 7.14 The application includes provision of an enclosed refuse storage area with access from Dychurch Lane providing sufficient storage for both the commercial uses and student accommodation, and provision prior to occupation and retention thereafter would be secured by condition. Environmental Health are satisfied that the provision proposed is appropriate.

- 7.15 The proposed internal arrangements of the student accommodation would provide sufficient levels of amenity and sufficient levels of light and outlook to each room. A planning condition is recommended to ensure provision of appropriate security measures for the accommodation.

Other Matters

- 7.16 No extensions or increase in the surface area or impermeable area of the building are proposed, and existing downpipes from the roof catchment area will remain. The Lead Local Flood Authority and Environment Agency raise no objection.
- 7.17 Policy 10 of the CAAP advises that within the Town Centre Boundary, no additional private car parking for non-residential development will be permitted. The site does not allow for on-site parking, however provision is made for secure cycle storage to the rear of the building, and the site is in a sustainable location. The Highway Authority raise no objection.

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, awning and windows 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 (SK)004 rev B, (SK)014, (SK)015 rev A, (SK)016 rev A received 15/08/17, (SK)011 Rev J received 2/11/17, SK(0006) rev F, SK(020) and SK(007 rev E received 21/09/17.

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

4. The refuse and cycle storage as shown on drawing no. (SK)011 rev J 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 development hereby permitted shall be carried out in accordance with the proposed strategy as set out in the Hydrock 'Student Accommodation Ventilation Strategy' dated September 2017 and as shown on drawing nos. (SK)006 rev F and (SK) 020 and retained thereafter.

Reason: To secure a satisfactory standard of development and an appropriate level of amenity for proposed occupiers in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

6. Prior to occupation of the development hereby permitted, the applicant shall provide a detailed assessment under Annex C of the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Extract systems and shall provide information set out in Annex B in the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Extract systems: The Information Required To Support Planning Application; paragraph 10.

A scheme shall be agreed with the Local Planning Authority prior to occupation that specifies the provisions to be made for the collection, treatment and dispersal of cooking odour and the ongoing maintenance of the odour abatement plant. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure a satisfactory standard of development and in the interests of amenity in accordance with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

7. The development shall be carried out in accordance with the recommendations and proposed specifications contained within the submitted Noise Exposure Assessment dated 6th June 2016 by Clement Acoustics and retained as such thereafter throughout the life of the development.

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

8. 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.

9. 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 to and approved 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/2017/1091.

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.

