



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

APPLICATION REF: N/2017/1552

LOCATION: 60 St Giles Street

DESCRIPTION: Retention of Restaurant/Cafe use (Use Class A3)

WARD: Castle Ward

APPLICANT: Mrs Michella Goncalves
AGENT: N/A

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 development supports the viability and vitality of the town centre and would have a neutral impact upon the character and appearance of the surrounding area, conservation area, 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.

2. THE PROPOSAL

2.1 Permission is sought to retain the use of the property to a café under Use Class C3. The unit was previously a retail unit (Use Class A1) before converting to a café almost 4 years ago. At the time the applicant exercised temporary permitted development rights to convert to Class A3 which requires that the use revert back to Class A1 after a two year period. As a result, the applicant is now applying for planning permission for a permanent change of use. The proposal does not include any extraction flue given that the use is primarily one that specialises in sale of desserts, sandwiches, coffee and other food.

3. SITE DESCRIPTION

3.1 The site consists of a ground floor café located along the busy St Giles Street in the town centre. The property is located within the Derngate Conservation Area and the main entrance fronts onto

St Giles Street. The building is located between two existing cafes and within a Secondary Shopping Frontage in the Central Area Action Plan.

4. PLANNING HISTORY

4.1 2014 Permission granted for replacement shop front.

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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention 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. 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.

Paragraph 132 Consideration of heritage assets in determination of planning applications.

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 (2003)

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follow:

6.1 **Built Conservation (NBC)** No objection as there would be no harm the conservation area.

6.2 **Public Protection (NBC)** No objections to the proposal; would recommend that the proposal has an odour and noise control condition attached to any decision document.

7. **APPRAISAL**

Impact on shopping character of area and vitality of town centre

7.1 The site is located within a Secondary Shopping Frontage in the Central Area Action Plan where Policy 13 applies for changes of use from retail units to other uses. Given that the property was previously a shop and the applicant exercised temporary permitted development rights to change to a cafe use for a two year period only, this policy is relevant as the lawful use of the unit is still retail (Use Class A1).

7.2 The Policy states that a change of use from retail 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. In this case, the overall % will fall from 59% to 54% if the Class A3 use is allowed to be retained, which is contrary to development plan policy.

7.3 The use will result in 3 café uses in a row which is not ideal. However, the use has been in place already for nearly four years and contributes to the local area in terms of employment. The proposal would contribute positively to footfall on St Giles Street and vitality of the town centre and is a use expected in a town centre location. Given that there are still a reasonable number of retail uses in this stretch of St Giles Street, the use has been in existence for four years and that this unit is a relatively small one with a 5m wide frontage, it is difficult to argue that the café use would significantly affect the vitality and viability of the town that warrants a refusal of planning permission.

Impact upon neighbouring properties

7.4 Given the predominantly commercial character of the surrounding area, which includes a number of properties which are open into the evening, it is considered that this development would not cause an undue detrimental impact on neighbour amenity as a result of noise and disturbance. The applicant confirmed that due to the type of food being sold from the premises, there is no need for an extraction flue to be installed. If at a future date this changes, the applicant can then submit a full planning application for any extraction flue. As the café only opens during day time

hours, there is no need to control the hours of use by a planning condition bearing in mind the town centre location of the application site.

Parking and Highways

- 7.5 The site is located within the heart of Northampton town centre close to car parks and bus routes and the nearby bus station. 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.

Impact on appearance and character of the conservation area

- 7.6 As there are no external changes proposed, it is considered that the impact on the conservation area would be limited. This is a view also supported by Council Conservation Officers.

8. CONCLUSION

- 8.1 Although contrary to development plan policy, the proposal results in a use which is considered to be complementary to the area and would add to the vitality of the town centre. There would not be any undue impact on highway safety, residential amenity and would also have neutral impact on the conservation area. On balance, it is considered that the proposal is acceptable.

9. CONDITIONS

- 9.1 None.

10. BACKGROUND PAPERS

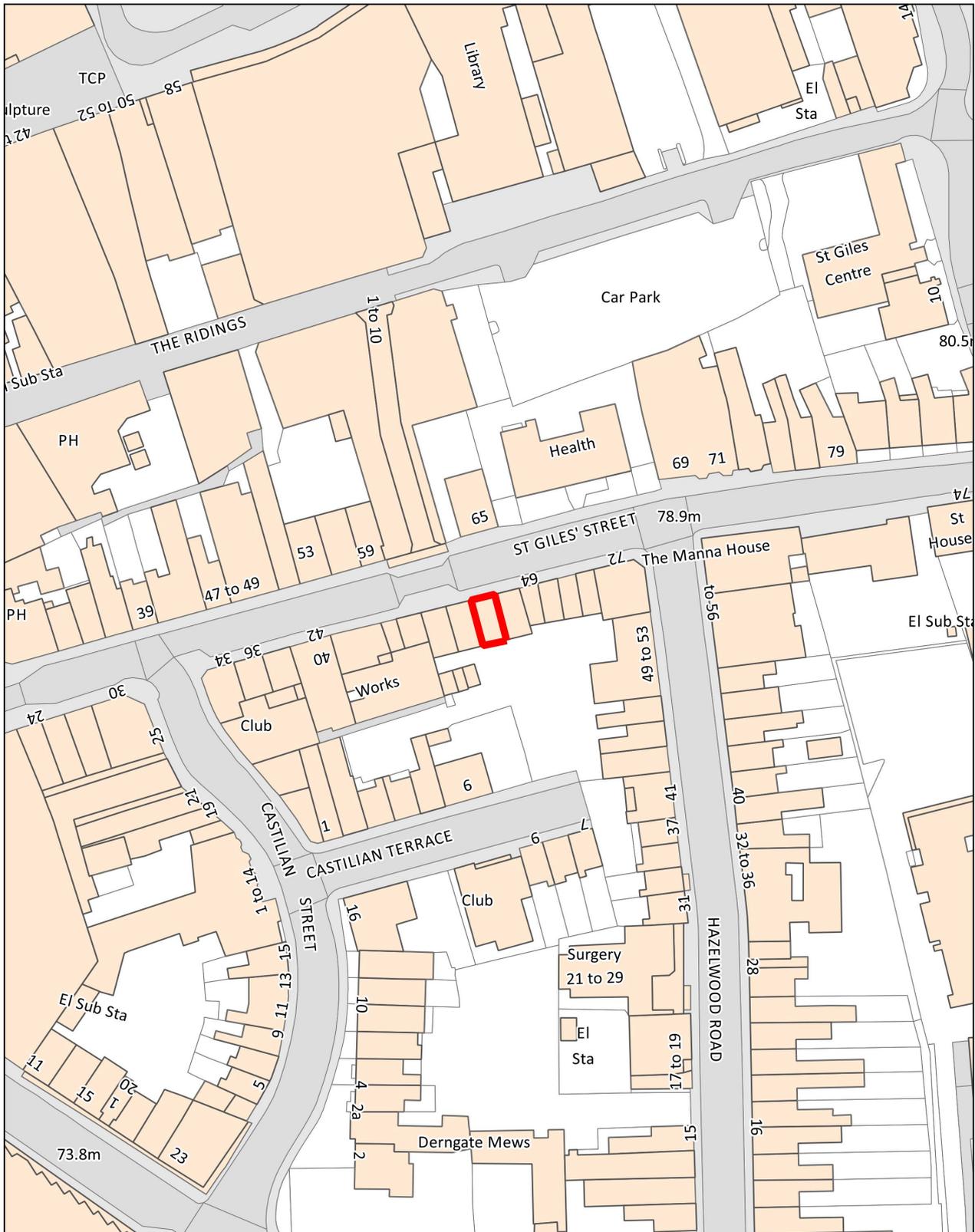
- 10.1 N/2017/1552.

11. LEGAL IMPLICATIONS

- 11.1 The development is not liable for Community Infrastructure Levy.

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: **60 St Giles Street**

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Date: 27-02-2018

Scale: 1:1,000

Drawn by: -----