



PLANNING COMMITTEE: 23rd October 2018
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/1085 and N/2018/1236

LOCATION: 21 St Giles Street

DESCRIPTION: Change of Use from Retail (Use Class A1) to Gin & Tonic Bar (Use Class A4) and Advertisement Consent Application for the erection of a non-illuminated hanging sign

WARD: Castle Ward

APPLICANT: Mr Cillian Hickey
AGENT: N/A

REFERRED BY: Head of Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** of planning application **N/2018/1085** subject to the conditions as set out below and for the following reason:

The proposed change of use would not have any adverse impact on the conservation area and would improve the vitality of the area through the introduction of an appropriate independent use in the Secondary Shopping Area. The application is therefore in accordance with the National Planning Policy Framework and Policies S9, S10 and BN5 of the West Northamptonshire Joint Core Strategy and Policies 1 and 13 of the Northampton Central Area Action Plan.

1.2 **APPROVAL** of advertisement consent application **N/2018/1236** subject to the standard advertisement conditions as set out below.

2 THE PROPOSAL

2.1 The application relates to the proposed change of use of a vacant retail unit (Use Class A1) to a gin and tonic parlour (Use Class A4).

2.2 In addition, an advertisement consent application has been submitted for the erection of a non-illuminated hanging sign to the front of the building.

3 SITE DESCRIPTION

- 3.1 The property is described as a 19th Century Gothic style building, which was originally the Weights and Measures office. It is located on the section of St Giles Street close to the Guildhall that comprises a selection of retail uses, many of them being independent or niche traders.
- 3.2 The site lies within the Derngate Conservation Area and the building itself is included on the Local List of buildings of interest.

4 PLANNING HISTORY

- 4.1 The property has been used as a volunteer bureau and a hair dresser in more recent years, but the only planning application of note was N/2003/0575 which related to the use of property for retail (Class A1). This was approved on 03/07/2003.

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).

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 85-90 – Ensuring the vitality of Town Centres.

Paragraph 132 – design of advertisements.

Paragraph 192 - in determining planning applications, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, should be a consideration.

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 S9: Distribution of retail development.

Policy S10: Sustainable Development Principles - Seeks to achieve the highest standards of design and to protect, conserve and enhance heritage assets and their settings.

Policy BN5: The Historic Environment and Landscape - Heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative 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. Relevant policies include:

Policy 1: Promoting Design Excellence - make efficient use of land by promoting an appropriate mix of land uses in order to increase the vitality and vibrancy of an area and a wider range of choice for users.

Policy 13: Improving The Retail Offer - Within the Secondary Frontages, the change of use from retail (Class A1) 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. Provide high quality shop front which will be consistent with the Shopfront Design Guide.

5.5 **Other Material Considerations**

Derngate Conservation Area Appraisal – this identifies the significance of this group of buildings.

Shopfront Design Guide – Design Principle 7 signs should respect the character of the building; hanging signs should not obscure architectural detailing.

6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NBC Conservation Section** – no objection; the application relates to a distinctive building within Derngate Conservation Area that makes a positive contribution to the character and appearance of the Conservation Area. The building is presently vacant and a specialist type use would be appropriate to the location and secure re-use of an important building.

In respect of the advertisement, no objection is raised to the style of the sign. It may relate better to the architectural character and appearance of the building if located at either end, rather than in the centre, of the building.

- 6.2 **Town Centre Conservation Area Advisory Committee** – no objection.

- 6.3 **NBC Public Protection** - have not raised any objections to the proposal, however it is recommended that a condition is imposed to address refuse storage on the site.

- 6.4 **NBC Town Centre Manager** - no objections to the proposal.

7 **APPRAISAL**

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- 7.1 The main issues to consider are the impact on the character, appearance and historic interest of the Locally Listed building, the setting of the conservation area and the impact on the Secondary Retail Frontage of the proposed change of use.

- 7.2 The property which is a distinctive building within the street scene, with the red brick frontage, arched windows and distinctive “Office for Weights and Measures ND 1872” gold lettering on the fascia and the Borough Council’s crest carved into the gable, is located between the Wig and Pen PH and the Optimist PH on St Giles Street. It lies within the Derngate Conservation Area and makes

a positive contribution to the character and appearance of the Conservation Area. It is noted that the building is currently vacant and was last occupied approximately 18 months ago.

- 7.3 The proposal is for the change of use of the ground and first floors of the premises, with no alterations proposed to the structure or appearance of the building, however the applicant has indicated to the Council's Assets Team that the intention is to make good the boot scrape by the door.
- 7.4 Permission is sought for the use of the building as a Gin and Tonic Bar under Use Class A4 (Drinking Establishment). However given that the floor area of the building is approximately 52m² in total, the building lends itself to a more niche market, rather than a chain public house. The applicant is not proposing to offer any prepared food at the premises.
- 7.5 The applicant has indicated a small music area on both the ground and the first floor of the premises although this would be a matter for the Premises Licence rather than something that would be controlled through the planning process.
- 7.6 It is therefore considered that the proposed use would not have any detrimental impact on the character and historic interest of the building or the conservation area, whilst also ensuring a viable use for the building.
- 7.7 The site is within a Secondary Retail Frontage in the Town Centre. Policy 13 of the Central Area Action Plan seeks to retain 60% of retail uses within Secondary Retail Frontages. In this instance only 22% of units in this section of the frontage on St Giles Street are currently in retail use. Whilst it is acknowledged that this would fall below the policy requirement, the unit has been vacant for some time and been actively marketed. The proposal would bring this vacant building, in a prime Town Centre location within the Conservation Area, back into use as an artisan type of occupier. This use is in keeping with other niche retail outlets in St Giles Street and complements the artistic quarter of the Town Centre. It would assist in improving the vitality of the area and the night-time economy.
- 7.8 Policy 13 of the CAAP also expects proposals to positively contribute to the character and function of a frontage and be compatible with adjoining uses. The building has been empty for approximately 18 months and the introduction of a use that compliments the area is supported.
- 7.9 Paragraph 85 of the NPPF shows a move away from the designation of secondary shopping centres and focusses on the vitality of town centres and primary shopping areas instead. It requires local planning authorities to look at the anticipated needs for retail, leisure, office and other main town centre uses going forward at least ten years into the future. To restrict the use of this unit to a Class A1 use, at this time could result in a further empty shop in the town centre. Currently St Giles Street is a vibrant street with niche uses, which is possibly the future of a street such as this.
- 7.10 In terms of the impact on the amenities of surrounding properties, the submitted details state that the bar will be open every day from 18:00 to 23:00hrs only. The site is located in a Town Centre environment and next to an existing public house that has unrestricted opening hours. It is considered that a condition to restrict the opening hours for this premises is unnecessary bearing in mind its location in the heart of the town centre.
- 7.11 The Environmental Health Officer has requested details of the storage of refuse. The property has a small kitchen area to the rear of the unit, which can be used for storage. There is no rear access or outside storage area. A planning condition will be imposed to seek further details in relation to bin storage.

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- 7.12 Under the provisions of the NPPF, the two material considerations relevant to the determination of applications for advertisement consent are the impacts on public safety and amenity.

- 7.13 The application site is located within the Derngate Conservation Area which include a number of Grade II Listed Buildings. The signage comprises of a single non-illuminated hanging sign, between the door and window on the ground floor. The sign measures 1m x 0.8m and is to be made of PVC. The advertisement on the board is a simple black and white coloured design.
- 7.14 It is considered that the proposal is modest in size and the single advertisement would not have a significant adverse impact on the visual amenity of the Derngate Conservation Area. It is considered that the proposal would be acceptable and in keeping with the character and appearance of the Derngate Conservation Area and the historic character of the area.
- 7.15 The Conservation Officer has suggested that the advertisement is better placed if it was to be located on the end of the building rather than the middle. Looking at photographs of the building from 2009 to 2012, a sign was located in the same location as proposed. There is evidence of holes in the brickwork where the previous sign was located and for this reason it is not considered expedient to seek an alternative location.
- 7.16 In terms of public safety the signage is satisfactorily located on the building and although it overhangs the footway, it is not considered to present a hazard to pedestrians and is not considered likely to cause a distraction to passing motorists and does not add to the clutter that may impact on highway safety.

8 CONCLUSION

- 8.1 The proposed change of use would not have any adverse impact on the conservation area and would improve the vitality of the area through the introduction of an appropriate independent use in the Secondary Shopping Area. The application is therefore in accordance with the National Planning Policy Framework and Policies S9, S10 and BN5 of the West Northamptonshire Joint Core Strategy and Policies 1 and 13 of the Northampton Central Area Action Plan.
- 8.2 The proposed signage is acceptable in terms of amenity and public safety and in line with the National Planning Policy Framework.

9 CONDITIONS

Planning Application N/2018/1085

(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: Location Plan, Block plan and Floor plans (proposed ground floor, kitchen, ground floor landing, proposed first floor and first floor landing) dated 7 August 2018.

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

(3) Full details of facilities for the refuse and recycling storage shall be first submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of amenity in accordance with National Planning Policy Framework and Policy S10 of the West Northamptonshire Joint Core Strategy.

Advertisement Consent Application N/2018/1236

(1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

- (2) No advertisement shall be sited or displayed so as to:
- a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b. obscure or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
 - c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

10 BACKGROUND PAPERS

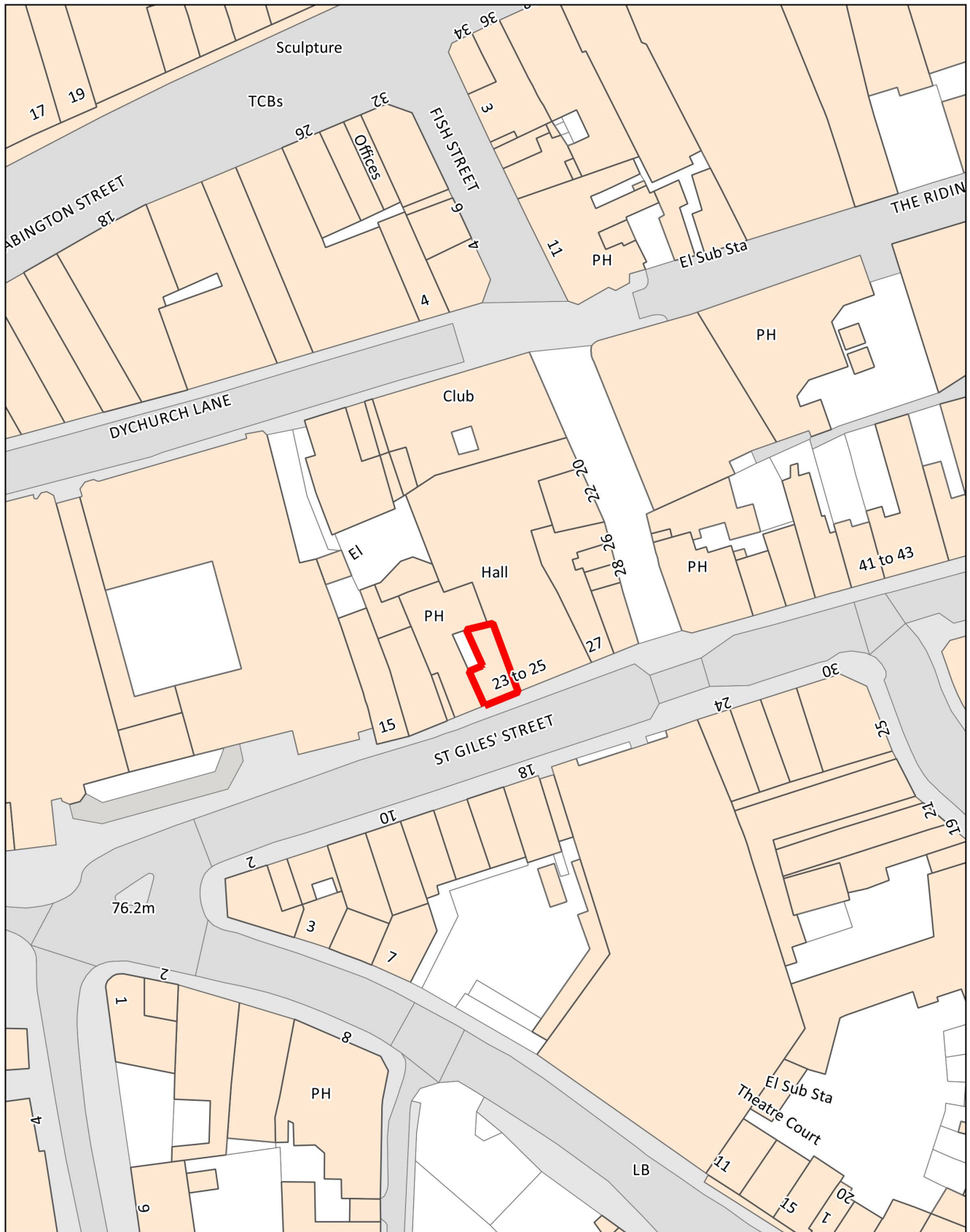
- 10.1 N/2018/1085 and N/2018/1236.

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: **21 St Giles Street**

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Date: 04-10-2018

Scale: 1:750

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