



Applicants:

Mr. Matthew Fountain

Application No:

10/0048/FULWNN

Date Registered:

29/03/2010

Expiry Date:

24/05/2010

Grid Ref:

Ward:

St Crispin

Northampton UDA Planning Committee Paper

Report by Director of Planning and
Development

Date of Committee Meeting: 18/05/2010

Agenda Item: 4

Description: Division of 28-30 St. Giles Street at ground floor level to create 2no. separate units. The change of use of ground floor of no. 30 only from Financial and Professional Services (Use Class A2) to Coffee Shop and Sandwich Bar (Use Class A3).

Address: 28-30 St Giles Street, Northampton, NN1 1JA

1. Recommendation

1.1. The application be **Approved** subject to:

- Delegated authority being given to the Director of Planning Services or appointed officer to issue the planning permission pursuant to the expiry on 20th May 2010 of the local press notice advertising the application and no additional new material objections being submitted.

Reason: The proposed development would introduce an appropriate use to a vacant unit located within a secondary shopping frontage of Northampton town centre in compliance with the guidance contained within PPS4: Planning for Sustainable Economic Growth and in compliance with Policy MKSM SRS Northamptonshire 3 contained within the East Midlands Regional Plan (2009) and Policies E20, E26, R5, R7 contained within the Northampton Local Plan (1997).

2. Description of Site

2.1 The site is located within a secondary shopping frontage as designated by the Northampton Local Plan (1997). Accordingly there is a strong retail presence in the immediate area. Additionally there are a number of Financial and Professional

Services (A2 Use Class) in the vicinity, as well as a number of restaurants and eateries also.

2.2 The building itself is located at a highly visible street corner where St. Giles Street meets Castilian Street in the town centre. Access is currently available via 2no. separate single doors on St. Giles Street. The building is 3no. stories in height with predominantly glazed main facades. The upper floors are currently occupied by a fitness suite, which is accessed from ground floor level on Castilian Street.

3. Description of Proposal

3.1 The proposal involves the sub-division of an existing vacant ground floor A2 unit (Recruitment Agency) to create 2no. smaller units of approximately 60 square metres in floor area. The eastern most of the 2no. units (30 St. Giles Street) would become a Coffee Shop and Sandwich Bar (Use Class A3) while the remaining western most unit (28 St. Giles Street) would retain its existing A2 use. The only change proposed to occur to the external appearance of the building is the spraying of the existing metallic window and door frames in a dark brown colouring.

3.2 It should be noted that an identical application (ref: 10/0008/FULWNN) was made in January 2010, which was subsequently approved by Officers using delegated powers in March 2010. It later transpired that – due to a technical fault with the Corporation’s Public Access system – 3no. responses were not registered against the application. Had these responses been correctly logged a total of 6no. objections would have been registered against the application. Should 5no. or more independent objections be received against an application it should go before the Northampton UDA Planning Committee for determination, therefore the application was determined in non-compliance with WNDC’s Scheme of Delegation.

3.3 The applicant was informed of this issue and made aware that the option existed for third parties to challenge the validity of the permission by applying to the High Court for a Judicial Review (JR) of the decision, which, if successful, would have the effect of quashing the permission. In light of this the applicant decided to re-apply for the same development to allow formal consultation procedures to be carried out once more. In excess of 5no. independent objections have been received in response to this new application, which is why it is being put before Members of the Planning Committee for determination.

4. Policy Considerations

4.1 WNDC Purpose:

Under S136(1) of the Local Government Planning and Land Act 1980, WNDC as an Urban Development Corporation has a statutory “objective” to deliver the regeneration of the area. The Secretary of State has determined that WNDC should have development control powers for certain types of development in order to carry out its objective. The proposal is consistent with the Corporation’s objectives.

4.2 National Policy:

PPSI: Delivering Sustainable Development

PPS1: Delivering Sustainable Development: Planning and Climate Change

PPS4: Planning for Sustainable Economic Growth

PPS5: Planning for the Historic Environment

PPG13: Transport

4.3 Development Plan:

East Midlands Regional Plan (2009): Policies 22, 48, MKSM SRS Northamptonshire 3

NBC Local Plan (1997): Policies E20, E26, R5, R7

4.4 Other Considerations:

WNDC Planning Principles (2009): Set out in this document are WNDC's three corporate objectives: 1. To deliver development and infrastructure that enables regeneration and growth in Northampton, Daventry and Towcester; 2. To ensure that new development is supported by appropriate jobs, infrastructure and town centre regeneration; 3. To ensure that new development meets the Government's design quality and environmental standards and is integrated into existing communities.

NBC Emerging Central Area Action Plan (2009)

5. Representations

5.1 NBC Development Control: No objections to the proposal, provided that issues pertaining to odour and noise attenuation (relating to any extraction system that may be installed) and recycling / refuse issues are adequately addressed.

NBC Conservation Section: No comments received

NBC Environmental Health: This new application mirrors the earlier application at the site; as such the previous comments in relation to odour and noise still apply in the interests of amenity.

NBC Town Centre Manager: No comments received

NCC Sustainable Transport: No comments received

Northants Police: No comments to make on this application, original concerns relating to the secure storage of waste bins have been addressed.

Town Centre Conservation Area Action Committee (TCCAAC): There is already a proliferation of A3 properties in the immediate vicinity. The application could jeopardise St Giles Street's reputation as a specialist retail quarter.

Cllr Ifty Choudary: No comments received

Cllr Penny Flavell: No comments received

6. Notifications and Responses

6.1 Neighbour notification letters were sent out to close proximity neighbours and a site notice was erected adjacent to the site. The application was also advertised in the local press by virtue of being located within a conservation area. 8no. objections were received and can be summarised as follows:

6.2 St. Giles Street already provides more than enough coffee shops / cafes / sandwich bars, another one could reduce the viability of those already established. The area needs a more mixed base of businesses. The site should ideally be retained in a retail capacity only; this would ensure the vitality and viability of the street. There is a lack of quality retail outlets compared to Northampton's nearest competitors (i.e. Milton Keynes and Birmingham). Yet another A3 premises will do nothing to solve the problem. Retail business is required regenerate the town.

6.3 The application would lead to an imbalance / undue concentration of food uses within St. Giles Street and Fish Street. The area needs a mix of business and non-food retail uses to maintain the character of the street and to serve the existing businesses within the area. There are 14no. different cold food use establishments within 75 yards of the proposal and a further 5no. uses that have an allied food use catering for similar food types (i.e. pubs and newsagents). The unit is un-let not because of the unsuitability of the existing A2 use, but because of the tough recessionary conditions in the economy.

6.4 The site does not possess sufficient floor capacity to work as an A3 Use and will result in the subdivision of the existing office space. There would be a lack of provision for food preparation and storage. There is also a lack of provision for waste storage and disposal. Storage within the rear access area could potentially block the fire escape.

6.5 Given that this application seeks to speculatively add to the total approved floor space for A3 usage in central Northampton, it is only right and proper that that this matter is considered by Members of the Planning Committee rather than by Officers using delegated powers. Members may wish to consider the general character of St Giles Street and its development as a specialist / niche shopping area.

7. Site History

7.1 10/0008/FULWNN Division of 28-30 St. Giles Street at ground floor level to create 2no. separate units. The change of use of ground floor of no. 30 only from Financial and Professional Services (Use Class A2) to Coffee Shop and Sandwich Bar (Use Class A3). (Approved 17/03/2010)

7.2 07/0182/FULWNN Replacement windows to upper floors at 28-30 St. Giles Street (Approved 23/10/2007)

8. Considerations

8.1 The key points for consideration are: Principle, Conservation Area, Residential Amenity, Access, Sustainability

Principle

8.2 PPS4: Planning for Sustainable Economic Growth sets out planning policies for economic development, which includes main town centre uses (including shops and restaurants). Policy EC4 of PPS4 states that local planning authorities should proactively plan to promote competitive town centre environments and provide consumer choice. This can be done by supporting a diverse range of uses in centres and planning for a strong retail mix to enhance the vibrancy of a centre.

8.3 At a regional level, Policy MKSM SRS Northamptonshire 3 contained within the East Midlands Regional Plan (2009) concentrates upon the Northampton Central Area. The policy stresses the importance of improving the range and quality of retail provision in the context of the wider revitalisation of the central area.

8.4 At a local level, there are Northampton Local Plan (1997) policies in place to protect the retail capabilities of designated primary and secondary shopping frontages and local centres. Policy R5 provides that planning permission will be granted for change of use from a shop (Use Class A1) in the town centre where certain criteria are satisfied (e.g. not an undue concentration of such uses and offering an appropriate appearance and characteristics). The application site is located within a secondary frontage, Policy R7 of the Northampton Local Plan (1997) states that planning permission for the change of use from a shop will only be granted when the total length of shop frontage within the relevant frontage would not decline significantly below 60% and when the change of use would not result in three or more adjoining premises being used other than a shop. In full, Policy R7 is worded as follows:

8.5 'Within the secondary shopping frontages of the town centre (as shown in Figure 6 and on the inset area of the proposals map) planning permission for the change of use from a shop (class A1) will be granted subject to compliance with Policy R5 and so long as:

- A) The proposals would not result in the total length of shop frontage in the relevant frontage length declining significantly below 60%, or reduce still further the proportion of retail frontage where this is already below 60%, and
- B) Would not result in three or more adjoining premises being used other than a shop.

8.6 In this case the application site was last used in an A2 Use Class capacity. It could be considered that Policies R5 and R7 are not directly applicable to this particular proposal as an A1 shop unit is not technically being lost. However, the marketing option remains open to revert to an A1 use (from an A2 use) without needing planning permission, it is not therefore inappropriate to have regard for Policies R5 and R7 in consideration of this application. As a further note, a marketing option would remain to revert from an A3 use to either an A1 or A2 use should this application for an A3 use be approved and subsequently implemented.

8.7 Secondary Shopping Frontage S22 runs from Dergate to Castilian Street along the southern side of St. Giles Street. It currently contains approximately 62% shop (A1 Use Class) frontage with the application site occupying an A2 Use. Also, there is an A1 Use situated immediately adjacent to the application site meaning that 3no. consecutive non-retail uses are not in-situ; therefore the full provisions of Policy R7 of the Local Plan are met.

8.8 Policy R5 of the Local Plan is consistent with the position outlined in PPS4, whereby a diverse range of appropriate uses is promoted. Policy R5 is specific in its assertion that an undue concentration of non-retail use should not occur (note this does not distinguish between different non-retail uses). 3no. neighbour responses have been received stating that there are already more than enough coffee shops and cafes available in the vicinity of the site to serve visitors of the town centre, a further retail premise would be more appropriate in the opinion of these contributors.

8.9 There are clearly other similar uses (to that proposed) in close proximity to the site. A sandwich shop is located at 24 St. Giles Street just a couple of units to the west. A bakery/ coffee shop is positioned immediately opposite at 35-37 St. Giles Street. A little further along St. Giles Street (to the east) there is a tea room soon to be opened at 47-49 St. Giles Street (approximately 50m away from the application site) and a coffee shop operational at 59 St. Giles Street (80m away approx). Additionally a further café, delicatessen and tea room are located adjacent to each other at 60-64 St. Giles Street (100m away approx). To the north of the site there is positioned a sandwich/ coffee shop at 4 Fish Street and a café at 7 Fish Street (both approximately 80m from the site); there is also a coffee shop at 32 Abington Street (approximately 100m from the site). This adds up to 11no. similar establishments being positioned within 100m of the application site. There are also a number of restaurants (A3 Use Class) and public houses (A4 Use Class) selling food in the immediate vicinity – 5no. such establishments can be counted within a radius of 50m from the application site. Clearly, if approved, there is demand for this type of use in this area of the town centre.

8.10 It is concluded that the proposals would introduce a main town centre use befitting of the character of the locality and would not lead to an undue concentration of such uses. Notwithstanding the fact that similar uses are located nearby, their numbers are relatively limited in the context of the high number of total trading units in the area. The makeup of a secondary retail frontage should be afforded a certain degree of flexibility relative to that of primary frontages. It should also be considered that the small scale of the proposed use (60 sq m of floor area and only half of the existing A2 unit) would limit its potential impact and that the site currently lays vacant, adding nothing to the vitality and viability of the town centre.

8.11 A recent (10th February 2010) Northampton Borough Council Cabinet Report (Report) has sought to reassess the defined shopping frontages and Primary Shopping Area. The re-identification is seen as part of the on-going process in working towards the adoption of the Central Area Action Plan (CAAP). The general ethos of the report seeks to strengthen and extend the coverage of primary and secondary frontages, but in the case of St. Giles Street it is recognised that the street attracts a relatively low footfall and occupies a comparatively peripheral location. The Report therefore concludes that St. Giles Street should retain its secondary shopping frontage designation. Little weight can be given to this ahead of the

adoption of the CAAP, but it does provide an indication of where retail policy-making in relation to primary and secondary frontages is moving towards.

Conservation Area

8.11 The site is located within the St. Giles Conservation Area. Policy E26 of the Northampton Local Plan states that planning permission for development within conservation areas will be granted so long as it either preserves or enhances the character and appearance of the area. The only change proposed to the external appearance of the building is the re-spraying of the existing metallic window and door frames in a dark brown colouring. Officers consider that a neutral effect would be felt and that the character and appearance of the area would be maintained.

Residential Amenity

8.12 NBC Environmental Health were consulted upon the application and offered a replication of their original thoughts upon the previously approved application at the site (10/0008/FULWNN). This was no objections in principle to the application. The Environmental Health Officer (EHO) did however suggest planning conditions to ensure the adequate discharge of cooking odours and the submission of a noise scheme to ensure the provision of adequate residential amenity in the vicinity of the site.

8.13 In response to these concerns, under application 10/0008/FULWNN, the applicant submitted a comprehensive list of the equipment to be installed as part of the conversion works. This list included refrigeration systems, glass washers, a coffee machine and a counter-top convection oven. The applicant also confirmed that the minimal odours that will arise will be dispersed to the rear of the building via an extraction unit. The EHO responded by stating that – so long as the operation is confined to daytime hours only – the submitted information was satisfactory to allay noise and odour concerns given the type of use proposed. The applicant has confirmed that the same list of equipment shall be installed under application 10/0048/FULWNN and that the premises shall not open beyond 6pm in the evenings (consistent with the information contained within the application form). Should permission be granted, a condition should be attached securing the opening hours specified within the application form.

8.14 Northamptonshire Police have commented that previous concerns relating to appropriate bin storage have now been adequately addressed. The applicant has submitted a plan showing that 2no. 240 litre bins can be stored in the rear alleyway (which is 1.28m in total width) without precluding access along the alleyway. It should be noted that the alleyway sits outside of the application's red line area; therefore permission to use the alleyway would need to be obtained by the applicant from the appropriate owner or leaseholder of the alley. In the event that this clearance cannot be obtained, the applicant has shown that there would potentially be space to store the bins internally within the premises.

Access

8.15 The proposed floor plan shows that a dividing wall is to be installed internally to create 2no. units with separate access points on the St. Giles Street frontage. Both accesses are

already in place and offer level thresholds for users/patrons of the building. Also, a fire exit would be afforded to the rear of the food preparation area. The proposed access arrangements are considered acceptable.

Sustainability

8.16 The proposals involve limited internal conversion works and no new floor space is to be created; it is therefore not considered justifiable to insist upon any physical sustainability measures being installed as part of this planning application.

9. Conclusion

9.1 The proposed development would introduce an appropriate use to a vacant unit located within a secondary shopping frontage of Northampton town centre in compliance with the guidance contained within PPS4: Planning for Sustainable Economic Growth and in compliance with Policy MKSM SRS Northamptonshire 3 contained within the East Midlands Regional Plan (2009) and Policies E20, E26, R5, R7 contained within the Northampton Local Plan (1997).

10. 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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule 1 of this permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The premises shall be open only between the hours of 07:30 and 18:00 from Mondays to Saturdays and 10:00 and 16:00 on Sundays or Bank or Public Holidays.

Reason: In the interests of the amenities of the occupiers of nearby properties.



LOCATION PLAN 1:1250

