



Planning Committee Report

Committee Date: 7th February 2023

Application Number: WNN/2022/1109

Location: 58 - 58A Abington Street, Northampton
Northamptonshire

Development: Change of Use from vacant Retail Unit (Use Class E) to
Adult Gaming Centre (AGC) (Sui Generis)

Applicant: Chongie Entertainment Ltd

Agent: JMS Planning & Development Ltd

Case Officer: Jonathan Moore

Ward: Castle Unitary Ward

Referred By: Councillor D Stone

Reason for Referral: The development is inappropriate and does not fit with the vision for Abington Street as a safe, clean, green, family friendly environment

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS, with delegated authority to the Head of Planning Delivery to approve any amendments to the recommended conditions as deemed necessary.

Proposal

Permission is sought for conversion of former retail unit into adult gaming centre (sui generis use), there are no external works proposed. A separate application for advertisement consent and planning permission for a new shop front will follow

Consultations

The following consultees have raised **no objections** to the application:

- Environmental Health
- Highways
- Northamptonshire Police

1 letter of objection has been received on the grounds stated below in 7.1

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted

Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Impact on viability and vitality of the shopping centre
- Economic benefits
- Highway Safety/parking
- Residential amenity and noise
- Security and Crime Prevention

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1 APPLICATION SITE AND LOCALITY

- 1.1 The application site is a currently vacant shop unit located on the main shopping street in Northampton town centre.
- 1.2 The unit sits within a designated Primary Frontage as defined in the Central Area Action Plan. In the immediate vicinity of the application site there are a number of uses including retail units, cafés/restaurants, a bank, hair and beauty salons, charity shops, a florist and estate agents. The site is not in a conservation area and the building is not listed.

2 CONSTRAINTS

- 2.1 Outside conservation area

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The proposal relates to the conversion of ground floor. The upper floors would be used for ancillary back of house purposes. No net increase of the existing floorspace is proposed. Overall, the proposed use would reinstate an active frontage on this part of Abington Street and bring a vacant unit back into use. The proposed AGC use will operate 24 hours a day, seven days a week, There will also be increased natural surveillance as a result. Any new shopfront would be applied for separately and would seek to maintain an active frontage at ground floor level on this part of Abington Street. No other changes are proposed – the application solely relates to the proposed change of use.

4 RELEVANT PLANNING HISTORY

- 4.1 There is no planning history directly relevant to the proposal since 1997.

5 RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 5.2 The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Local Plan (Part 1 – saved policies) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy (Local Plan Part 1) – Policies

- 5.3 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
BN9 – Planning for Pollution Control

Northampton Central Area Action Plan (CAAP) (2013)

- 5.4 Policies of particular relevance within the Northampton Central Area Action Plan (CAAP) (2013) are:

Policy 1 Promoting Design Excellence
Policy 13 Improving Retail Offer

Northampton Local Plan Part 2 (2011-2029) (Emerging)

- 5.5 Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

Policy 1 – Sustainable Development Principles- significant weight
Policy 2 – Place making and design-significant weight
Policy 4 – Amenity-significant weight
Policy 6 – Health and wellbeing- significant weight
Policy 8 – Town centres- significant weight

National Policies

- 5.5 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 86 – Ensuring vitality of town centres

Paragraph 104 – Transport

Paragraph 130 – Amenity

Material Considerations

Northampton Parking Standards Supplementary Planning Document

Northamptonshire Parking Standards

6 RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Comment
Environmental Health	No objection to revised noise report, recommend condition for ventilation to be agreed with developer
Northamptonshire Police	No comments to make
Highways	No comments to make
Cllr Danielle Stone	Inappropriate form of development and does not fit in with Abington Street as being a cleaner green area near the Cultural Quarter

7 RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

- 7.1 There have one objection on following grounds:

- Contrary to policy in emerging local plan
- Detrimental impact on public realm
- Not necessary to diversify town centre offer
- Would undermine objectives to improve town centre

8 APPRAISAL

Impact on vitality and viability of town centre and shopping character of the area

- 8.1 The site is within a Primary Retail Frontage in the Town Centre as defined by the Central Area Action Plan (CAAP). Whilst Policy 13 of the CAAP seeks to retain 80% of retail uses within Retail Frontages, more recent changes to the National Planning Policy Framework recognise the need to support a wider range of uses within town centres to promote their long-term vitality and viability allowing them to diversify in a way that can respond to rapid changes in the retail and leisure industries.
- 8.2 Whilst it is acknowledged the proposed use would result in the loss of a retail unit within the town centre, the building occupies a prominent location though has been vacant since March 2020 (nearly 3 years). The proposal would bring the building back into use maintaining an active frontage to the street and the use would contribute to the vitality and viability of the town centre. Amusement establishments such as that proposed, are now found at the heart of virtually all shopping centres. They fit into the shopping scene and contribute to the enjoyment of the shopping experience for a proportion of the public. Like shops, establishments of this type require reasonable pedestrian flows in order to operate satisfactorily.

Economic benefits

- 8.3 Paragraph 81 of the NPPF cites that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. The applicant has confirmed that the proposal would provide additional jobs and it is considered this would make a positive contribution to employment provision in the area.

Parking and Highways

- 8.4 The site is within 5 to 10 minutes walking distance of the main bus station serving Northampton and close to town centre car parks. In addition, it is on a busy pedestrianised street which enjoys high pedestrian footfall. For these reasons it is considered that the site is highly sustainable in location and no objection can be raised on parking / transport grounds. This complies with the aims of paragraph 104 of the NPPF.

Effect upon neighbouring uses and noise

- 8.5 The site is located in a commercial street however there are some residential uses in close proximity. The Council's Environmental Health Officers have commented and observe that the submitted Noise Report is in general acceptable though suggest that a condition for details of ventilation be agreed with the applicant. Even though the use would be 24 hour this is not uncommon for a town centre use with other commercial uses opening similar times such as the recently opened Casino on the northern side of Market Square.

Security and crime prevention

- 8.6 Northamptonshire Police have commented on the security of the proposal and consider that there is no objection. This complies with the aims of Policy S10 of the Joint Core Strategy and the SPG on Planning out Crime.

9 FINANCIAL CONSIDERATIONS

- 9.1 The proposal is not CIL Liable

10 PLANNING BALANCE AND CONCLUSION

- 10.1 Weighing up the proposal against local and national policy the proposed use is considered acceptable in this town centre location and would add to the vitality of the shopping area. There are no reasons to resist the application on parking, security or residential amenity and is considered acceptable subject to the conditions below.

11 RECOMMENDATION / CONDITIONS AND REASONS

- 11.1 Approve subject to the following conditions:

Time limit

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.

Approved plans

2. The development hereby permitted shall be carried out in accordance with the following approved plan; P01

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

Noise

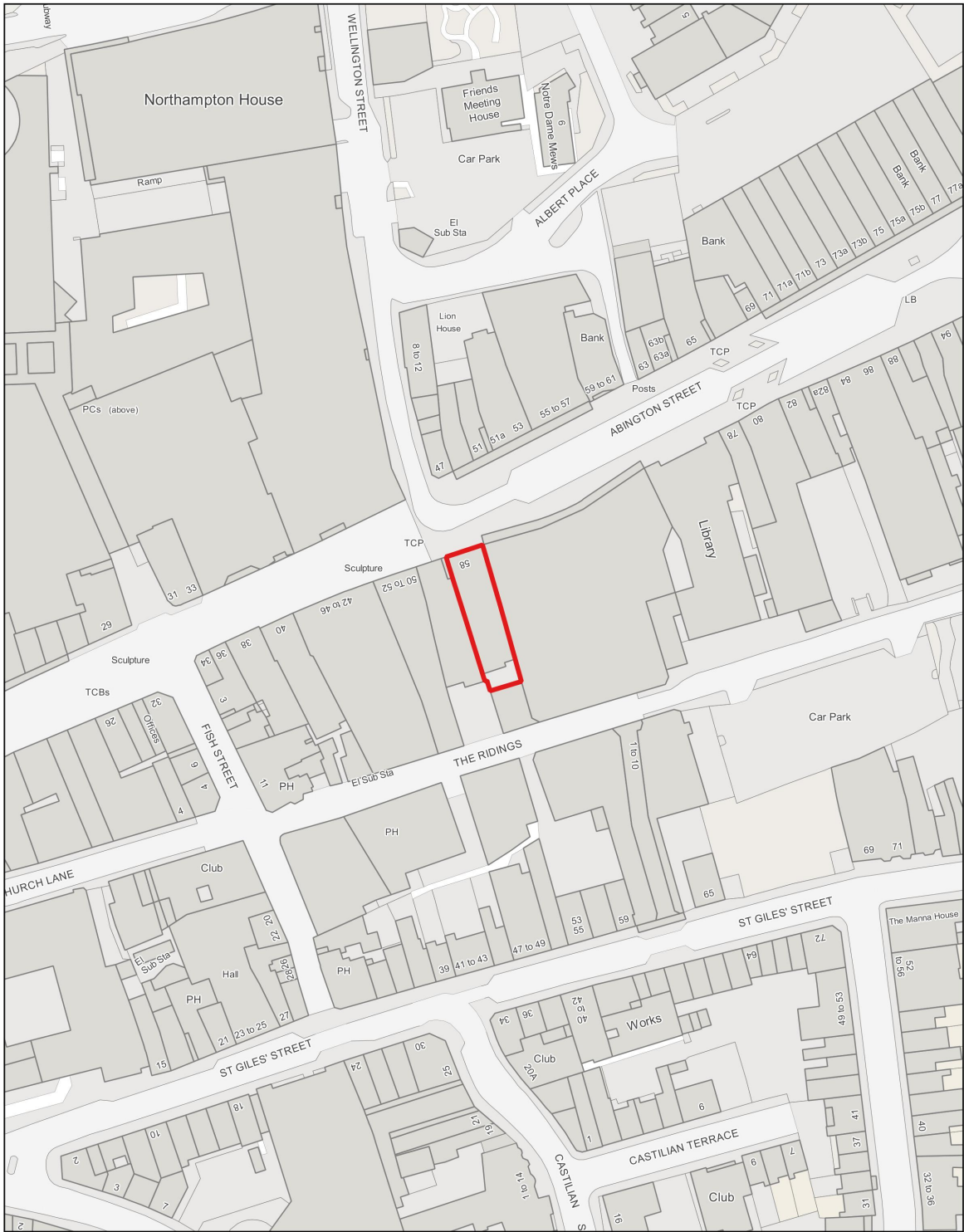
3. The development hereby permitted shall be implemented in accordance with the submitted Noise Impact Assessment Report 25383/NIA/01.

Reason; In the interests of residential amenity to comply with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Ventilation

4. Prior to occupation of the premises, a detailed ventilation scheme shall be submitted to and agreed in writing with the Local Planning Authority and implemented in accordance with those agreed detail and retained thereafter.

Reason: In the interests of residential amenity to comply with Policy BN9 of the West Northamptonshire Joint Core Strategy.



**West
Northamptonshire
Council**

Title: **58-58a Abington Street**

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Date: 18-01-2023

Scale: 1:1,250 @A4

Drawn: M Johnson