



Planning Committee Report

Committee Date: 5th October 2021

Application Number: WNN/2021/0287 & WNN/2021/0288

Location: Mr Grants House, 10 St Giles Square, Northampton

Development: WNN/2021/0287 - Change of Use from restaurant (Use Class E) to Mixed Use Drinking Establishment (Sui Generis) and Retail (Use Class E), to include placing of tables, chairs, parasols and planters within curtilage of site.

WNN/2021/0288 - Listed Building Consent Application for Change of Use from restaurant (Use Class E) to Mixed Use Drinking Establishment (Sui Generis) and Retail (Use Class E), to include placing of tables, chairs, parasols and planters within curtilage of site.

Applicant: V & B

Agent: UK Surveyors Ltd

Case Officer: Andrew Holden

Ward: Castle Unitary Ward

Called in By: Councillor D Stone

Reason for Referral: Impact on amenity and surrounding uses

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION:

WNN/2021/0287 (Planning) GRANT PERMISSION SUBJECT TO CONDITIONS
WNN/2021/0288 (Listed Building) GRANT LISTED BUILDING CONSENT SUBJECT TO CONDITIONS

Proposal

The proposed development comprises the change of use of the two buildings from the current restaurant use to a mixed use of drinking establishment and retail sales, principally of wine and beer.

An application for planning permission and listed building consent have been submitted in respect of the proposals.

Consultations

The following consultees have raised **objections** to the application:

- Councillor Danielle Stone

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

- Licensing, Conservation, Historic England, Town Centre Conservation Area Advisory Committee, Environmental Health,

One letter of objection has been received.

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:

- Principle of Development
- Impact on the character of the area, including the Conservation Area.
- Impact on the host listed building and the setting of other nearby listed buildings.
- Parking and Highway Implications.

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 consists of two adjacent buildings in the town centre of Northampton, one of which is Grade II listed, as well as the area of paving to the front of these two buildings, which does not form part of the public highway.

2. CONSTRAINTS

- 2.1. The application site is within All Saints Conservation Area, includes a Grade II listed building, is adjacent to two Grade II listed telephone kiosks and is opposite the Grade II* listed Guildhall.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposed development comprises the change of use of the two buildings from the current restaurant use to a mixed use of drinking establishment and retail, the retail element to essentially be "off-sales" of wine and beer, in addition to the placing of tables, chairs, parasols and planters on the area to the front of the buildings. This area is not part of the highway and historically was occupied by buildings.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
N/1990/249	Demolition Of Single Storey Shops Conversion To A Visitors Centre	APPROVED 18/07/1990
N/2002/1431	Change Of Use And Refurbishment Of Existing Building Into Restaurant	APPROVED 11/12/2002
N/2003/1611	Change Of Use From Restaurant (Class A3) To Offices (Class B1) And Financial Services (Class A2)	APPROVED 21/01/2004

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, and the adopted Central Area Action Plan. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.3. The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S10 – Sustainable Development Principles
- BN5 – The Historic Environment and Landscape

Central Area Action Plan

- 5.4. The relevant policies of the CAAP are :

- Policy 1 – Promoting Design Excellence

Material Considerations

- 5.5. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)

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. At the time of writing this report consultation on the amended plans is ongoing, any further comments received will be reported to Committee by means of the Addendum.

Planning Application WNN/2021/0287

Consultee Name	Comment
Licensing	No objections (following confirmation the proposal did not include use of the highway).
Conservation	No objection to the proposal as a means of securing a use for an important listed building within the town centre. The building was last used as a restaurant and the proposed use will have an acceptable impact on the character of the listed building and this part of All Saints Conservation Area. The proposed installation of seating and planters on the forecourt will have a limited and reversible impact on the setting of the building and conservation area. (Amended plans) The reduction in the outdoor seating area will, however, better preserve views of the listed building from within the conservation areas, although listed building consent is not actually required for the outdoor seating
Historic England	No Comments
Town Centre Conservation Area Advisory Committee	(Original Plans) Pleased to see proposals for this important listed building to be brought back into use, however concerned about the intensity of outside furniture and whether it could be accommodated within the curtilage of the premises. Over proliferation of furniture could increase visual clutter, having a negative impact on the building itself, the setting of the Grade II* listed Guildhall and the Conservation Area. (Amended Plans) The reduction in the amount of external furniture is an improvement which will reduce the negative impact on the Conservation Area. It was also suggested that including the name "Mr Grant's House" into the name of the drinking establishment would be an excellent way of recognising a part of the building's past.
Public Protection	Noise should be controlled by a condition, external seating should be removed between the hours of 23:00 and 8:00am, hours of opening should be conditioned, bottling out should be restricted, no amplified sound to be played outdoors. (Amended Plans) Environmental Protection note the reduction in external drinking areas which is encouraged. Our comments regarding external areas and use during the hours of 23:00pm through to 08:00am area still relevant to the application. Use of these areas through the hours shown should be restricted by condition to ensure the amenity of the surrounding wider residential area is protected during the night-time period. Request noise assessment in respect of new/ relocated plant, structures or noise emitting buildings.
Highways	(Original Plans) Need to ensure there is no encroachment onto the highway. <i>Comments on amended plans which show all furniture well clear of the highway, are awaited).</i>

Listed Building Consent Application WNN/2021/0288

Consultee Name	Comment
Conservation	No objection. No alterations are indicated to the exterior of the building. The interior has previously been extensively altered and the submitted details indicate that minimal further alterations are proposed and any impact would be reversible. Signs to be fixed to

	<p>the building will require separate consent.</p> <p>The overall level of harm to the building would be “less than substantial” and justified by the wider benefit of bringing the building into use.</p> <p>(Amended plans) The reduction in the outdoor seating area will, however, better preserve views of the listed building from within the conservation areas, although listed building consent is not actually required for the outdoor seating</p>
Historic England	No Comments
Town Centre Conservation Area Advisory Committee	<p>(Original Plans) Pleased to see proposals for this important listed building to be brought back into use, however concerned about the intensity of outside furniture and whether it could be accommodated within the curtilage of the premises. Over proliferation of furniture could increase visual clutter, having a negative impact on the building itself, the setting of the Grade II* listed Guildhall and the Conservation Area.</p> <p>(Amended Plans) The reduction in the amount of external furniture is an improvement which will reduce the negative impact on the Conservation Area. It was also suggested that including the name “Mr Grant’s House” into the name of the drinking establishment would be an excellent way of recognising a part of the building’s past.</p>
Councillor Danielle Stone	<p>Please call this in. It is inappropriate for a site in the cultural quarter, opposite the Guildhall, and where weddings take place. The use of the outside area will limit other activities, eg. The installation of the annual Xmas tree and lights. [Northampton in] Bloom. The proposal will make that corner very busy and very unattractive with the proposed mix of furniture and styles.</p> <p>Because it is a street facing area and a busy thorough fare it is inappropriate for on street drinking and smoking. This is an area where we expect to see lots of school parties going to the museum and the theatre. Adults drinking all day and all evening is not a pretty sight and not roles models we would want to put in front of children.</p>

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 has been one objection from a neighbouring premises raising the following comments:

- Noise and disturbance- We already have excess amounts of noise from the Old Bank public house and adding another drinking establishment would only heighten that noise issue. We have a lot of families and older people who visit and having to walk past an outside drinking establishment could put a lot of people off visiting us.
- Deliveries/Fire exit- Deliveries to the pub are a constant issue let alone the issue of another property using the alleyway for deliveries too.
- Highway safety- The public use the area highlighted for the proposed tables and chairs to be sited as a footpath to walk down Guildhall Road. If the area highlighted was to be used for the proposed tables/chairs etc this would mean that the public would be pushed into a smaller area.

- Violence - The existing pub garden has issues with Anti-social behaviour. Adding another drinking establishment would only exasperate those problems.

8. APPRAISAL

Principle of Development

- 8.1. In respect of the principle of the proposed change of use, it can be noted that the two uses proposed, namely a drinking establishment and a retail use, are appropriate town centre uses. The retail element entails only the sale of wine and beer, similar to “off-sales” from any drinking establishment. It can also be noted that the lawful use as a restaurant allows for sales of alcohol and the current proposal would involve some sales of food, therefore there is limited difference between the two uses. The proposal would also bring the listed building back into use, the building having been empty since the closure of Ask in 2020. As such it is considered that the proposed change is acceptable in principle.

Impact on the character of the area, including the Conservation Area, and on the host listed building and the setting of other nearby listed buildings.

- 8.2. The original proposal including a large number of seats, benches, parasols and planters, which would have filled much of the area to the front of the buildings (in total there were to be 13 tables, 42 chairs, 9 folding picnic bench sets, 4 parasols and 15 timber planters). It was considered that this would have created too much visual “clutter” and as such amendments were requested, which have now significantly reduced the number of seats to little more than were in place for the previous restaurant use, and in a much smaller area, to the front of the main building. (There would now be 34 chairs, 11 tables, 3 parasols and 10 planters, whereas the previous restaurant had 16 chairs and 8 tables). It is considered, therefore, that the character of the area and the setting of the listed buildings would not be significantly affected in visual terms.
- 8.3. Whilst some concerns have been raised as to the visual impact of outdoor drinking, again given the reduction in the scale of the seating, it is not considered that this would lead to a significant impact.
- 8.4. Following concerns that the use would prevent the traditional placing of a Christmas tree in this area, the reduction in the level of seating now means that this would now be possible. It can be noted that although this is an application made on behalf of the business proposing to occupy the site, the land is Council owned and therefore there is further control available over this aspect, outside the planning system.
- 8.5. In respect of the application for Listed Building Consent, the proposals indicate minimal internal works with no structural changes, and comments from the Conservation Officer indicate no objections to these, in respect of the impact on the character and historical significance of the building.

Impact on the amenities of neighbouring residents and businesses

- 8.6. The proposed use has the potential to lead to some impact on neighbouring residents, although there are no residential properties in the immediate area. Following the reduction in scale of the proposed outdoor seating area it is considered that this would not be significant, and could be controlled by conditions as suggested by Public Protection.

- 8.7. Concerns have been raised also that the use of the area for outdoor drinking could create a poor impression and may deter visitors to the area and nearby businesses and other premises. Given the now reduced scale this would be less of a concern. In respect of the comment that the use of the land would restrict space for pedestrians, it should be noted that this land is not public highway and in theory could be enclosed and public access denied, without the need for planning permission.
- 8.8. In respect of Public Protections request for a noise assessment, the proposal does not include details of new or relocated plant, new structures or noise emitting buildings which in any event would require a separate planning and listed building application and could be assessed accordingly as part of these applications.

Parking and Highway Implications

- 8.9. No on site parking is available, however as the site is within the town centre this is not required. As mentioned above, the proposed works are outside the public highway.

9. FINANCIAL CONSIDERATIONS

- 9.1. CIL is not payable.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposed change of use and associated positioning of a small amount of external seating would have no adverse impact on the character of the area, the setting of any listed building, or the amenities of neighbouring and nearby residents and businesses. The associated application for listed building consent would not affect the character or historic interest of the listed building.
- 10.2. The proposals comply with Saved Policy 1 of the Central Area Action Plan, Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

11. RECOMMENDATION / CONDITIONS AND REASONS

- 11.1. **Planning Application WNN/2021/0287 is recommended for approval subject to the following conditions (and any amendments to those conditions as deemed necessary):**

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.

Plans

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 004377B External Seating Plan and Floor Plans

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

Removal of Seating and Tables

- 3) All external seating and tables shall be removed from the outdoor area between the hours of 23:00pm and 08:00am and stored securely.

Reason: To protect the amenities of nearby occupants and for the prevention of crime and disorder, in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Opening Hours

- 4) The premises shall be open only between the hours of 09:00 and 24:00 on any day.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Bottling Out

- 5) The practice of “bottling out” shall not take place between the hours of 23:00 and 08:00.(Note, Bottling out is the tipping of empty bottles or cans into refuse bins.)

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Amplified Sound

- 6) No amplified sound, music or speakers shall be used outside the premises nor positioned or used to provide sound to the outside area.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

11.2. Listed Building Consent Application WNN/2021/0288 is recommended for approval subject to the following conditions:

Time Limit

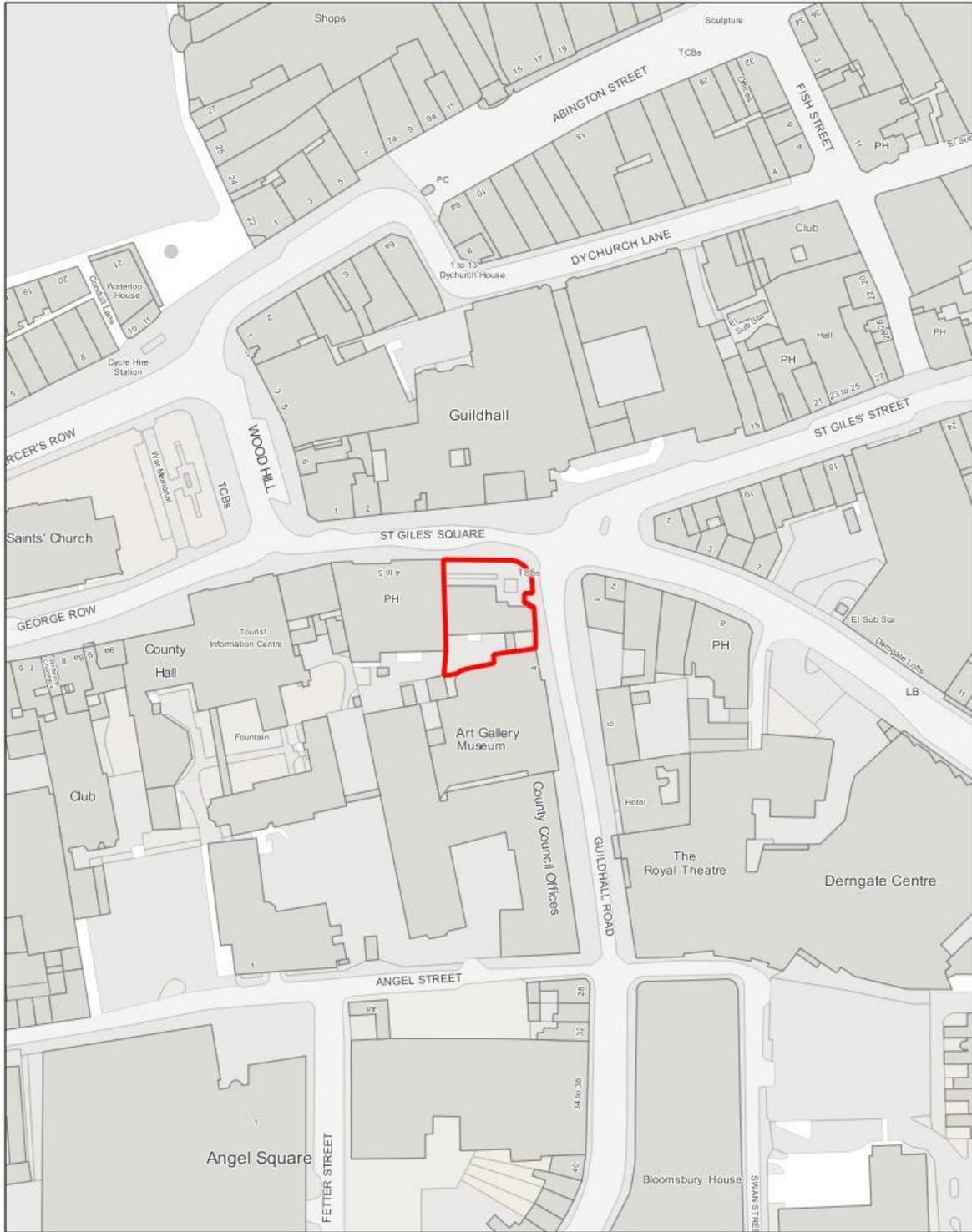
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Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Plans

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 004377B External Seating Plan and Floor Plans

Reason: For the avoidance of doubt and to accord with the terms of the listed building consent application.



**West
Northamptonshire
Council**

Title: Mr Grants House, 10 St Giles Square

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Date: 22-09-2021

Scale: 1:1,250 @A4

Drawn: M Johnson