



Planning Committee Report

Committee Date: 6th December 2021
Application Number: WNN/2021/0129
Location: 76 Earl Street, Northampton
Development: Remodelling of restaurant frontage including new awning (Retrospective)

Applicant: Sheikh Catering Ltd
Agent: Morton Architectural Solutions
Case Officer: Andrew Mackriell

Ward: Castle Unitary Ward

Referred By: Assistant Director of Place & Economy
Reason for Referral: Applicant is a Member

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Proposal

This is a retrospective planning application for the installation of a replacement shopfront to the ground floor front elevation of the premises known as the Balti King Restaurant situated at 76 Earl Street Northampton.

Consultations

No consultees have raised **objections** to the application.

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

- West Northamptonshire Conservation Officer
- Town Centre Conservation Area Advisory Committee

No letters of objection have been received and no letters of support have 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 the development and impact on the Conservation Area
- Impact on the adjoining amenities

The report looks into the key planning issues in detail, and Officers conclude that the development carried out is acceptable.

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 76 Earl Street comprises a two-storey traditional building constructed of red brick which abuts the footway on Earl Street. The ground floor of the premises is occupied by an established Indian restaurant with residential accommodation above. The site is within an urban area close to the town centre which is predominantly residential in character with terraced dwellings and retail stores in the immediate vicinity; a local convenience store adjoins the application property to the north.

2. CONSTRAINTS

2.1. The application site is within the Boot and Shoe Quarter Conservation Area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. This is a retrospective planning application which seeks consent for the installation of a replacement shopfront including new windows and surrounds, entrance door, retractable awning and security shutter and associated box on the front elevation of the ground floor restaurant premises at 76 Earl Street.

4. RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
WNN/2021/0043	Alterations to shopfront, new entrance doors and installation of ATM at 78-80 Earl Street	Refused
N/2007/1350	Certificate of Lawful Use for use as restaurant and takeaway at 76 Earl Street	Certificate Issued
N/2004/1333	Kitchen extension, disabled toilet and new first floor accommodation at Balti King Restaurant 76 Earl Street	APPROVED
N/2000/447	Alterations to shopfront and rear extension at 76 Earl Street	APPROVED

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.
- 5.2. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving or enhancing the character or appearance of a conservation area.

Development Plan

- 5.3. 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 15 December 2014 and which provides the strategic planning policy framework for the District to 2029 and the Northampton Local Plan 1997. The relevant planning policies of the statutory Development Plan are set out below:

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

- 5.4. The relevant policies of the LPP1 are:
 - S10 – Sustainable Development Principles
 - BN5 – Historic Environment

Northampton Local Plan 1997

- 5.5. The relevant policies of the Northampton Local Plan are:
 - E20 – New development
 - E26 – Conservation Areas
 - E29 - Shopping environment: New or replacement shopfronts
 - E30 – Shopfronts: external security protection

Material Considerations

- 5.6. Below is a list of the relevant Material Planning Considerations
 - National Planning Policy Framework (NPPF)
 - Northampton Local Plan Part 2 (2011-2029) (Emerging) (LLP2)

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:

The relevant policies of the LPP2 are:

- Policy 2: Placemaking (Moderate weight)
 - Policy 3: Design (Moderate weight)
 - Policy 4: Amenity and layout (Moderate weight)
 - Policy 31: Protection and enhancements of designated and non-designated heritage assets (significant weight)
- Northampton Shopfront Design Guide SPD (2011)

6. RESPONSE TO CONSULTATION

6.1 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
Conservation Officer	No objection. The existing frontage is not original or historic and the proposed alterations will not harm the character or appearance of the Boot & Shoe Quarter Conservation Area.
Town Centre Conservation Area Advisory Committee	No objection.
Northampton Town Council	No comments received.

7. RESPONSE TO PUBLICITY

7.1. There has been no response to the neighbour consultations and publicity (site notice).

8. APPRAISAL

Principle of the development & Impact on the Boot & Shoe Quarter Conservation Area

- 8.1. The site is located within the Boot & Shoe Quarter Conservation Area, Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, sets out the duty of Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.2. The new shopfront comprises a predominantly metal surround in a grey painted finish with full length glazing. There is a grey metal security shutter box and retractable awning at fascia level. A perforated shutter is installed which is consistent with the advice contained in the Council's Shopfront Design Guide Supplementary Planning Document.
- 8.3. The shopfront as installed is modern in appearance and does not attempt to reintroduce traditional features however, it is considered to be an improvement over the appearance of the previous frontage which was also not original. The depth of the windows creates an increased vertical emphasis, and the previous unsympathetic awning is removed. The dark grey finish is acceptable, and the shopfront is not unduly intrusive in the street scene.

- 8.4. The Council's Conservation Officer has considered the application and makes no objection. The existing frontage to the building is not original or historic and the proposed alterations will not harm the character or appearance of the Boot & Shoe Quarter Conservation Area.

Impact on the amenities of the adjoining properties

- 8.5. The property is an established restaurant with residential above and adjoining; it is considered that the shopfront as installed does not result in any further significant adverse impact on the residential amenities of the adjoining properties. No representations have been received as a result of the neighbour consultations or publicity.

9. FINANCIAL CONSIDERATIONS

- 9.1. The development is not liable for Community Infrastructure Levy (CIL).

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The design scale and appearance of the shopfront is considered acceptable having regard to the previous alterations carried out to the frontage on the ground floor of the building and the context of the surrounding area. The modernised shopfront has an acceptable appearance in the street scene, there is little significant impact on neighbouring amenity and the alterations do not have an adverse impact on the character of the Boot & Shoe Quarter Conservation Area.
- 10.2. As such, the development is considered to be consistent with the aims and objectives of the relevant development plan policies referred to above as well as the National Planning Policy Framework. Accordingly, it is recommended planning permission is granted.

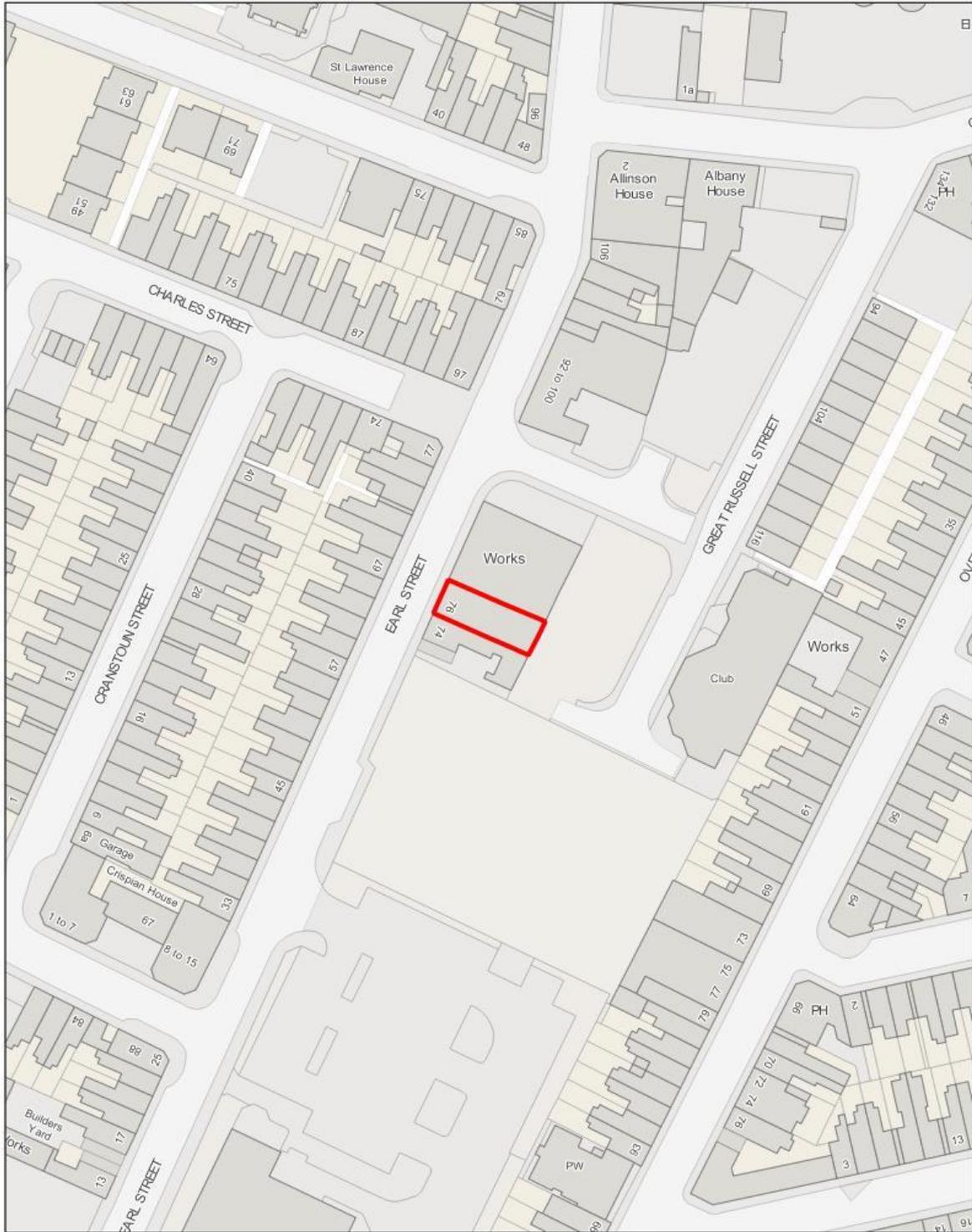
11. RECOMMENDATION / CONDITIONS AND REASONS

11.1. Approval is recommended subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

1610.100 Location Plan, existing plans and elevations
1610.101 Proposed plans sections and elevations

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



**West
Northamptonshire
Council**

Title: **76 Earl Street**

© Crown copyright and database rights 2021 Ordnance Survey licence no. 100063706

Date: 17-11-2021

Scale: 1:1,000 @A4

Drawn: M Johnson



West
Northamptonshire
Council

Planning Committee Report
