



Planning Committee Report

Committee Date: 06/12/2021

Application Number: WNN/2021/0514

Location: Sazerac Restaurant Charmark House
20 Castilian Street
Northampton

Development: Change of Use from Restaurant/Bar (Use Class E/Sui Generis) to 13no Flats (Use Class C3), including removal of existing prep kitchen and rear external stair and construction of additional floor by splitting existing first floor into two levels

Applicant: A Z Investments

Agent: LMR Designs Ltd

Case Officer: Hannah Weston

Ward: Castle Unitary Ward

Referred by: Assistant Director of Place and Economy

Reason for Referral: Major application

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The application proposes to convert Sazerac's and The Imperial Restaurant into 13 flats. This includes the creation of an additional floor internally by splitting the first floor into two levels. No extensions are proposed to the building. Alterations to the fenestration (window and door openings) are proposed.

Consultations

The following consultees have raised **no objection** or **raise comments** on the applications:

- Conservation
- Environmental Protection
- Northamptonshire Police
- Highways
- Strategic planning

- Town Centre Conservation Area Advisory Committee

No letters have been received from neighbouring properties.

Conclusion

The applications have 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 report looks into the key planning and listed building 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 located on the southern side of St Giles Street and eastern side of Castilian Street, within the Deringate Conservation Area, and comprises two units – Sazerac’s nightclub and the Imperial Restaurant. Both of these units are accessed via Castilian Street. The two retail units at ground floor level fronting St Giles’ Street (Colemans Stationary shop and amplifon) do not form part of the application site.

2. CONSTRAINTS

- 2.1. Deringate Conservation Area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application proposes to convert Sazerac’s and The Imperial Restaurant into 13 flats. This includes the creation of an additional floor internally by splitting the first floor into two levels. No extensions are proposed to the building. Alterations to the fenestration (window and door openings) are proposed.

4. RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
N/2019/0157 Imperial Restaurant	Change of Use from Restaurant (Use Class A3) to House in Multiple Occupation (Use Class C4) for 5 occupants	Refused, dismissed at appeal.

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 the desirability of 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 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) (LPP1)

- 5.4. The relevant policies of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) are:
 - S1 – The distribution of development
 - S2 – Hierarchy of Centres
 - S3 – Scale and distribution of housing development
 - S10 – Sustainable Development Principles
 - C2 – New developments
 - H1 – Housing density and mix and type of dwellings
 - BN5 – Historic Environment
 - BN9 – Pollution control
 - INF1 and 2 – Infrastructure delivery
 - N1 – The regeneration of Northampton

Northampton Central Area Action Plan (2013)

- 5.5. The relevant policies of the NLP 1 are:
 - 1 – Promoting Design Excellence
 - 12 – Primary shopping area
 - 13 – Improving the retail offer
 - 16 – Central Area Living

Material Considerations

- 5.6. Below is a list of the relevant Material Planning Considerations
 - **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:
 - Paragraphs 7-12 - Presumption in favour of sustainable development.

- Paragraph 60 - Housing needed for different groups in the community.
- Paragraph 130 - Create places with a high standard of amenity for existing and future users.
- Section 8 - Promoting healthy and safe communities.
- Section 9 - Promoting sustainable transport.
- Section 12 - Achieving well-designed places.
- Section 16 – Conserving and enhancing the historic environment.
- Northamptonshire County Parking Standards (November 2016)
- Northampton Parking Standards Supplementary Planning Document (November 2019)
- Planning out Crime in Northamptonshire SPG 2004
- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Derngate Conservation Area Appraisal and Management Plan 2006
- Northampton Local Plan Part 2 (2011-2029) (Emerging)

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:

- 1 – Presumption for sustainable development – Significant weight.
- 2 – Placemaking – Moderate weight
- 3 – Design – Moderate weight
- 4 – Amenity and layout – Moderate weight
- 8 – Supporting Northampton Town Centre’s Role – Significant weight
- 12 – Development of main town centre uses – Significant weight
- 21 – Residential development on upper floors – Significant weight
- 31 – Protection and enhancement of designated and non-designated heritage

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	Minimal alterations to the appearance of the premises and limited impact on the conservation area. Loss of active ground floor frontage to the street is regrettable but overall impact on the conservation is limited and any harm would be outweighed by securing a viable use for a vacant building. Request condition requiring details of replacement windows.
Highways	Observe that proposal would increase parking demand in the area.
Environmental Protection	No objection – Request conditions on noise, waste management, and boilers.
Northamptonshire Police	Recommend methods to reduce crime.
Town Centre	No objection. Welcome building being brought back into use.

Conservation Area Advisory Committee	Concern as to impact of new floor on historic sash windows and these should not be altered to have a negative impact. Request this is controlled through condition. Suggest shopfront door of the Imperial Restaurant could also be improved. Note some units only just meet the nationally described space standards.
Strategic Planning	Request contribution towards libraries and condition on fire hydrants.

7. RESPONSE TO PUBLICITY

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

7.2. None received.

8. APPRAISAL

Principle

8.1 The application proposes the change of use of the Imperial Restaurant (located at basement and ground floor level), and Sazerac's (located at first and second floor and accessed adjacent to the Imperial Restaurant) to residential flats.

8.2 Policy S2 of the Core Strategy 2015 outlines that the vitality and viability of the regional town centre must be maintained and enhanced. Policy 12 of the Northampton Local Plan Part 2 has significant weight and outlines that the Council will support the development of an appropriate mix of main town centre and residential uses in the town centre. Furthermore the NPPF emphasises that town centres should be able to grow and diversify.

8.3 It is the case that the Imperial Restaurant has been vacant for many years. Sazerac's bar/night club is still operating at the time of writing this report.

8.4 It is considered that the proposal would assist in bringing a viable use to the Imperial Restaurant section of this site and is a suitable use for both units within the town centre where residential development is appropriate. This assists in the vitality and viability of the town centre. No objections are raised to the principle of the proposed development.

The Design and the impact upon the host property, street scene, and conservation area

8.5 The application proposes the conversion of the existing units into 13 residential flats. This includes the internal sub-division of the first floor into two floors, creating an additional level within the building internally. No external extensions are proposed to facilitate this change.

8.6 To the rear of the building it is proposed to demolish an existing single storey prep kitchen and an existing external staircase. New patio doors and a single door would be interested in this area alongside railings forming a small patio area for flat 2. At first floor level at the rear, an existing fire escape door would be removed and three windows would be inserted. Two further windows would be provided on the rear serving the new floor created internally. At ground floor level fronting Castilian Street an existing opening serving the basement would have a new timber framed window inserted.

- 8.7 The application site is located within the Derngate Conservation Area. The Council's Conservation officer has been consulted on this proposal and advises that the scheme amounts to minimal alterations to the appearance of the premises and limited impact on the conservation area. It is advised that any harm would be outweighed by securing a viable use for a vacant building. The Town Centre Conservation Area Advisory Committee also raise no objection to the scheme. Both the Conservation Officer and the TCCAAC request a condition requiring details of replacement windows, which is considered reasonable to attach.
- 8.8 It is considered that the proposed alterations are minimal, with the only alteration visible from the street scene being the insertion of a new timber window in an existing basement opening on Castilian Street. All other alterations are to the rear of the building.
- 8.9 It is considered, therefore, that the proposal would have an acceptable impact upon the Conservation Area, street scene and host property, and would be acceptable in design terms.

Residential amenity

- 8.10 The application proposes 13 flats. These comprise:

3 x studio
10 x 1 bedroom flats

- 8.11 All of the proposed flats comply with the nationally described minimum space standards (DCLG 2015) for the number of bedrooms and occupants shown, providing a good standard of accommodation of future occupiers. The flats are also provided with a good level of outlook and light provision.
- 8.12 Whilst no amenity space is provided for the future occupiers, other than the small terrace for flat 2, the application site is located within the town centre and within walking distance of amenity space, such as Becketts Park and the River Nene. It is considered, therefore, that the nil provision of amenity space is acceptable.

Neighbouring amenity

- 8.13 The northern and western elevations of the site front Castilian Street and St Giles' Street and would not, therefore, provide unacceptable overlooking of neighbouring properties.
- 8.14 To the rear of the building new windows are proposed in the southern and eastern elevations. The eastern elevation would provide patio doors and a terrace at ground floor level and a kitchen window at the first floor (level 1). These windows look over an existing access yard/passage and would not result in unacceptable overlooking of neighbouring properties.
- 8.15 To the southern elevation it is proposed to insert one door at ground floor level, two windows at first floor level and two windows at the second floor level. These windows would look towards the rear elevation of 1 Castilian Terrace which is currently used as offices. A separation of 9 metres increasing to 15.6 metres is retained between 1 Castilian Terrace and the proposed windows in the southern elevation. This separation, and with number 1 not being residential, is considered sufficient to ensure no direct overlooking between these properties within a Town Centre location.

Highways

- 8.16 The application site is located within the town centre and as such the nil provision of parking spaces is considered acceptable.
- 8.17 A bicycle store for flats 3-13 is provided at ground floor level accessed via Castilian Street. Individual bin and bike stores are provided for flats 1 and 2 within the basement of the current Imperial Restaurant. The provision of these stores will be required through condition.

Other matters

- 8.18 The Council's Environmental Protection team have advised that a noise report and waste management strategy for the site will be required. It is considered reasonable to condition the provision of these. The Environmental Protection team further requested a condition on boilers. This would be covered within the Building Control stage of the development and is not reasonable to condition within a planning application.
- 8.19 Northamptonshire Police raised suggestions on methods to reduce crime. Due to the town centre location it is considered reasonable to attach a condition requiring a crime security strategy.
- 8.20 The Strategic Planning team (former County Planning team) requested contributions towards libraries and a condition on fire hydrants. The application is for 13 units and as such is not of a size where the Council can request financial contributions. There is also no planning policy basis to require a condition on fire hydrants and as such this is not considered reasonable to require.

9 FINANCIAL CONSIDERATIONS

- 9.1 The development is CIL liable.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 To conclude, the proposed development represents an acceptable land use and would not have a significant adverse impact upon the character and appearance of the Conservation Area, host property, neighbour amenity, the highway system, or crime and safety. As a consequence, the proposal is in conformity with the requirements of the National Planning Policy Framework, Policies BN5, S2 and S10 of the West Northamptonshire Joint Core Strategy; and Policies 1, 12, 13 and 16 of the Northampton Central Area Action Plan. It is recommended that planning permission is granted subject to conditions.

11 RECOMMENDATION / CONDITIONS AND REASONS

- 11.1 The proposed development is recommended for approval 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 plans: 020-119-005, 020-119-004 Rev D, 020-119-002 Rev D.

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

Windows and Doors

3. Notwithstanding the details submitted, prior to the commencement of development full details of all new and replacement windows (including sections) and door alterations shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of the historic environment in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to enable timely submission of information.

Noise Survey and Mitigation

4. Prior to the commencement of development a noise survey with mitigation measures undertaken by a competent noise consultant shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation must ensure that the internal noise climate for each habitable room achieves compliance with BS8233:2014 recommended internal ambient noise level guidelines. The development shall be undertaken in full accordance with the approved details prior to first occupation and the mitigation measures shall be retained thereafter in a fully working condition.

Reason: In the interests of securing a satisfactory standard of development, in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to enable timely submission of information.

Construction Environmental Management Plan

5. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:
 - i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
 - ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
 - iii) Details of the siting of all vehicles of site operatives and visitors.
 - iv) The unloading and loading arrangements for heavy plant and machinery.
 - v) The location, extent and duration of any temporary stockpiling areas.
 - vi) Hours in which development will take place.

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework. This is a pre-commencement condition to enable timely submission of information.

Waste Management Plan

6. Prior to first occupation of the development hereby permitted, a waste management plan providing full details of the storage and collection of waste (including a management plan for collection of refuse from the bin store and arrangements for moving the bins in and out before and after collection and a plan for cleaning and maintaining the bin store) associated with the approved development shall be submitted to and approved in writing by the Local Planning Authority. The Waste Management Plan and secure bin stores as shown within plan 020-119-002 Rev D shall be fully implemented as approved prior to the first occupation of any part of the development hereby permitted and retained thereafter.

Reason: In the interests of creating a sustainable form of development, in accordance with the requirements of the National Planning Policy Framework and Policy H1 of the West Northamptonshire Joint Core Strategy.

Cycle Storage

7. Prior to first occupation of the residential development hereby approved, the secure cycle storage areas, as shown on plan 020-119-002 Rev D, shall be provided on site and retained for the parking of bicycles by the occupants of the residential flats thereafter.

Reason: In the interests of promoting sustainable travel in accordance with the requirements of the National Planning Policy Framework.

Crime Security Measures Strategy

8. Prior to first occupation of the development hereby permitted, a crime security measures strategy for crime prevention for the residential units shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme for crime security shall be implemented in full accordance with the approved details prior to first occupation of the residential units hereby permitted and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

Restriction to C3 Use

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent order revoking and re-enacting the provisions of the order, the units hereby permitted shall be used only for purposes within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and shall not be used as a House in Multiple Occupation.

Reason: In the interests of amenity and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

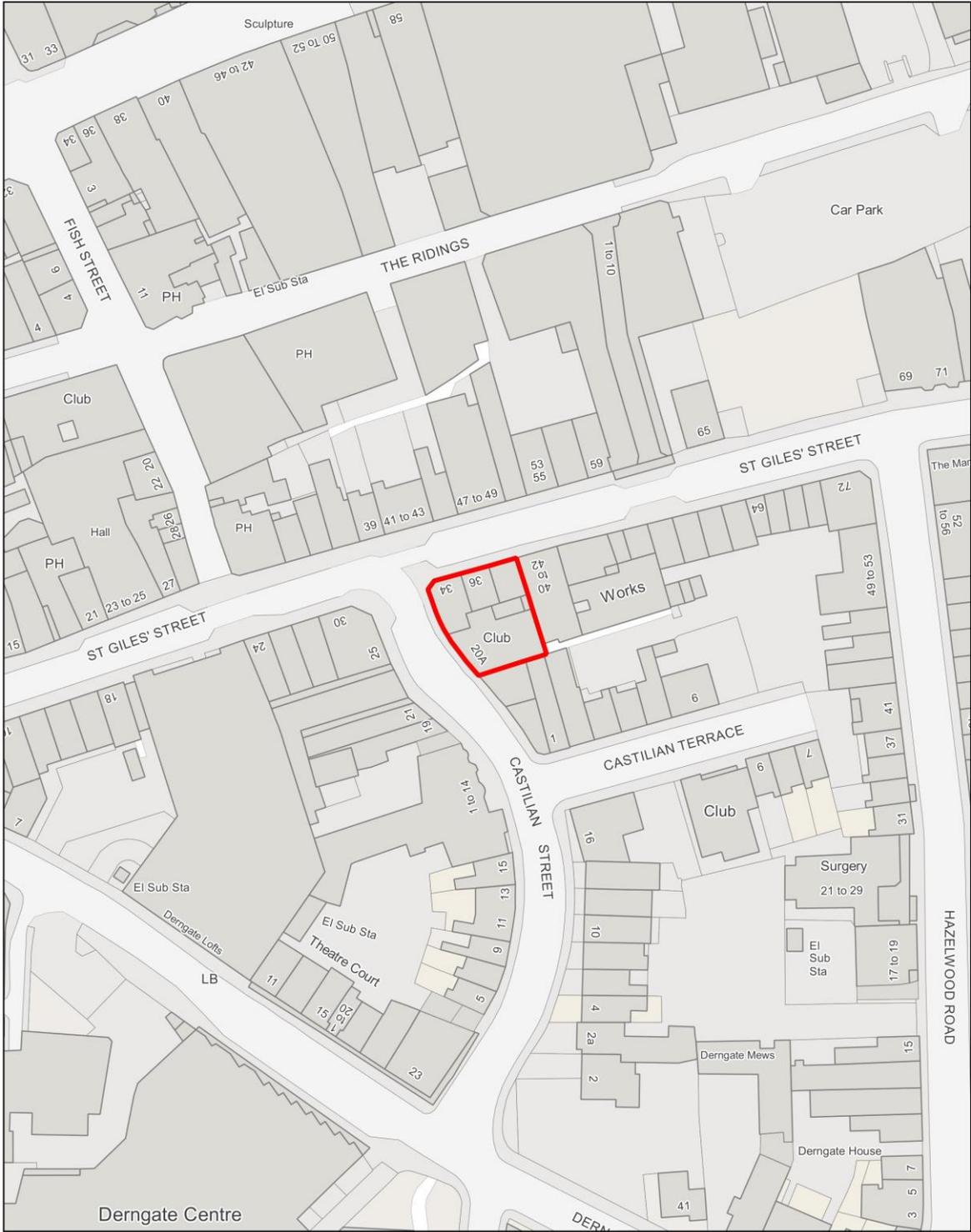
Informatives

1. West Northamptonshire Council has adopted the Community Infrastructure Levy (CIL), which applies to certain residential and commercial developments. The development hereby permitted is liable for CIL. At the earliest opportunity following the receipt of this decision notice the land owner or developer must complete and submit an 'Assumption of Liability' Form. Upon receipt, the Council will issue a Liability Notice to this party. Prior to the commencement of development, this party must submit to the Council a 'Commencement Notice' Form. Once received, the Council will arrange collection of the outstanding CIL. Please note that CIL liability is held as a charge on land.

CIL forms can be downloaded from the Planning Portal at:

https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy

2. You will need to obtain formal street naming and numbering for the new unit(s) through West Northamptonshire Council Building Control. For further information please call 01604 838920 or email buildingcontrol.nbc@westnorthants.gov.uk
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**West
Northamptonshire
Council**

Title: **20 Castilian Street**

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Date: 17-11-2021

Scale: 1:1,000 @A4

Drawn: M Johnson