



PLANNING AGENDA

Tuesday, 22 March 2016

The Jeffrey Room, The Guildhall, St. Giles
Square, Northampton, NN1 1DE

6:00 pm

Members of the Committee

Councillor: Brian Oldham (Chair), Matthew Lynch (Deputy Chair)

Councillors: Jane Birch, Julie Davenport, Matthew Golby, Anamul Haque (Enam), James Hill, Jamie Lane, Phil Larratt, Arthur McCutcheon, Dennis Meredith and Mohammad Aziz Rahman

Chief Executive David Kennedy

If you have any enquiries about this agenda please contact
democraticservices@northampton.gov.uk or 01604 837587

PLANNING COMMITTEE

AGENDA

Meetings of the Planning Committee will take place at 6.00pm on 9 June, 30 June, 28 July, 2 September, 29 September, 27 October, 24 November and 17th December 2015 and 19 January, 16 February, 15 March, 12 April, 10 May, 14 June 2016.

The Council permits public speaking at the Planning Committee as outlined below:

Who Can Speak At Planning Committee Meetings?

- Up to 2 people who wish to object and up to 2 people who wish to support an individual planning applications or any other matter on the public agenda.
- Any Ward Councillors who are not members of the Planning Committee. If both Ward Councillors sit on the Planning Committee, they may nominate a substitute Councillor to speak on their behalf.
- A representative of a Parish Council.

How Do I Arrange To Speak?

- Anyone wishing to speak (not including Ward Councillors who must let the Chair know before the start of the meeting) must have registered with the Council's Democratic Services section not later than midday on the day of the Committee.
NB: the Council operate a 'first come, first serve' policy and people not registered to speak will not be heard. If someone who has registered to speak does not attend the meeting their place may be relocated at the discretion of the Chair.

Methods of Registration:

- By telephone: 01604 837722
- In writing to: Northampton Borough Council, The Guildhall, St. Giles Square, Northampton , NN1 1DE, Democratic Services (Planning Committee)
- By email to: democraticservices@northampton.gov.uk

When Do I Speak At The Meeting

- A Planning Officer may update the written committee report then those registered to speak will be invited to speak.
- Please note that the planning officer can summarise issues after all the speakers have been heard and before the matter is debated by the Planning Committee Members and a vote taken.

How Long Can I Speak For?

- All speakers are allowed to speak for a maximum of three minutes.

Other Important Notes

- Speakers are only allowed to make statements – they may not ask questions or enter into dialogue with Councillors, Officers or other speakers.
- Consideration of an application will not be delayed simply because someone who is registered to speak is not in attendance at the time the application is considered
- Confine your points to Planning issues: Don't refer to non-planning issues such as private property rights, moral issues, loss of views or effects on property values, which are not a material consideration on which the decision will be based.
- You are not allowed to circulate new information, plans, photographs etc that has not first been seen and agreed by the Planning Officers
- Extensive late representations, substantial changes, alterations to proposals etc. will not be automatically accepted, due to time constraints on Councillors and Officers to fully consider such changes during the Planning Committee Meeting.

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Your attendance is requested at a meeting to be held:
in The Jeffrey Room, The Guildhall, St. Giles Square, Northampton, NN1
1DE

on Tuesday, 22 March 2016

at 6:00 pm.

D Kennedy
Chief Executive

AGENDA

1. APOLOGIES

2. DEPUTATIONS / PUBLIC ADDRESSES

3. DECLARATIONS OF INTEREST/PREDETERMINATION

**4. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL
CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE
CONSIDERED**

5. LIST OF CURRENT APPEALS AND INQUIRIES

(Copy herewith)

6. OTHER REPORTS

Addendum.

**(A) N/2013/0338 - INFORMATION REPORT ON SECRETARY OF STATE'S
DECISION ON HARDINGSTONE APPEAL**

(Copy herewith)

7. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None

8. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None

9. ITEMS FOR DETERMINATION

**(A) N/2015/1021 - PART DEMOLITION OF EXISTING FACTORY BUILDING &
CONVERSION OF EXISTING FACTORY BUILDING INTO 45X
APARTMENTS & ERECT 2X DWELLINGS. LAND AT THE CORNER OF
COUNTRESS ROAD & LYTTLETON ROAD**

(Copy herewith)

(B) N/2015/1314 - CHANGE OF USE FROM PUBLIC HOUSE (USE CLASS A4) INTO CONVENIENCE STORE (USE CLASS A1) INCLUDING ALTERATION AND EXTENSIONS, REAR STORAGE AND INSTALLATION OF 2NO SATELLITE DISHES ON ROOF. THE BARN OWL, OLDEN ROAD

(Copy herewith)

(C) N/2015/1435 - CHANGE OF USE FROM A SOCIAL CLUB TO A PLACE OF WORSHIP AND COMMUNITY SPACE (USE CLASS D1) PLAYERS CLUB, 42 SHEEP STREET.

(Copy herewith)

10. ENFORCEMENT MATTERS

None

11. ITEMS FOR CONSULTATION

(A) N/2016/0205 - SURFACE WATER ATTENUATION SCHEME IN RELATION TO PHASE 1A & B OF OVERSTONE LEYS DEVELOPMENT, INCLUDING RE-PROFILING OF EXISTING DITCH AND BALANCING POND, OVERSTONE LEYS, OVERSTONE LANE, OVERSTONE.

(Copy herewith)

12. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

SUPPLEMENTARY AGENDA

**Exempted Under Schedule
12A of L.Govt Act 1972
Para No:-**

PHOTOGRAPHY AND AUDIO/VISUAL RECORDINGS OF MEETINGS Anyone may record meetings of the Council, the Cabinet, any Committee or Sub-Committee of the Council through any audio, visual or written method to include taking photographs of meetings, filming meetings or making audio recordings of meetings. The Chair of the meeting shall have the discretion to revoke the permission in the event that the exercise of the permission is disturbing the conduct of the meeting in any way or when it is otherwise necessary due to the nature of the business being transacted at the meeting. Permission may only be exercised where the public have the right to attend the meeting; and if a meeting passes a motion to exclude the press and public, then in conjunction with this, all rights to record the meetings are removed.

Directorate: Regeneration, Enterprise and Planning
 Director: Steven Boyes



List of Appeals and Determinations – 22nd March 2016

Written Reps Procedure			
Application	DEL/PC	Description	Decision
N/2015/0561 APP/V2825/W/15/3135609	PC	Change of use of single dwelling to house in multiple occupation for 5 residents (Use Class C4) - retrospective application at 76 Somerset Street	AWAITED
N/2015/0928 APP/V2825/W/15/3139794	DEL	Change of use to 5 person house in multiple occupancy at 119 Whitworth Road	AWAITED
N/2015/0946 APP/V2825/D/16/3141908	DEL	Erect attached garage to front at 57 Rickyard Road	AWAITED
N/2015/1279 APP/K2800/D/16/3142656	DEL	First floor side extension at 14 Tiffany Gardens	AWAITED
Public Inquiry			
N/2013/1035 APP/V2825/W/15/3028151	PC	Outline Application for the Northampton South Sustainable Urban Extension to comprise up to 1000 dwellings, a mixed use local centre, a site for a primary school, green infrastructure including formal and informal open space, reconfiguration and extension of Collingtree Park Golf Course, demolition of all existing buildings and structures within the site, new vehicular accesses off Windingbrook Lane and Rowtree Road, car parking, sustainable drainage systems (including flood risk betterment) and infrastructure (including highway improvements) all matters reserved accept access, land south of Rowtree Road and west of Windingbrook Lane – Public Inquiry ended on 18th December at Franklin Gardens, Weedon Road	AWAITED
N/2013/1063 APP/V2825/W/15/3028155	PC	378 dwellings served by a new access from Windingbrook Lane, and the re-configuration of part of the Collingtree Park Golf Course including a new temporary hole 17 and the demolition of all existing buildings and structures within the site, green infrastructure including formal and informal open space, car parking, sustainable drainage systems (including flood risk betterment) and infrastructure (including highway improvements), land south of Rowtree Road and west of Windingbrook Lane - Public Inquiry ended on 18th December at Franklin Gardens, Weedon Road	AWAITED

Hearing			
N/2015/0335 APP/V2825/W/15/3138580	PC	Redevelopment comprising a new distribution centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works. Land at Milton Ham, Towcester Road Hearing date 21st June 2016 at The Guildhall, St Giles Square, Northampton, NN1 1DE	AWAITED
N/2015/0419 APP/V2825/W/15/3140695	PC	Demolition of Bective Works and Jebez House and erection of student accommodation comprising 293 study bedrooms and including retail unit accessed from Yelvertoft Road. Hearing date 25/4/2016 at The Guildhall, St Giles Square, Northampton, NN1 1DE	AWAITED
Enforcement Appeal			
		None	
The Address for Planning Appeals is: Mr Brian Rowe, Room 301, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.		Appeal decisions can be viewed at - www.planningportal.gov.uk	
Local Government (Access to Information) Act 1985 Background Papers The Appeal Papers for the appeals listed		Author and Contact Officer Mrs Rita Bovey, Development Manager Telephone 01604 837237 Planning and Regeneration The Guildhall, St Giles Square, Northampton, NN1 1DE	



Addendum to Agenda Items Tuesday 22nd March 2016

9. ITEMS FOR DETERMINATION

9a

N/2015/1021

Part demolition of existing factory building & conversion of existing factory building into 45x apartments & erect 2x dwellings

Land at the corner of, Countess Road & Lyttleton Road

Councillor Gareth Eales – welcomes the conversion of the derelict factory into dwellings but is concerned about the parking congestion the proposal will cause in an area already congested daily and even more so on Saints match days. 50 plus new dwellings could potentially be a significant number of additional vehicles, some homes having two cars per home. Based on the parking shortage opposes the application in its current form.

Unit B Lyttleton Road – do not object provided own access roads/rights are not impinged upon. Concur with police over security problems that exist in the area.

Amendment to paragraph 7.12 of the report:

Parking for a total of 58 vehicles would be provided comprising of 54 spaces for the apartments including 5 disabled spaces and 2 spaces per dwelling.

9b

Change of use from public house (Use Class A4) into convenience store (Use Class A1) including alteration and extensions, rear storage and installation of 2 no. satellite dishes on roof

The Barn Owl, Olden Road

No update.

9c

N/2015/1435

Change of use from a social club to a place of worship and community space (Use Class D1)

Players Club, 42 Sheep Street

Location Plan attached to the report should include adjacent parking spaces and access to highway as enclosed.

11. ITEMS FOR CONSULTATION

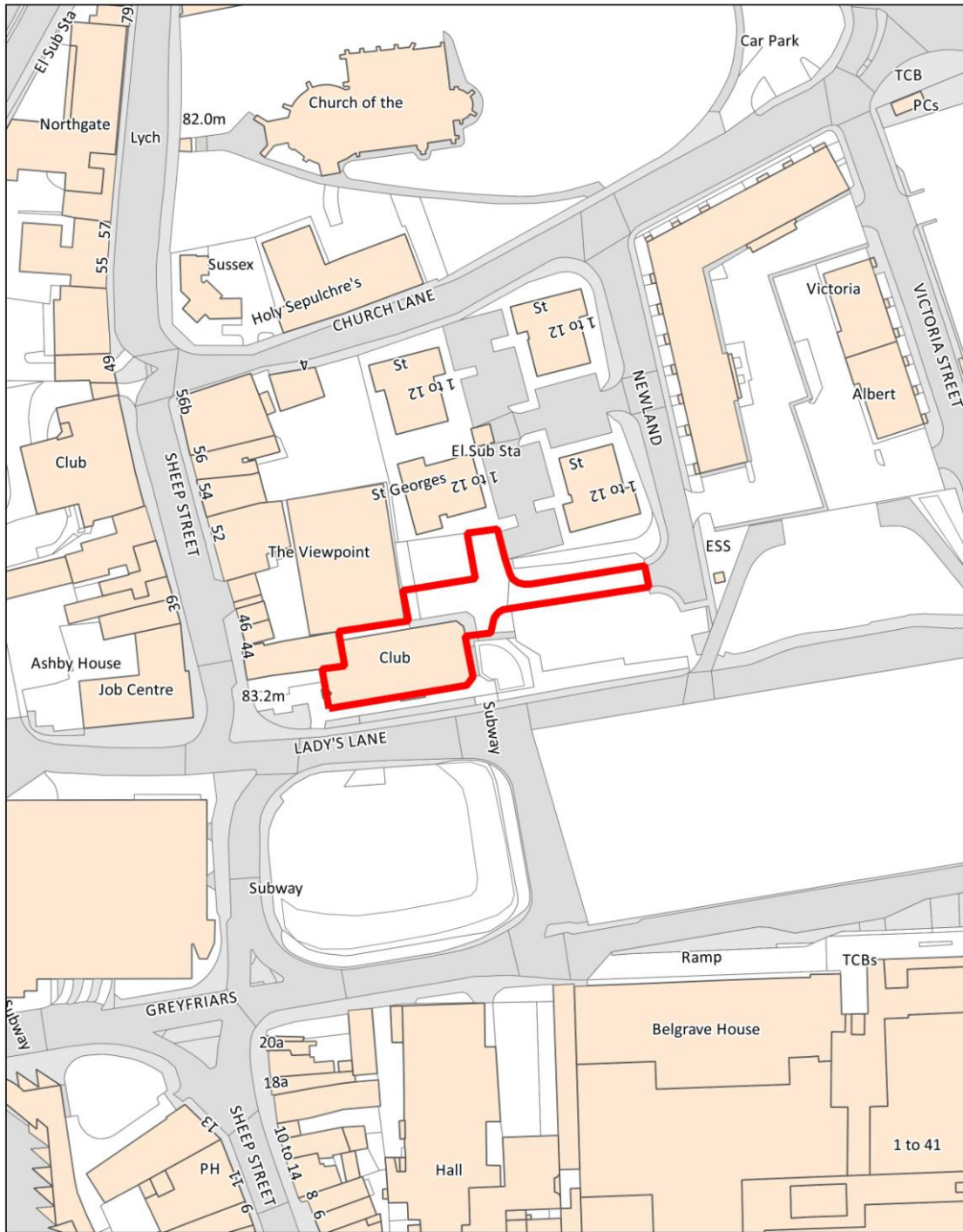
11a


N/2016/0205

Surface water attenuation scheme in relation to Phase 1A & B of Overstone leys development, including re-profiling of existing ditch and balancing pond

Overstone Leys, Overstone Lane, Overstone

No update.



 <p>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Title: Players Club, 42 Sheep Street</p>	<p>Date: 21-03-2016</p>
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		<p>Drawn by: Planning</p>



NORTHAMPTON
BOROUGH COUNCIL
 Planning Committee

PLANNING COMMITTEE: 22nd March 2016

DIRECTORATE: Regeneration, Enterprise and Planning

DIRECTOR: Steven Boyes

REPORT TITLE: Secretary of State’s Decision on the Hardingstone Appeal

N/2013/0338 – Outline planning application for the development of a sustainable urban extension to include up to 1,000 dwellings (Class C3); local centre up to 1,320 sqm net floor space of retail, professional and financial services, restaurant/cafes (Classes A1, A2 and A3); up to 375 sqm net public house (Class A4); 2.09ha of land for a two form entry primary school (Class D1); up to 750 sqm of community uses to include a medical centre, pharmacy and community centre (Class D1). Infrastructure improvements including a pumping station, green infrastructure and highway access from Landimore Road and Newport Pagnell Road (as amended by revised plans received 14/03/14 & revised Transport Assessment- January 2014) at Land to the east of Hardingstone north of Newport Pagnell Road, Northampton.

1. RECOMMENDATION

- 1.1 That the Secretary of State’s decision to allow the appeal and grant planning permission be noted.
- 1.2 That the Secretary of State’s reasons for allowing the appeal be noted.
- 1.3 That the financial cost to the Council in defending the decision to refuse planning permission at the public inquiry be noted.

2. PURPOSE OF REPORT

- 2.1 This report advises the Committee of the Secretary of State’s decision to allow the appeal by the Homes and Communities Agency (the HCA) against this Council’s refusal of planning permission for the development of a sustainable urban extension at land to the east of Hardingstone (the Northampton South of Brackmills SUE).

- 2.2 The report also advises the Committee of the costs incurred by the Council in engaging leading Counsel and expert witnesses to present the Council's case at the public inquiry.

3. BACKGROUND

- 3.1 Planning Committee resolved on 6th May 2014 to refuse Planning Application N/2013/0338. Planning permission was refused for the following reasons:

1. The highway mitigation measures proposed fail to demonstrate that this major development would not have a residual cumulative impact on the A45 trunk road and associated junctions such that the cumulative impacts of the development would not be severe. These adverse highway impacts in turn will lead to a detrimental impact on the highway network adversely affecting all users including occupiers of business premises located in Brackmills Industrial Estate thus acting as an impediment to the operation of the business park and its future sustainable economic growth. The development would therefore be contrary to the overarching intentions of the National Planning Policy Framework.

2. The site is identified in the Northampton Landscape and Green Infrastructure Study 2009 as being of high-medium landscape and visual sensitivity comprising of a rural landscape which has a stronger visual connection with the surrounding countryside than with Northampton. Furthermore, Policy E7 of the Northampton Local Plan identifies part of the site as an important skyline between Great Houghton and Hardingstone as seen from the Nene Valley. Public footpath KN6 runs across the site in a south-easterly direction providing amenity access through the rural landscape. The National Planning Policy Framework seeks to ensure that any detrimental effects on the environment, the landscape and recreational opportunities arising from major developments are moderated. The proposed development would have an urbanising effect and be of a scale and density detrimental to the existing rural character of the surrounding area and would result in the loss of land of significant amenity value. In the absence of sufficient information to demonstrate appropriate mitigation for the impact of the development on the landscape, skyline and rural character of the area the proposal is therefore contrary to Policies E1, E7 and H7 of the Northampton Local Plan and the overarching intentions of the National Planning Policy Framework.

- 3.2 The applicant (the HCA) appealed against the refusal of planning permission. On 19 December 2014 the Secretary of State recovered the appeal for his own decision because it involved a proposal for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities. The appeal was considered at a public inquiry held over 9 days starting on 16th June 2015.

4. THE SECRETARY OF STATE'S DECISION

- 4.1 The Inspector who held the public inquiry recommended that the appeal be allowed and on 29th February 2016 the Secretary of State wrote to the appellants advising that having considered the Inspector's report, he agreed with the Inspector's conclusions and recommendation. Accordingly, the Secretary of State allowed the appeal and granted outline planning permission for the proposed development, subject to 32 conditions and a sealed S106 Planning Agreement dated 29th July 2015.
- 4.2 The main reasons for the Secretary of State's decision are that Northampton cannot demonstrate a 5 year housing land supply and that the site was identified as a sustainable urban extension in a recently adopted local plan (the West Northamptonshire Joint Core Strategy). The Secretary of State considered the effect of the proposal on a number of issues raised during the public inquiry: the character and appearance of the area; traffic movement, the Brackmills Industrial Estate, Housing supply; Infrastructure, facilities and services; Hardingstone Conservation Area; Nature conservation; Retail development, Economic implications; and Localism.

Character and appearance

- 4.3 The Secretary of State acknowledged that the size and nature of the development would involve a major change to the landscape and appearance of the area and that there would therefore be a degree of conflict with Policy BN5 of the Joint Core Strategy, as argued by the Council at the public inquiry. However, the Secretary of State agreed with the Inspector that the proposed development would not have a significantly detrimental effect.

Traffic movement

- 4.4 The Secretary of State agreed with the Inspector that, with the mitigation measures proposed, the transport effects of the development can be accommodated on the road network and that the traffic effects would be adequately mitigated. The Secretary of State accepted some aspects of the Council's case concerning the impact of additional traffic on the highway network. Specifically, he agreed with the Inspector's concerns about the uncertain effects of the proposed signalisation at Pavilion Drive and the addition of a fifth lane at the Queen Eleanor roundabout. Nevertheless, he concluded that the residual cumulative impacts of the development would not be severe.

Brackmills Industrial Estate

- 4.5 The Secretary of State considered the concerns of businesses on the estate about the road network and access but he concluded that the proposed development would benefit the operation of the BIE.

Housing supply

- 4.6 The Secretary of State noted that the Council had accepted that there is not a 5 year housing land supply in Northampton. He agreed with the Inspector that in calculating the housing requirement, a 20% buffer should be applied (rather than a 5% buffer as argued by the Council). This is because he

considered that the shortfall in housing completions during 2006-11 and the cumulative shortfall of 2,929 dwellings up to 2013/14 amount to persistent under-delivery of housing.

- 4.7 The Secretary of State identified a number of benefits from the proposed development. These include the contribution it would make towards the housing land supply and the significant contribution towards affordable housing need.

Infrastructure, facilities and services

- 4.8 The Secretary of State was satisfied that the effect of the development on infrastructure, facilities and services do not present any insurmountable impediments to the granting of planning permission.

Hardingstone Conservation Area

- 4.9 The Secretary of State agreed with the Inspector that the proposed development would not detract from the setting of Hardingstone Conservation Area.

Nature conservation

- 4.10 The Secretary of State concluded that, subject to appropriate conditions to secure mitigation measures, the proposed development would not have an adverse effect on nature conservation.

Retail development

- 4.11 The Secretary of State noted that the main parties at the public inquiry agreed that the amount of retail floorspace proposed would be appropriate to serve the new residential community.

Economic implications

- 4.12 The Secretary of State agreed that the employment opportunities that would be provided by the development are an important benefit.

Localism

- 4.13 The Secretary of State agreed with the Inspector that the process undertaken, including that leading to the adoption of the Joint Core Strategy, were not contrary to the objectives of the localism agenda.

Conclusion

- 4.14 The Secretary of State concluded that the proposal represents a sustainable form of development which would accord with the development plan and that the adverse effects would not outweigh the benefits.

5. THE COST OF THE APPEAL

- 5.1 A leading Planning QC, supported by junior Counsel was engaged to present the Council's case at the public inquiry. The Council also engaged a team of experienced expert witnesses to provide evidence on Planning, landscape

and transport issues. There were further costs for accommodation (principally the hire of rooms at Franklins Gardens), printing and courier costs.

- 5.2 The total costs incurred by the Council in defending the appeal amounted to £463,826.83. The HCA agreed not to make an application for costs against the Council. Had they made a successful application for costs, the Council's bill would have been considerably higher.

6. CONCLUSIONS

- 6.1 Members will note that the appeal was allowed on the grounds that
- a) The Council cannot demonstrate a 5 year housing land supply
 - b) The site was identified as a sustainable urban extension in a recently adopted local plan
 - c) The proposal is sustainable, would accord with the development plan and not result in otherwise unacceptable impacts
- 6.2 The decision to refuse planning permission could have rendered the Council liable to potential costs following the unsustainable refusal of planning permission.
- 6.3 Whilst it is important that members are able to debate planning proposals and decide what weight to attach to the relevant planning policies, and what they consider to be the material considerations, it is also important that residents have confidence that the decisions made will be balanced and capable of being robustly defended if challenged through the planning process.
- 6.4 In order to reflect on the appeal process relating to this application, it is proposed to hold a Planning Committee member training session to review the case. Members will be advised of the date of this, which is likely to be in the new municipal year.

7. LEGAL IMPLICATIONS

- 7.1 As set out in the report.

8. SUMMARY AND LINKS TO CORPORATE PLAN

- 8.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



NORTHAMPTON
BOROUGH COUNCIL
 Planning Committee

PLANNING COMMITTEE:	22 March 2016
DIRECTORATE:	Regeneration, Enterprise and Planning
DIRECTOR:	Steven Boyes
APPLICATION REF:	N/2015/1021
LOCATION:	Land at the corner of, Countess Road & Lyttleton Road, Northampton, Northamptonshire, NN5 7EA
DESCRIPTION:	Part demolition of existing factory building & conversion of existing factory building into 45x apartments & erect 2x dwellings
WARD:	Spencer Ward
APPLICANT:	Cox & Collier (2014) Ltd
AGENT:	Architectural Solutions
REFERRED BY:	Director of Regeneration, Enterprise and Planning
REASON:	Major application requiring S106 agreement
DEPARTURE:	No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to the conditions as set out below and for the following reason:

The proposal would bring about the development of a disused and derelict building in a prominent location within a residential area, the renovation of which would enhance and make a positive contribution to the character and appearance of the surrounding area. The site is in a sustainable location with good access to the town centre and public transport and the conversion to residential use and additional two dwellings proposed would make a positive contribution to the Council's 5-year housing supply. The development would not lead to any adverse impacts on existing highway or flood conditions or existing or proposed residential amenity. It is considered that it has been satisfactorily demonstrated that the scheme would not be viable if any affordable housing or the level of S106 contributions required is applied and that on balance the lack of contributions would be outweighed by the environmental and social benefits of the proposal. As such the proposal is considered to be in accordance with the requirements of Policies S3, S10, C2, E1, H1, BN7, BN9, INF1, INF2 and N1 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The application proposes the conversion of a former factory into 45 one, two and three bedroom apartments and the erection of 2 dwellings. The existing lift shafts & buildings to rear of the site would be demolished. The majority of existing window openings would be retained and rooflights inserted within the roof to utilise the roofspace. The existing vehicular access from Countess Road would be retained and 52 parking spaces provided on site together with bin and cycle storage. Access to the two new dwellings proposed would be from Lyttelton Road.

3. SITE DESCRIPTION

- 3.1 The site comprises of a disused 4-storey factory building located at the corner of Countess Road and Lyttelton Road. The overall site 0.39 hectares in area. The surrounding area is predominantly residential of varying types and ages including houses and apartments. To the rear and immediate north of the site are industrial workshops. The factory building comprises of a mainly 3-storey solid brick building with slate roof with two lift shafts and a range of single storey buildings located to the rear. Vehicular access is from Countess Road. Dallington Brook runs through the centre of the site north to south and a large part of the site is situated within Flood Zone 2.

4. PLANNING HISTORY

- 4.1 No recent planning history. Various applications in relation to the site's previous industrial use.

5. PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and the Northampton Local Plan (1997) saved policies.

5.2 National Policies

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:

The NPPF has a presumption in favour of sustainable development.

Paragraph 17 sets out core planning principles that include seeking to secure high quality design and a good standard of amenity for existing and future occupiers; encouraging the effective use of land by using brownfield sites; managing patterns of growth to make fullest use of sustainable transport methods and in sustainable locations.

Paragraph 29 advises that the long term protection of employment sites should be avoided where there is no reasonable prospect of the site being used for that purpose.

Paragraph 47 requires Local Planning Authorities to meet objectively assessed housing needs for their area and to identify and update a supply of deliverable sites to provide 5-years' worth of housing against these requirements.

Paragraph 49 – housing applications should be considered with a presumption in favour of sustainable development.

Paragraph 51 – planning applications for change of use from commercial to residential use should normally be approved where there is an identified need for additional housing in that area, provided there are not strong economic reasons why such development would be inappropriate.

Paragraph 56 – good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 100 – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Paragraph 101 – the aim of a sequential test is to steer development to areas with lower probability of flooding. Development should not be allocated or permitted if there are reasonably alternative sites appropriate for the proposed development.

Paragraph 102 – if it is not possible for the development to be located in zones with a lower probability of flooding, the exception test should be applied which demonstrates that the development provides wider sustainability benefits to the community that outweigh flood risk and the development will be safe for its lifetime without increasing flood risk elsewhere.

Paragraph 103 – in determining planning applications Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding when informed by a Flood Risk Assessment

Paragraph 205 – where obligations are being sought Local Planning Authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

5.3 West Northamptonshire Joint Core Strategy (2014)

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:

Policy S3: Scale and Distribution of Housing Development – provision will be made for about 18,870 dwellings in the plan period 2011 to 2029.

Policy S10: Sustainable Development Principles – development will achieve the highest standards of sustainable design incorporating safety and security considerations, be located where services and facilities can be easily reached by

non-car modes; protect, conserve and enhance the built environment; minimise pollution from noise, air and run-off.

Policy C2: New Developments – new development will be expected to achieve modal shift targets by maximising travel choice from non-car modes.

Policy E1: Existing Employment Areas – change of use to non-employment generating uses will be resisted unless it can be demonstrated that the site is no longer economically viable for employment purposes, conflict with adjoining uses or its release would offer significant benefits to the local area.

Policy H1: Housing Density and Mix and Type of Dwellings – new housing development will provide for a mix of house types, sizes and tenures having regard to the character of the area; accessibility to services and facilities and public transport; living conditions of future residents and impact on amenity of occupiers of neighbouring properties.

Policy H2: Affordable Housing – required to be provided at 35% on sites of 15 dwellings or more.

Policy BN7: Flood Risk – new development will need to demonstrate there is no increased risk of flooding to existing properties, and the proposed development is (or can be) safe and shall seek to improve existing flood risk management.

Policy BN9: Planning for Pollution Control – new development likely to result in exposure to sources of pollution will need to demonstrate provision of opportunities to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development.

Policy INF1: Approach to Infrastructure Delivery – new development will be supported by and provide good access to infrastructure. Where development generates a need for new infrastructure developers will need to demonstrate that provision will be made to meet the necessary requirements arising from that development.

INF2 – Contributions to Infrastructure Requirements – new development will only be permitted if the necessary on and off-site infrastructure required to support and mitigate its impact is already in place or there is a reliable mechanism to ensure it will be delivered.

Policy N1: The Regeneration of Northampton – will be supported by, amongst other things, housing development within the existing urban area through urban capacity infill.

5.4 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

Policy E20 – the design of new development should adequately reflect the character of the surrounding area and be designed and located to ensure adequate standards of privacy, daylight and sunlight.

- 5.5 **Supplementary Planning Documents**
Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **NBC Public Protection** – No objection, following receipt of additional information regarding the potential noise impacts from adjacent business units on proposed residential amenity subject to conditions for a scheme of noise mitigation to be submitted providing mitigations measures for Units 7-15.
- 6.2 **NBC Estates** – no objection subject to there being no interference with the access and day to day use of Council owned units located off Lyttelton Road.
- 6.3 **Crime Prevention Officer** – no objection. Need to ensure access control system has no trades buttons and post is delivered externally. The area is subject to a high level of crime and incidents of anti-social behaviour.
- 6.4 **NCC Highway Authority** – following receipt of revised plans, the Highway Authority require 1 cycle space per flat. The Highway Authority would accept current level proposed, provided a site Travel Plan is carried out to monitor the car and cycle parking utilization within the site. If proposed level of cycle parking is shown to be sufficient, the LHA would have no objection providing money is set aside for a 5 year period (to be covered by Travel Plan monitoring) to be used towards the creation of additional cycle spaces should it be shown at a later date that cycle parking capacity is exceeded.
- 6.5 **NCC Planning** – the development is likely to generate approximately 7 Primary School pupils and 2 Secondary School pupils. Request S106 contributions towards Primary and Secondary Education, fire and rescue, libraries.
- 6.6 **Highways England** – no objection.
- 6.7 **Environment Agency** – have withdrawn their objection following the receipt of further details to address concerns in relation to flood compensation arising from the increased footprint of the car park and raised levels to ensure the development does not increase the risk of flood elsewhere.
- 6.8 **Anglian Water** – no objection. The existing sewerage system at present has capacity.

7. APPRAISAL

Principle of development

- 7.1 The NPPF has a presumption in favour of sustainable residential development and encourages the use of brownfield sites and the re-use of commercial buildings for residential use where there is an identified need for additional housing in the area and no strong economic reasons as to why development would be inappropriate.
- 7.2 Policy E1 of the JCS seeks to resist change of use of existing employment to non-employment uses unless it can be demonstrated that the site is no longer economically viable for employment purposes, there is conflict with adjoining uses or its release would offer significant benefits to the local area.

- 7.3 The site is allocated for employment under the Local Plan however the Employment Land Study 2010 advises that due to the poor condition of the buildings, high vacancy rate and that the majority of the site being surrounded by residential that the Countess Road industrial buildings should be released for other uses. The site has been vacant for some time and the submitted details advise that the property was marketed for a considerable period by the previous owner for employment uses but no interest received. With the exception of the industrial buildings to the rear and immediate north of the site the surrounding area is now predominantly residential. The use of the building for industrial uses would therefore lead to adverse impacts on and be in conflict with adjoining uses. The site is in a sustainable location with good access to the town centre and public transport the development of which for residential use would contribute towards the Council's 5-year housing supply and bring an existing derelict building back into use. Subject to the considerations discussed within the remainder of this report the principle of conversion and development of two additional dwellings in considered acceptable.

Design and Appearance

- 7.4 The development would remove the unattractive later additions to the rear of the building. The majority of existing window openings would be retained with minimal alterations to the front and sides of the building proposed and the majority of traditional features retained. A number of roof lights are proposed in the front and rear roof slopes to allow living accommodation within the roofspace but due to the height of the building these would not be prominently visible from the street. Window details and materials would be agreed by condition to ensure the conversion remains sympathetic to the appearance of the existing building.
- 7.5 The proposed two dwellings located on Lyttelton Road would be built using the retained gables ends of an existing outbuilding associated with the former factory. The design of the dwellings has been amended to reflect the more traditional character of the existing building rather than more recent residential development within the area and is considered acceptable.
- 7.6 The scheme has been amended to address the concerns of the Crime Prevention Officer and proposes secure controlled vehicular access and pedestrian access to the rear of the site. The rear perimeter of the site would be enclosed by 2m fencing.
- 7.7 The conversion would enhance the appearance of the existing derelict building and site and would contribute positively to the character and appearance of the area in accordance with the requirements of Policies H1 and S10 of the JCS and is considered acceptable in this regard.

Amenity

- 7.8 The property is of a suitable size for conversion to the number of flats proposed with each flat having sufficient provision of daylight and outlook. Whilst the level of outdoor amenity space is limited to a small communal area to the rear of the flats the site is within close proximity of open space at Victoria Park. Two enclosed refuse storage blocks would be provided at either end of the building providing sufficient refuse storage. A condition requiring sufficient mitigation in relation to potential noise impacts on a small number of the proposed flats from commercial activities to the rear and east of the site would be mitigated by condition.

- 7.10 The proposed 3-bedroom dwellings have been designed to provide sufficient daylight and outlook to habitable rooms. Enclosed gardens in excess of 6m deep would be provided to the rear of each dwelling. The rear elevation of the proposed flats would be situated 14m from the side boundary of the nearest garden which would afford a degree of overlooking but not dissimilar to that found in the majority of residential developments.
- 7.11 Due to adequate separation distances to surrounding existing residential properties opposite and to the side of the site there would not be any unacceptable impacts from the development in terms of overlooking or overshadowing.

Highway Impacts

- 7.12 Access to the site would be via the existing access from Countess Road. Parking for 56 vehicles would be located to the rear of the site accessed via automated secure access gates and 5 disabled spaces provided as per Highway Authority requirements. Refuse stores have been located outside of the parking area to allow sufficient access for refuse vehicles. The Highway Authority has raised concerns regarding the extent of cycle parking provision. However, the submitted details indicate the provision of 30 Sheffield Hoops within the rear car park which could potentially accommodate 60 bikes with a bike either side. The Highway Authority guidance requires a minimum of 1 space per dwelling and as such is considered that the level of cycle parking provision is appropriate.

Flood Issues

- 7.13 A large part of the site lies within Flood Zone 2 due to the presence of Dallington Brook which runs across the site north to south. Additional information has been provided addressing Environment Agency concerns regarding appropriate flood compensation. The car park level will essentially remain as existing levels with a tarmac surface over with slight changes in levels at the access and a ramp up to the southern part of the car park to accommodate existing changes in ground levels. Communal areas will be reduced in level to provide the necessary flood compensation and protective bollards are proposed to protect the watercourse from large objects/debris in the event of the car park flooding.
- 7.14 The NPPF advises on the application of a sequential test for development in areas at risk of flooding however the application is for the conversion of an existing building and therefore where development is considered necessary it should be made safe without increasing flood risk to elsewhere. The Environment Agency is satisfied that the measures proposed will ensure the development will not lead to any increased flood impacts and subject to the conditions proposed would not adversely affect proposed occupiers and therefore have no objection. In relation to the exceptions test it is considered that the development would provide wider sustainability benefits to the community in bringing a disused building back into use which would enhance the character and appearance of the area and would also provide much needed housing.

Affordable Housing, S106 and Viability

- 7.15 National Planning Guidance advises that a site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken. A flexible approach should be taken in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.

- 7.16 Assessing viability should lead to an understanding of the scale of planning obligations which are appropriate. However, the National Planning Policy Framework is clear that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development.
- 7.17 Policy H2 of the JCS sets out a requirement for affordable housing at 35% for developments of 15 or more dwellings. This would equate to a requirement of 17 units within the development being affordable.
- 7.18 A viability assessment has been produced on behalf of the applicant that advises that development of the site as proposed would result in a Gross Development Value (GDV) of 14.77%, below market expectations of 20% GDV.
- 7.19 The viability assessment has been considered by an independent consultant on behalf of the Council who has advised that a key issue in relation to the viability of the site includes abnormal costs associated with developing a brownfield site such as this, in addition to the conversion costs. The abnormal costs for this project include demolition, asbestos removal, flood risk mitigation measures, the removal of lift shafts and non-recoverable VAT on the build cost. The type of development proposed means that the construction of all 45 apartments must be completed prior to sale, which has implications on capital employed and subsequent interest charges.
- 7.20 The Council's independent consultant has reviewed the submitted viability assessment and concluded the following:
- A policy compliant scheme with 35% affordable housing and S106 contributions would result in a negative land value for the site.
 - A scheme based on 100% open market units (i.e. with no affordable housing and no S106 contributions) whilst resulting in a positive residual land would fall below the benchmark land value over and above existing land use values considered appropriate to incentivise a landowner to bring their site forward for development.
 - Given the above the development as proposed is not capable of supporting an affordable housing contribution or other S106 payments.
- 7.21 Based on this assessment, it is considered that would not be reasonable to require any affordable housing provision on the site, which would make the scheme unviable and therefore undeliverable.
- 7.22 Comments from the County Council Development Management Section request financial contributions for fire and rescue, libraries and broadband. There is no policy basis for such payments and it is not clear how they would conform with the statutory tests set out in CIL Regulation 122.
- 7.23 The County Council has also requested a financial payment towards the provision of primary school education within the vicinity. Whilst a request has been made by NHS England for a contribution towards increased healthcare facilities no response has been received. However, contributions of £621 per dwelling would ordinarily be requested.

- 7.24 A further requirement is for the provision of construction training and the Council's monitoring fees. These requests would normally satisfy the tests as set out above and the payments as requested would be required to be made, to be secured through a legal agreement.
- 7.25 However, these contributions are also subject to the viability assessment as discussed above. Given that the land value produced for the site would be below the benchmark level, the requirement for affordable housing and S106 contributions would result in the development being unviable and the site remaining undeveloped for a further period.

8. CONCLUSION

- 8.1 The proposal would bring about the development of a disused and derelict building in a prominent location within a predominantly residential area, the renovation of which would enhance and make a positive contribution to the character and appearance of the surrounding area. The site is in a sustainable location with good access to the town centre and public transport and the conversion to residential use and additional two dwellings proposed would make a positive contribution to the Council's 5-year housing supply. The development would not lead to any adverse impacts on existing highway or flood conditions or existing residential amenity.
- 8.2 It is considered that it has been satisfactorily demonstrated that the scheme would not be viable if any affordable housing or the level of S106 contributions required is applied. This consideration needs to be weighed against the benefits of bringing a derelict building back into use in an area where there is a high degree of crime and anti-social behaviour and the positive contribution that the development would make towards the character and appearance of the area in addition to the provision of much need housing. On balance it is considered that the environmental and social benefits of the proposal outweigh the harm identified above and the application is therefore recommended for approval.

9. 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.
2. Prior to the commencement of development, details of all proposed external facing materials including windows shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy H1 & S10 of the West Northamptonshire Joint Core Strategy.
3. Prior to occupation of the development hereby permitted, full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy H1 & S10 of the West Northamptonshire Joint Core Strategy.

4. Prior to construction of the covered cycle store full details of the cycle store shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

5. Prior to occupation a detailed scheme of hard and soft landscaping for the site shall be submitted for approval in writing by the Local Planning Authority.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

7. The development shall be carried out in accordance with the approved Flood Risk Assessment undertaken by BCAL Consulting (ref:5357 R001 FRA, dated September 2015), letter from BCAL Consulting dated 24 December 2016, and emails from Mark Brydon, BCAL consulting dated 2nd and 3rd February 2016 and the following mitigation measures detailed within:

- Finished floor levels shall be set no lower than 67.50m AOD for the flats and 65.05m AOD for the dwellings.
- Provision of floodplain compensation as shown on drawing nos. 5357-09, 5357-08 & 5357-07 (Rev A) and 5357-06 (Rev A).

The mitigation measures shall be implemented fully prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the requirements of Policy BN7 of the West Northamptonshire Joint Core Strategy.

8. Notwithstanding the submitted details, prior to commencement details of the proposed bollards or alternative structures proposed around the watercourse as shown on drawing no. SK357-SK20160202 shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance

with the approved details prior to occupation of the development hereby permitted and retained thereafter.

Reason: To provide adequate protection to the adjacent watercourse in the interests of flood prevention in accordance with the requirements of Policy BN7 of the West Northamptonshire Joint Core Strategy.

9. No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

10. Prior to occupation of the development hereby permitted a scheme for the mitigation of external noise impacts from adjacent employment uses on the proposed residential Units 7 to 15 (odds) inclusive as shown on drawing no. 15/C238/11A shall be submitted for approval in writing by the Local Planning Authority. The scheme shall include glazing specifications and details of mechanical ventilation. The scheme shall be implemented in accordance with the approved details prior to occupation of the above units and retained thereafter.

Reason: In the interests of the amenity of the proposed occupiers in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy.

11. The access, access gates, car parking, cycle parking provision and bin storage shall be laid out in accordance with the details shown on drawing no. 15/C238/10C prior to occupation of the development hereby permitted and retained thereafter.

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

12. The development hereby permitted shall be carried out in accordance with the following approved plans: 15/C238, 15/C238/10C, 15/C238/11A, 15/C238/12A, 15/C238/13A, 15/C238/14C, 15/C238/15C, 15/C238/16C, 15/C238/18, 15/C238/19A, 5357-SK-20160202, 5357-06 rev A, 5357-07 rev A, 5357-08 rev A, 5357-09 rev A, Topographical Survey.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or other form of enlargement to the

dwelling hereby permitted, nor erection of porches, outbuildings, hardstandings, storage tanks, gates, fences, walls or other means of enclosure, shall take place.

Reason: To prevent overdevelopment of the site in accordance with Policies H1 & S10 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

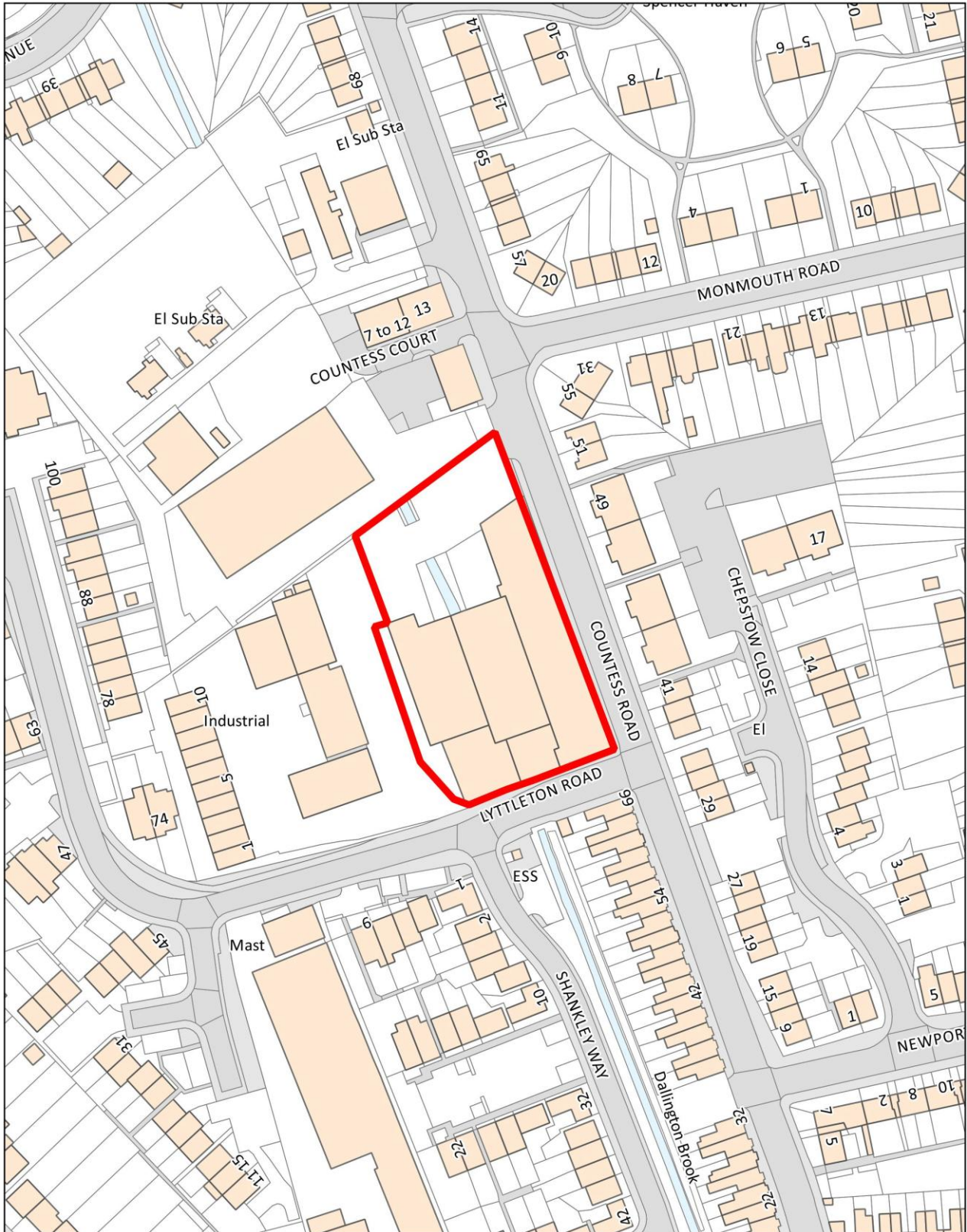
10.1 N/2015/1021

11. LEGAL IMPLICATIONS

11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **Land corner of Countess Rd & Lyttleton Rd**

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Date: 03-03-2016

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Drawn by: Planning



NORTHAMPTON
BOROUGH COUNCIL
 Planning Committee

PLANNING COMMITTEE: 22nd March 2016
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

APPLICATION REF: N/2015/1314

LOCATION: The Barn Owl, Olden Road, Northampton, NN3 5DD

DESCRIPTION: Change of use from public house (Use Class A4) into convenience store (Use Class A1) including alteration and extensions, rear storage and installation of 2no satellite dishes on roof.

WARD: Rectory Farm Ward

APPLICANT: Hawthorn Leisure Ltd
AGENT: PLC Architects

REFERRED BY: Cllr J Hill
REASON: Called in by Councillor

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposal would bring a currently vacant building back into use. The scale of the retail use proposed is considered appropriate to provide a local convenience retail use without leading to any significant impact on the vitality and viability of the town centre or other identified centres. The proposal falls below the floorspace requirement for an Impact Assessment and whilst a sequential test may identify alternative sites the nature and scale of the proposal is intended to serve the local community in which it is located. It is not considered that the proposal would result in any significant adverse impacts on the surrounding community arising from the loss of a community facility. Furthermore, the NPPF identifies shops as a community facility and there is an existing community centre in close proximity to the site. The property has been considered and rejected by the Council under the nominations process for listing as an Asset of Community Value as it was deemed the nominations did not meet the necessary requirements and the decisions are now registered on the Council's 'List of Unsuccessful Nominations'. Accordingly under Class A of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 the proposed change of use from Class A4 (drinking establishment) to use within Class A1 (shops) is permitted development. The design and appearance of the proposed alterations are

considered acceptable and the proposal would not lead to any unacceptable impacts on adjacent residential amenity or severe impacts on existing highway conditions. The proposal is therefore considered to be in accordance with Policies S9, S10 & RC2 of the West Northamptonshire Joint Core Strategy, Policies E20, E28 & T12 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The application proposes the change of use of the now closed public house (Use Class A4) to a convenience store (Use Class A1), a single storey rear infill extension, external alterations to window and door openings, the formation of a new shopfront and the installation of an ATM and the installation of two satellite dishes on the roof. Fencing would be erected to the rear service yard within which the installation of plant and equipment and refuse storage are proposed. The first floor was used as residential accommodation ancillary to the use of the pub and it is proposed the residential use would continue albeit ancillary to the proposed retail use with the provision of a separate means of access.

The application is supported by a Planning Statement, a Transport Statement and an Acoustic Report.

In addition to the above the applicant's agent has submitted further details as follows:

'The Barn Owl was acquired by Hawthorn Leisure from Greene King ("GK") in June 2014 alongside 274 other pubs, all designated as non-core and identified by GK for disposal. These pubs had underperformed for a number of years and were selected for disposal as GK did not believe they could successfully transform these units. Upon acquisition Hawthorn undertook a thorough review of the entire estate including the Barn Owl.

The Barn Owl was let to an operator on a temporary agreement (tenancy at will), and the operator has refused to sign up for a substantive agreement over the past 12 months as she does not believe the pub has any trading potential. Our review also brought us to a similar conclusion. The current levels of trade are simply not able to support a commercial operation and we possibly cannot justify investing any capital into this unit as we are unlikely to ever see a return on our investment.'

Members should note that the tenant has terminated her tenancy at will and the pub has closed. The premises are now vacant and boarded up.

3. SITE DESCRIPTION

- 3.1 The application site comprises of a part two-storey, part single storey public house with ancillary residential accommodation above. It is located within a predominantly residential area but with community uses within the immediate surrounding area comprising of a convenience store and Rectory Farm Community Centre, located to the west of the site, and a primary school and community church to the north west. A public car park is located to the front and side of the site. Access to the site is via Olden Road.

4. PLANNING HISTORY

- 4.1 There is no recent relevant planning history.

5. PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and the Northampton Local Plan (1997) saved policies.

5.2 National Policies

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:

The overarching presumption in favour of sustainable development.

Paragraph 17 which advises on core principles that should under-pin decision taking including proactively driving and supporting sustainable economic development whilst securing high quality design and a good standard of amenity.

Paragraph 19 places great weight on the need to support sustainable economic growth with planning encouraging rather than acting as an impediment to growth.

Paragraphs 24 sets out the requirements for considering applications for retail development advising that a sequential test should be applied to applications for town centre uses not in existing centre and not in accordance with up to date Local Plan with town centre uses being located in town centres, then edge of centre locations and only considering out of centre locations if suitable sites are not available.

Paragraph 26 requires applications for retail development outside of a town centre over 2,500 sq. m floor area to be subject to an impact assessment.

Paragraph 56 advises that good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 70 advises that planning should plan positively for the provision and use of community facilities, such as local shops, public houses and other local services to enhance the sustainability of communities and residential environments and of the need to guard against unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day to day needs; ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

5.3 West Northamptonshire Joint Core Strategy (2014)

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:

Policy S9: Distribution of Retail Development – requires a sequential test for new retail development which cannot be accommodated within town centres. Proposals for retail development outside the primary shopping area or other identified centres will be subject to an impact assessment for floorspace over 1,000 sq. m to demonstrate no significant adverse impact on the vitality and viability of the primary shopping area.

Policy S10: Sustainable Development Principles – seeks amongst other considerations to achieve high standards of sustainable design and to protect, conserve and enhance the built environment.

RC2: Community Needs – advises that the loss of existing community facilities will be resisted unless it can be demonstrated that there is evidence that improvements can be made through a replacement facility of equal or better quality taking into account accessibility or the proposal will bring about community benefits outweighing the loss.

5.4 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

E20 – the design of new development should adequately reflect the character of its surroundings and ensure adequate standards of privacy, daylight and sunlight.

E28 – requires replacement shop fronts to be in keeping with the character of the building and locality.

T12 – permission for development requiring servicing by commercial vehicles should ensure adequate provision for parking, manoeuvring and safety for both operators and users.

5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **NBC Environmental Health** – require a condition regarding the level of noise from plant and equipment. Request that opening hours are altered to commence at 07:00 rather than 06:00 hours and deliveries are restricted to 07:30 to 19:30 hours and that refuse storage is located further away from residential properties.

6.2 **NBC Estates & Asset Management** – object. The Council own a freehold interest at Rectory Farm Supermarket which is located very close to the public house and has operated as a convenience store for the benefit of the local community for years. The proposal will duplicate an established service to the local community and would have an immediate and detrimental impact on existing trade and business of the Council's tenant.

6.3 **NCC Highway Authority** – no observations.

6.4 **Crime Prevention Design Advisor** – sets out requirements for CCTV coverage, ram raid bollards to ATM, alarm and window standards, security fencing to rear yard and lighting.

6.5 **Councillor Hill** – objects as follows:

- Olden Road is the only access to the building and is in a very poor state. NCC has advised that there are no immediate plans to resurface the road. Additional traffic will increase the problems.
- Loss of the pub as an essential community hub. The pub has been a crucial part of the community of Rectory Farm for over 30 years.
- No formal consultation with local residents by applicant.
- Another convenience store is not required and the existing store will probably be forced to close as there is not enough business to support two similar stores.

6.6 **David Mackintosh MP** objects as follows:

- I have been County Councillor for this area since 2009 and in the last six years made numerous requests for road repairs and resurfacing due to heavy traffic use on Olden Road.
- The proposed change of use would greatly increase traffic to the area and put further pressure on the local road and highway infrastructure adding to parking problems as well as increased noise and air pollution to local residents.
- Impact on safety to children and parents accessing Rectory Farm Primary School opposite the site which already sees high volumes of traffic at the start and finish of the day.
- Strongly urge this planning application is rejected.

6.7 **Objection CCG Town Planning on behalf of proprietors of Rectory Farm Supermarket:**

- The existing supermarket relies almost entirely on the local community with very little passing trade.
- Land ownership does not provide locational justification in terms of the use of the sequential test as required by the NPPF.
- The Olden Road site is not listed in the hierarchy of centres within the Core Strategy which would be considered an out of centre location in terms of retail centre policy.
- In the event a sequential test is not passed (because alternative preferable sites are available) then paragraph 27 of the NPPF requires the application be refused.
- In the absence of any details of the sequential test being applied to the proposed development the application should be refused on this basis.
- There is no need for a larger supermarket which is adequately served by the existing store.
- The proposal will result in the loss of a public house, a valuable and well used facility for the local community and significantly affect the viability of the existing store.
- Lack of dedicated parking.

- The pub is not vacant and has not been marketed for alternative uses.
 - The application is not compatible with the NPPF's vision of facilitating social interaction and creating healthy, inclusive communities and would undermine the sustainability of this neighbourhood.
 - Application is not supported by any evidence demonstrating there is a need for an additional facility and does not therefore justify the loss of a valuable community facility well supported by local residents.
- 6.8 552 letters of objection have been received the comments of which are summarised as follows:
- Current store is adequate for the area. A second store is not sustainable and would be detrimental to the existing store which would in probability have to close.
 - Empty buildings would be unsightly and potentially dangerous attracting vandalism, vermin and squatting.
 - Increased trip generation, traffic and size of vehicles.
 - Olden Road is in a poor state of repair which will be made worse by increased traffic.
 - Inadequate parking and increased need for on-street parking.
 - Loss of community facility. Closing the pub will be extremely detrimental to the community which is the hub of the community and used by many groups when the community centre is not available.
 - The residents of Rectory Farm have had no consultation from Hawthorn Leisure.
 - Potential for increased rubbish and anti-social behaviour.
- 6.9 A petition with 154 signatures objecting as follows:
- Existing supermarket adequately caters for the needs of local residents/ neighbouring catchments.
 - Planning application is unnecessary and unwanted.
- 6.10 1 letter of support:
- We could do with a better shop close by that's got more choice, better priced and open more.

7. APPRAISAL

Material Considerations

- 7.1 The Town and Country Planning (General Permitted Development Order 2015 grants permitted development rights for the change of use from use within Class A4 (drinking establishment) to use within Class A1 (shop). Permitted development rights are dis-applied for a specified period where a drinking establishment has been entered onto a list of Assets of Community Value, or nominated for listing as such. If the nomination is unsuccessful, permitted development rights will apply from the point at which the local authority enters the building onto the publically available list of land nominated by unsuccessful community nominations.
- 7.2 The Committee should note that two separate nominations were received by the Council, on the 16th October 2015 and a further nomination on 16th January 2016 from the 'Save the Barn Owl Group' requesting that The Barn Owl Public House be listed as an 'Asset of Community Value'. The Council rejected the first nomination on 8th December 2015 and the second on 14th March 2016. Both decisions have been

entered on the Council's 'List of Unsuccessful Nominations of Assets of Community Value'.

- 7.3 The determination of the above nominations and inclusion on the Council's 'List of Unsuccessful Nominations' is an important material consideration in the consideration of this planning application because it affects the legal position with regard to planning control. Change of use from pub to shop is permitted development under Class A of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, but the law was amended in 2015 to provide that the permitted development right does not apply in the case of listed Assets of Community Value or properties which have been nominated as such and are awaiting determination of the nomination.
- 7.4 Whilst the Order would not authorise the proposed physical changes, Members are advised that this fall-back position is a strong material consideration in considering the principle of the change of use from a public house to retail. The previous tenant has terminated her tenancy at will and the pub is now closed. The applicant's supporting information details that the pub was marketed for sale or lease as a pub for over a year without success and that the current levels of trade will not support a commercial operation. The applicant has made it clear that there is no intention to continue to operate the premises as a public house and that there is an agreement in place to lease the premises to the Co-op for retail use subject to planning. Whilst the alterations proposed are likely to make the property more conducive to use of the premises as a convenience store, the nature of the existing building would not be a significant impediment such that the change of use could not occur since planning permission is not required for purely internal alterations. Therefore, notwithstanding this application, the change of use from a public house to a shop could be carried out as permitted development and therefore considerable weight should be given to this fall-back position.
- 7.5 Whilst Members are advised that the fallback position relating to the permitted change of use is a material consideration, the issues relating to the change of use are considered below.

Principle

Retail Use

- 7.6 The National Planning Policy Framework (NPPF) seeks to support sustainable economic growth. Proposals for town centres uses, such as retail, not in the town centre and not in accordance with an up to date Local Plan should be subject to a sequential test. An Impact Assessment should be applied for development over 2,500 sq. m.
- 7.7 These aims are reflected in Policy S9 of the West Northamptonshire Joint Core Strategy (JCS) which seeks to focus retail development in the town centre requiring an impact assessment for retail development with a floorspace over 1,000 sq. m. Proposals for new retail development which cannot be accommodated within town centres will be subject to a sequential approach where preference is given to well-connected edge of town centre sites and then sites within district/local centres.
- 7.8 Policy S2 of the JCS sets out the hierarchy of centres. The scale of retail, leisure and office development within the centres must be appropriate to the role and function of the centre and the catchment area. District and local centres should only support a scale of development that serves the appropriate catchment area and should not

have a detrimental impact on other centres. Town centres should be the focus for new retail but there is also a need to ensure that local convenience shopping is met within the wider urban area to deliver sustainable patterns of development and reduce the need to travel by car.

- 7.9 The JCS sets out the hierarchy of centres under Policy S2. The site has no specific designation under this policy albeit the site has the characteristics of a local/neighbourhood centre due to the extent of surrounding uses which include the existing shop, school, community centre and community church.
- 7.10 A sequential assessment has not been submitted with the application. While a sequential assessment might have identified alternative sites, the scale and nature of the application is to provide local convenience shopping for the area. Planning policy in relation to retail development aims to protect the vitality and viability of the town centre but also recognises the need for and allows for the provision of local convenience shopping within district and local centres of an appropriate scale. Whilst the proposal represents a retail use outside of the town centre and is not within an identified centre, the internal retail floorspace proposed is 370 sq. m, which falls considerably below the threshold of 1,000 sq. m floorspace requirement for an impact assessment set by the Policy S9 of the JCS. In considering cumulative impact it should be noted that the combined floorspace of the proposed convenience store and the existing Rectory Farm Supermarket, which has 208.1 sq. m of sales area and 46.5 sq. m of storage area, would still fall considerably below the 1,000 sq. m threshold for an impact assessment. The scale of retail use proposed is considered appropriate to meet local convenience needs without leading to any significant impact on the vitality and viability of the town centre or other identified centres and as such is considered to accord with the aims of planning policy. The concerns raised regarding the impact on the existing retail store are acknowledged however whilst the NPPF seeks to protect existing local facilities, competition from other retail business does not provide justification for refusal.

Loss of Community Facility

- 7.11 Policy RC2 of the JCS seeks to resist the loss of existing community facilities requiring that improvements should be made through a replacement facility of equal or better quality taking into account accessibility or that the proposal will bring about community benefits outweighing the loss. The importance of guarding against the loss of community facilities is recognised by the NPPF however the policy refers to both local shops and public houses as community facilities.
- 7.12 Letters of objection to the application clearly indicate that the pub is considered to be an important community facility. However, it should be acknowledged that the facility is also a commercial business. The applicant has advised that the property was marketed as a public house from June 2014 to 1 November 2015 without success and that there are no plans to reopen the property as a pub. National policy requires that planning places great weight on supporting sustainable economic growth rather than acting as an impediment. The proposed change of use to a shop would allow the continued use of the premises, rather than leaving the premises vacant which would be likely to result in a detrimental impact on the character of the area and fail to take the opportunities for creating employment and adding to the facilities of the area. Moreover, the Local Planning Authority cannot force the owner to operate the facility if it considers it uneconomic to do so. The applicant has advised by email dated 12th January 2016 that the Barn Owl had been let to the (now previous) operator on a temporary agreement (tenancy at will) and that the operator refused to sign up for a substantive agreement over the past 12 months as she does not believe

the pub has any trading potential. The tenant served notice to terminate her tenancy at will in November 2015. The tenancy has now ended.

- 7.14 It is acknowledged that a shop and public house may offer differing community benefits and that there is already a shop in the area. However in the context of the NPPF, it is considered that it would be difficult to argue that the proposal represents the complete loss of a community facility. Furthermore, whilst it may be considered that the change of use of the pub would result in a reduction in the provision of community facilities within the locality, a reasonable level of provision would remain due to the presence of the existing community centre located to the west of the site.

Design and Appearance

- 7.15 The proposed extension would infill the south-eastern corner of the existing building at single storey. The extension has been designed to be sympathetic to the existing building and materials could be conditioned to match existing. The proposed shopfront windows would be within the existing window openings to the front of the building and external alterations proposed to windows and doors would not lead to any significant adverse impact on the overall appearance of the building. The proposed satellite dishes would be located on the rear elevation of the building and whilst visible from adjacent residential properties on Riley Close, would not visually dominate the building and are considered acceptable. The scheme has been amended to include anti ram bollards to the front of the ATM machine and paladin weldmesh fencing and gates around the rear yard as requested by the Crime Prevention Officer. The design and appearance of the proposed extensions and alterations are considered acceptable and in accordance with the requirements of Policy S10 of the JCS and the aims and objectives of the NPPF.

Impact on Amenity

- 7.16 Residential properties are located to the immediate rear and side of the application site. In view of the proximity of adjacent residential properties the proposed opening hours have been amended from 07:00 to 23:00 hours with delivery times restricted to 07:30 to 19.30 which could be controlled by condition. The plans have been amended to relocate the refuse storage alongside the building further away from the nearest residential property at 42 Riley Close. A condition would be imposed to control the extent of plant and equipment noise. Subject to the conditions proposed it is not considered that the proposal would lead to any significant increased impact on adjacent residential amenity to that arising from the previous use as a public house.

Highways

- 7.17 Vehicular access to the property is via Olden Road which provides access to the surrounding residential properties, the existing store, community centre and school. There is an existing public car park owned by the Council situated to the front of the site with further public parking to the side.
- 7.18 The proposed change of use is likely to generate some additional vehicular movements compared to the existing landuse as acknowledged by the submitted Transport Statement. However, the proposal is for a convenience store intended to serve the local community and by its nature is within close proximity of the community it is intended to serve. The site has good pedestrian and cycle links to the surrounding area providing access to the site other than by vehicle. The application includes the provision of two Sheffield style cycle stands on the forecourt. Parking would be more likely to be short stay with customers for a retail use than the

existing use as a public house and the availability of parking adjacent to the site is considered adequate.

- 7.19 The submitted Transport Assessment concludes that the output by TRICS shows a net increase in traffic generation of a maximum of 28 extra vehicular arrivals and departures each to the application site during the PM peak, applying a 30% discount of pass-by and diverted traffic. The Highway Authority has raised no objection to the proposal and it is considered that the increase in vehicular movements associated with the development would not be severe and therefore the application is considered acceptable in this regard.
- 7.20 Comments on the existing condition of the road surface are acknowledged however this is not considered sufficient reason for refusal and the Highway Authority has raised no objection.

8. CONCLUSION

- 8.1 The scale of the retail use proposed is considered appropriate to provide a local convenience retail use without leading to any significant impact on the vitality and viability of the town centre or other identified centres. The proposal falls below the floorspace requirement for an Impact Assessment and, whilst a sequential test might have identified alternative sites, the nature of the proposal is intended as a local convenience store to service the surrounding area. Competition with existing business is not a material planning consideration. Whilst the concerns of local residents regarding the loss of a community facility are acknowledged and are a material consideration, the community value of the property has been considered by the Council under the nominations process for Assets of Community Value and deemed to not meet the necessary requirements. In addition, shops are identified within the NPPF as a community facility and the local area would still be served by the existing community centre in close proximity to the site.
- 8.2 Notwithstanding the above, Members are advised that the fall-back position is a strong material consideration in considering the principle of the change of use from a public house to retail as the applicant could in effect change the use of the premises as proposed without the need for planning permission.
- 8.3 The design and appearance of the proposed alterations are considered acceptable and it is not considered that the proposal would lead to any unacceptable impacts on adjacent amenity or significant increased impacts on existing highway conditions such that a refusal could be upheld. In consideration of the above, the application is therefore recommended for approval.

9. 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.

2. The external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

3. Notwithstanding the submitted Acoustic Report by Airtight and Noisecheck Limited dated 8/9 June 2015 prior to commencement details shall be submitted to the Local Planning Authority for agreement in writing that demonstrate any new plant or equipment will achieve a Target Noise Level Limit at Facade 6 dB(A) below the background levels for daytime and night time as detailed in the submitted report. The development shall be carried out in accordance with the approved details prior to occupation and maintained as such throughout the life of the development hereby permitted.

Reason: In the interests of adjacent residential amenity in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy. The condition is pre-commencement to ensure potential noise impacts are sufficiently mitigated in the interests of adjacent residential amenity.

4. Prior to occupation of the development hereby permitted a scheme identifying external lighting provision for site shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of adjacent residential amenity in accordance with the requirements of Policy E20 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

5. The premises shall be open only between the hours of 07:00 and 23:00 hours.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy E20 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

6. Deliveries to the premises shall occur between the hours of 07:30 and 19:30 hours only.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy E20 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

7. The development hereby permitted shall be carried out in accordance with the following approved plans: 15.2105.115.P2, 15.2105.110.P4, 15.2105.113.P4, 15.2105.114.P2, 15.2105.111.P2 & 15.2105.112.P3.

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

10. BACKGROUND PAPERS

- 10.1 N/2015/1314.

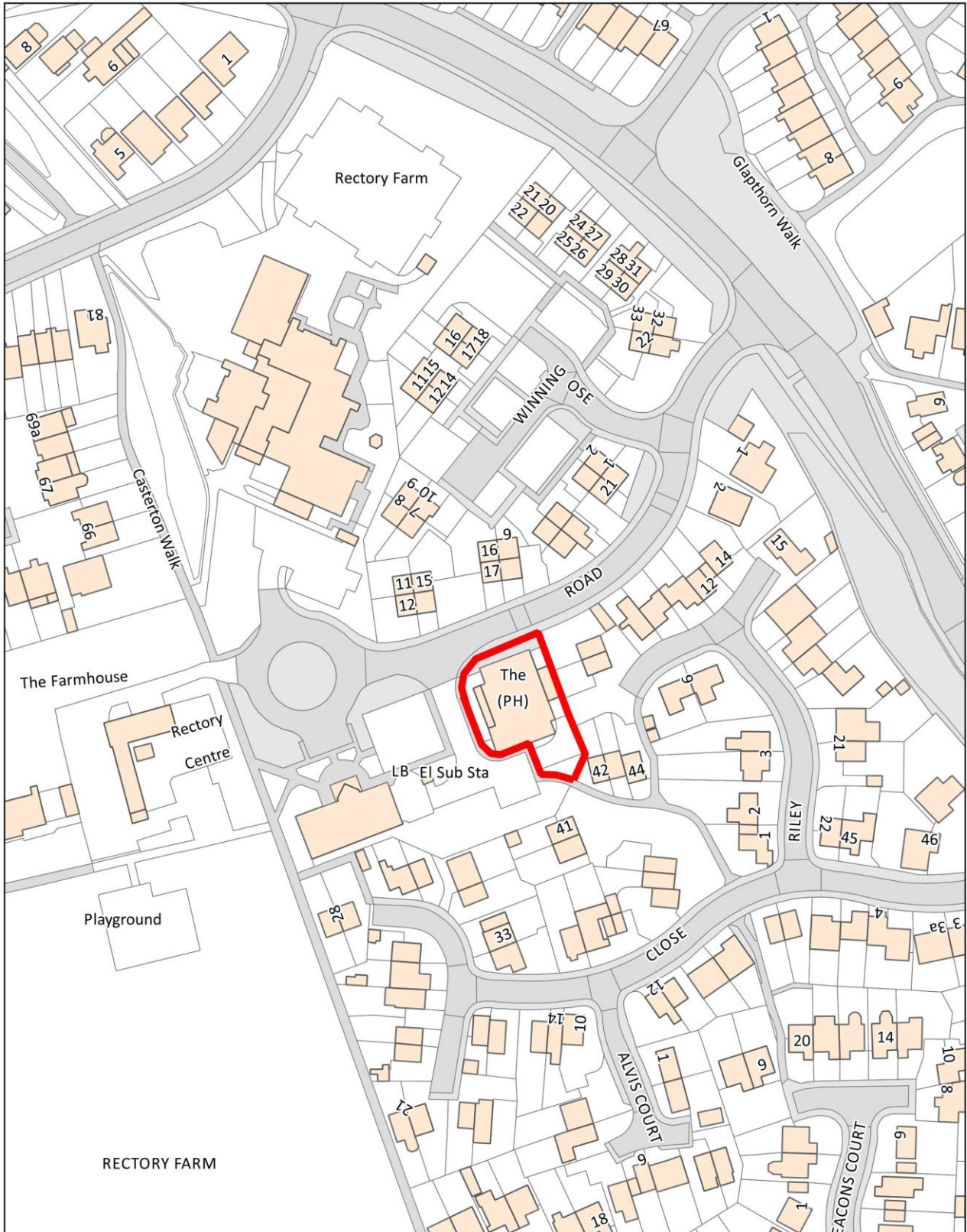
11. LEGAL IMPLICATIONS

- 11.1 The Town and Country Planning (General Permitted Development) Order (England) 2015 grants permitted development rights for the change of use from use within Class A4 (drinking establishment) to use within Class A1 (shop) but permitted development rights are dis-applied for a specified period where a drinking establishment has been entered onto a list of Assets of Community Value, or

nominated for listing as such. If the nomination is unsuccessful, permitted development rights will apply from the point at which the local authority enters the building onto the publically available list of land nominated by unsuccessful community nominations.

12. SUMMARY AND LINKS TO CORPORATE PLAN

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **The Barn Owl, Olden Road**

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Date: 28-01-2016

Scale: 1:1,250

Drawn by: Planning



NORTHAMPTON
BOROUGH COUNCIL
 Planning Committee

PLANNING COMMITTEE: 22 March 2016
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

APPLICATION REF: N/2015/1435

LOCATION: Players Club, 42 Sheep Street, Northampton, NN1 2LZ

DESCRIPTION: Change of use from a Social Club to a Place of Worship and Community Space (Use Class D1)

WARD: Castle Ward

APPLICANT: Central Vineyard
AGENT: Central Vineyard

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The change of use would bring a disused building within the town centre back into use and provide a community facility and services for the surrounding area. The development would have a neutral impact on the character and appearance of the conservation area and setting of the adjacent listed building and would not lead to any adverse impacts on existing highway conditions or surrounding amenity in accordance with the requirements of Policies RC1 & BN5 of the West Northamptonshire Joint Core Strategy, Policies 1 & 10 of the Northampton Central Area Action Plan and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The application is submitted by Central Vineyard, a Christian church and registered charity. The application proposes the conversion of a former social club for use for church worship services and a number of community uses (D1). The lower ground floor of the building would be used principally for the church services with the provision of a kitchen and small café area for use by attendees. On the ground floor offices and an administrative area are proposed with a storage area for a food bank and three to four meeting rooms which would be used for a number of children's groups that run alongside the main worship service. During the week these rooms

are intended to facilitate a number of the 'Restore Northampton' projects which include the Food Bank distribution point, the Restore Hub, a twice weekly drop-in for a number of vulnerable groups and service users, the CAP Money course and various community projects and uses.

- 2.2 Access to the rear of the site and the proposed three parking spaces would be from Newland and would include access over a small area of land under the Council's ownership.
- 2.3 The supporting statement submitted with the application advises that "Central Vineyard and its associated organisation Restore Northampton has played a key part in the community enhancement of the town. To be in one location and operating under one roof would not only be a beneficial cost saving, but more importantly will enhance the valuable role the church plays in the town. It will also help to connect the project and services offered, offering a safe community space and giving service users a clear path in helping them tackle repeated cycles of poverty".

3. SITE DESCRIPTION

- 3.1 The application site is located within the Central Area on the corner of Sheep Street and Lady's Lane and comprises a two-storey late 1970s flat roof building. The site is situated on the edge of the Holy Sepulchre Conservation Area, the front part of the building being within the conservation area, and adjacent to No. 44 Sheep Street, a Grade II listed building. To the east of the site is a car park owned by the Council. To the west and north along Sheep Street is a mix of commercial and residential uses. The Mayorhold multi-storey car park is to the south west. To the side and rear of the site is a footway and stepped access to a subway under Lady's Lane.

4. PLANNING HISTORY

- 4.1 Planning approval was granted for the social club in 1978. Other than advertisement applications there has been no other relevant planning history.

5. PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and the Northampton Central Area Action Plan (2013).

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

5.2 National Policies

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:

The NPPF has a presumption in favour of sustainable development

Paragraph 23 advises that planning policies should allocate a range of suitable sites to meet the needs of the town centre, including community uses.

Paragraph 69 advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

Paragraph 70 advises on the need to plan positively for the provision and use of shared space, community facilities including meeting places and places of worship and other local services to enhance the sustainability of communities and residential environments.

Paragraph 131 advises that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets.

Paragraph 132 – when considering development proposals great weight should be given to the asset's conservation.

5.3 West Northamptonshire Joint Core Strategy (2014)

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:

Policy RC1: Delivering Community Regeneration – existing levels of social and economic deprivation within West Northamptonshire will be reduced by encouraging partnership working with stakeholders and by co-ordinating planning and regeneration strategies to ensure that improved services, community facilities and infrastructure are provided.

Policy BN5: The Historic Environment and Landscape – heritage assets and their settings will be conserved and enhanced.

Policy BN9: Planning for Pollution Control – development should demonstrate opportunities for minimising and reducing the adverse impacts of noise.

5.4 Northampton Central Area Action Plan 2013

The Central Area Action Plan (CAAP) provides specific planning policy and guidance for the town centre and adjoining areas where significant regeneration and investment is proposed in the period up to 2026 and is in conformity with the objectives of the NPPF. Relevant policies include:

Policy 1: Promoting Design Excellence – new development within the Central Area should preserve and enhance the character, appearance and setting of the central area's heritage assets.

Policy 10: Parking – within the Town Centre Boundary no additional private car parking for non-residential development will be permitted.

Policy 17: Grosvenor Centre Redevelopment – the Grosvenor Centre redevelopment will be in a manner consistent with the development principles set out in the policy.

5.5 **Supplementary Planning Documents**
Planning out Crime in Northamptonshire SPG 2004

6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **NBC Asset Management** – no objection.

6.2 **Crime Prevention Officer** – no objection. The building is currently derelict with evidence of graffiti and the detritus associated with rough sleeping. Hopefully, when the building is in legitimate use these issues will be less prevalent.

6.3 **NCC Highway Authority** – no observations.

6.4 **Councillor Stone** – supports the application.

6.5 An objection has been received from The Wok Inn, 44 Sheep Street raising the following concerns:

- Previous issues of anti-social behaviour when the property was in use as a club.
- Existing issues of graffiti.
- Proposal would make community look cheap and destroy restaurant's image and trade.

7. **APPRAISAL**

Principal

7.1 National and local planning policy support the provision of a range of facilities within the town centre including the provision of community facilities to enhance the sustainability of the area, facilitate social interaction and help create healthy inclusive communities.

7.2 The proposal would bring a disused building back into use providing a community facility and range of services intended to benefit the community. Ownership and use of the premises is more likely to provide an opportunity to reduce or prevent issues of anti-social behaviour affecting the immediate area outside of the building that are currently experienced. Residential properties are located to the north of the site, however it is not considered that the use proposed would lead to any significant increased impacts on surrounding residential amenity to those of the property's previous use as a night club. The hours of use proposed are 08:00 to 23:00 hours which could be controlled by condition. As such the principle of the change of use is considered acceptable and in accordance with policy.

Heritage Impacts

7.3 No external alterations are proposed to the building and the change of use would have a neutral impact on the character and appearance of the conservation area and the setting of the listed building.

Highway Impacts

- 7.4 The application makes provision for three parking spaces on site. There is an existing public car park to the immediate rear of the site and a multi-storey car park opposite with the bus station located over the road. The site is in a sustainable location and hence there is no policy requirement to provide additional private car parking. The Highway Authority has no objection.

8. CONCLUSION

- 8.1 The proposal would bring a disused building within the Town Centre back in to use and provide a community facility and services for the surrounding area. The development would have a neutral impact on the character and appearance of the conservation area and setting of the adjacent listed building and would not lead to any adverse impacts on existing highway conditions or surrounding amenity and is therefore recommended for approval.

9. 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.

2. The premises shall be open only between the hours of 08:00 and 23:00.

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.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan.

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

10. BACKGROUND PAPERS

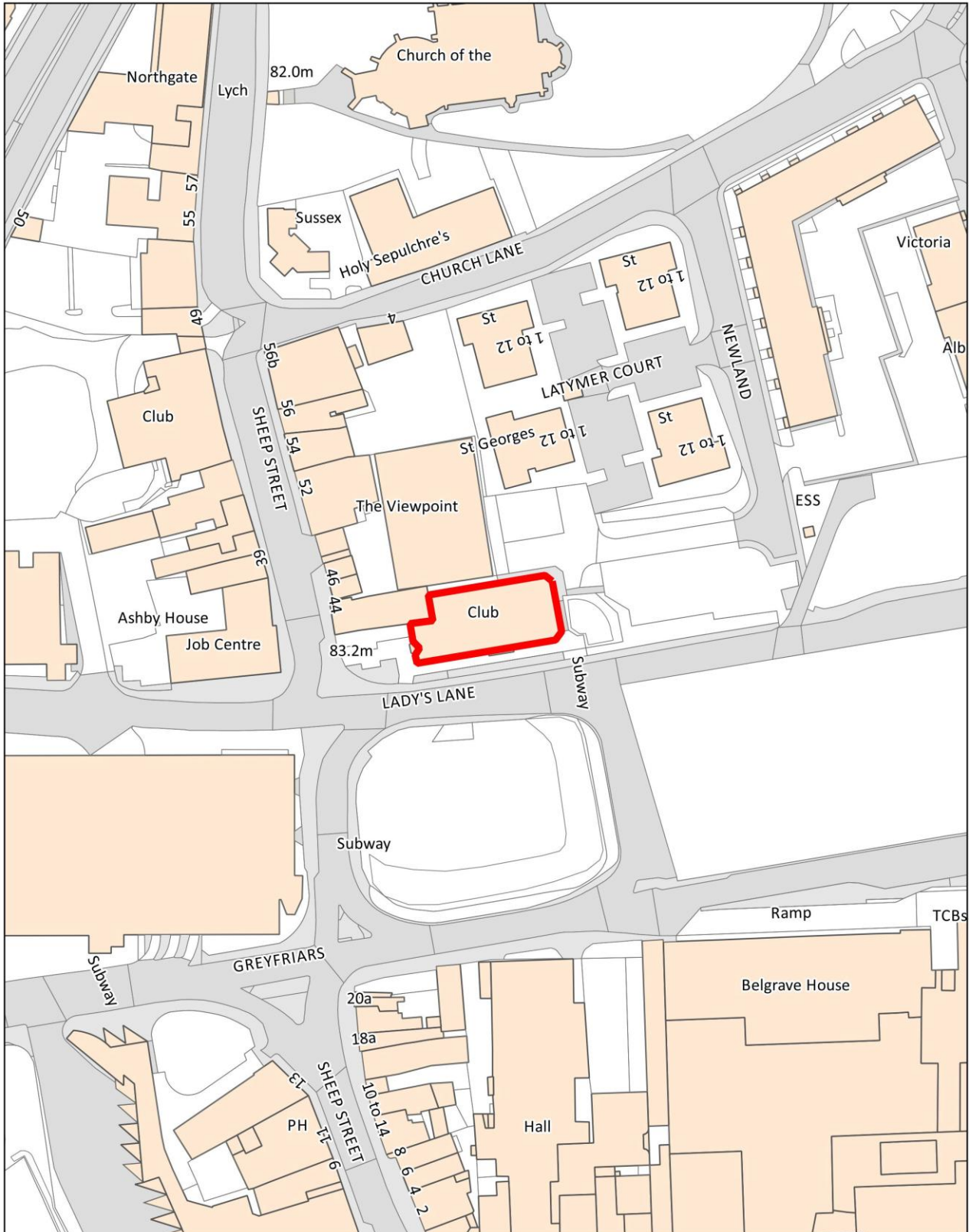
- 10.1 N/2015/1435.

11. LEGAL IMPLICATIONS

- 11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **Players Club, 42 Sheep Street**

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Date: 14-03-2016
 Scale: 1:1,250
 Drawn by: Planning



PLANNING COMMITTEE:	22 March 2016
DIRECTORATE:	Regeneration, Enterprise and Planning
DIRECTOR:	Steven Boyes
APPLICATION REF:	N/2016/0205
LOCATION:	Overstone Leys, Overstone Lane, Overstone.
DESCRIPTION:	Surface water attenuation scheme in relation to Phase 1A & B of Overstone leys development, including re-profiling of existing ditch and balancing pond
WARD:	N/A
APPLICANT:	David Wilson Homes (Northampton) and Barratt Developments PLC
AGENT:	Pegasus Planning Group
REFERRED BY:	Director of Regeneration, Enterprise and Planning
REASON:	Fringe application associated with Sustainable Urban Extension
DEPARTURE:	No

CONSULTATION BY DAVENTRY DISTRICT COUNCIL:

1. RECOMMENDATION

- 1.1 That Northampton Borough Council **RAISES NO OBJECTIONS** subject to the following issues being addressed by Daventry District Council:
- No objections being received from the Lead Local Flood Authority or the Environment Agency;
 - No objections being received from any other statutory consultee;
 - Consideration being given to surface water being discharged from the attenuation pond to the Billing Brook water course at a rate suitable to resolve issues of lack of flow within Billing Brook.

2. THE PROPOSAL

- 2.1 The application seeks planning permission for a surface water attenuation scheme in relation to the first phases of the Northampton North Sustainable Urban Extension (SUE). This involves re-profiling an existing ditch and creating an attenuation pond. The pond would then discharge to Billing Brook at a rate equivalent to green field run-off.

3. SITE DESCRIPTION

3.1 At present the application site is an undeveloped green field immediately to the north of the Borough boundary. To the south of the site is the Round Spinney Industrial Estate, with land to the north forming the SUE site.

4. PLANNING HISTORY

4.1 August 2015- Outline planning permission granted by Daventry DC for up to 2000 dwellings and related works, including drainage features. This Council's Planning Committee resolved to raise no objections to this application in July 2014.

5. PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Daventry Local Plan (1997) saved policies.

5.2 National Policies

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 section is of particular relevance to this application:

Chapter 10: Meeting the challenge of climate change, flooding and coastal change.

5.3 West Northamptonshire Joint Core Strategy (2014)

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:

BN7 Flood Risk requires development proposals to comply with the national requirements and to demonstrate no increased risk of flooding as well as setting out detailed requirements for sustainable drainage systems.

5.4 Daventry Local Plan 1997 (Saved Policies)

It is considered that there are no policies in the Local Plan of direct relevance to this proposal.

6. APPRAISAL

6.1 The surface water attenuation scheme forms part of the infrastructure for the Northampton North SUE and as such the principle of this development is considered to be acceptable and indeed necessary. The outline application approved by Daventry DC in 2015 indicated attenuation works in a similar location. The technical consideration of the effectiveness of the proposed scheme is a matter for the relevant statutory consultees.

6.2 The attenuation pond would discharge to the Billing Brook at a rate equivalent to green field run off, in effect to ensure a discharge rate post development no worse than the current situation.

Further along the Billing Brook watercourse are a series of lakes which it is believed have suffered environmental issues arising from a reduced level of water flow. It is recommended that consideration should be given to the discharge rate from the attenuation pond being at a level to attempt to address these issues.

7. CONCLUSION

7.1 It is considered that due to the nature and purpose of the proposed development the application should be supported subject to the following issues being addressed:

- No objections being received from the Lead Local Flood Authority or the Environment Agency;
- No objections being received from any other statutory consultee;
- Consideration being given to surface water being discharged from the attenuation pond to the Billing Brook water course at a rate suitable to resolve issues of lack of flow within Billing Brook.

8. BACKGROUND PAPERS

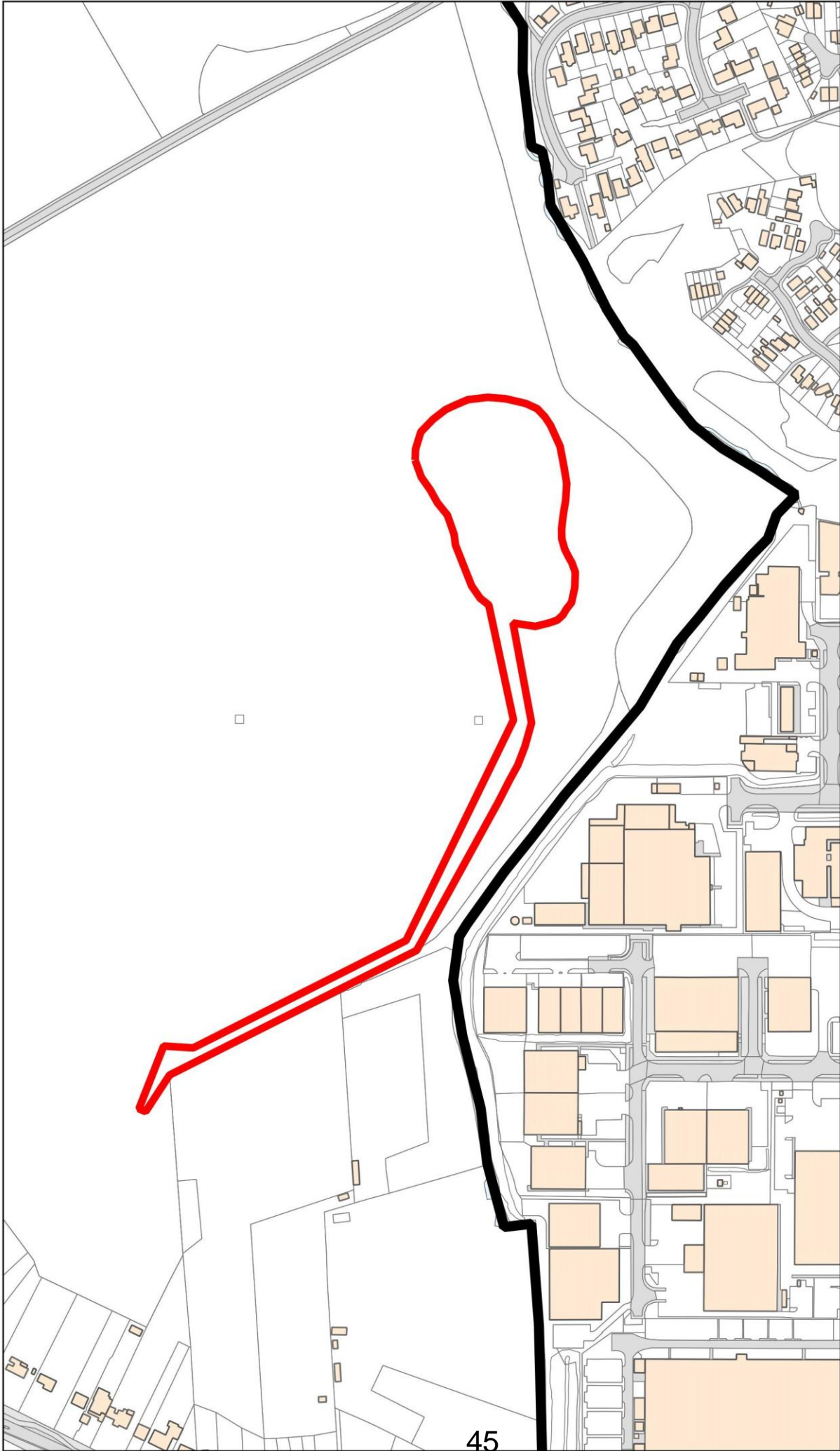
8.1 N/2016/0205

9. LEGAL IMPLICATIONS

9.1 None

10. SUMMARY AND LINKS TO CORPORATE PLAN

10.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Date: 14-03-2016

Scale: 1:3,500

Drawn by: PLANNING

Title: **Overstone Leys**

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NORTHAMPTON
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