



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 12th April 2016
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

APPLICATION REF: N/2015/1314

LOCATION: The Barn Owl, Olden Road

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: Increase traffic and loss of community facility

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. UPDATE FROM PREVIOUS COMMITTEE

2.1 The application was deferred by Committee on 22nd March 2016 to allow the applicant to carry out further consultation with the local community.

2.2 The applicant has submitted a letter setting out the extent of consultation carried out as follows:

10th December 2015 The applicant's agent 14i Capital responded to Councillor James Hill's 8th December request for further information regarding the application. Cllr Hill was informed of the applicant's business strategy and was told that the Co-op had expressed a strong interest in The Barn Owl. Cllr Hill was invited to meet with the applicant but did not subsequently take-up the offer.

18th February 2016 Telephone call from Instinctif Partners to the ward member. Instinctif Partners are the applicant's appointed independent community engagement consultants. A voicemail message was left for the ward member and no response was received.

24th February 2016 Day one of Instinctif Partners door to door neighbourhood consultation programme.

4th March 2016 Day two of Instinctif Partners door to door neighbourhood consultation programme. Instinctif Partners knocked on 748 doors during the two day programme. 121 residents participated in the survey. The survey concluded that there were mixed views in the community with 55% being either supportive or neutral towards the application.

2.3 Notwithstanding the above, the applicant's agent has confirmed that a meeting has been arranged between the applicant, Councillor James Hill and a representative of Rectory Farm Residents' Association for 1st April 2016. The outcome of this meeting will be reported to Committee either via the Addendum or verbally at Committee.

2.4 Members are advised that whilst community consultation is to be encouraged where appropriate there is no statutory requirement for applicants to do so on an application of this nature nor is there a formal requirement under the Council's 'Statement of Community Involvement'.

3. THE PROPOSAL

3.1 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.

3.2 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.'

- 3.3 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.

4. SITE DESCRIPTION

- 4.1 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.

5. PLANNING HISTORY

- 5.1 There is no recent relevant planning history.

6. PLANNING POLICY

6.1 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.

6.2 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.

6.3 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.

6.4 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.

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

7. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 7.1 **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.
- 7.2 **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.
- 7.3 **NCC Highway Authority** – no observations.
- 7.4 **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.
- 7.5 **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.
- 7.6 **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.
- 7.7 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.

7.8 552 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.

7.9 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.

7.10 1 letter of support:

- We could do with a better shop close by that's got more choice, better priced and open more.

8. APPRAISAL

Material Considerations

8.1 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.

- 8.2 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'.
- 8.3 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.
- 8.4 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.
- 8.5 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

- 8.6 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.
- 8.7 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.
- 8.8 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.

- 8.9 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.
- 8.10 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

- 8.11 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.
- 8.12 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.

- 8.13 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

- 8.14 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

- 8.15 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

- 8.16 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.
- 8.17 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.
- 8.18 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.

- 8.19 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.

9. CONCLUSION

- 9.1 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.
- 9.2 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.
- 9.3 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.

10. 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.

11. BACKGROUND PAPERS

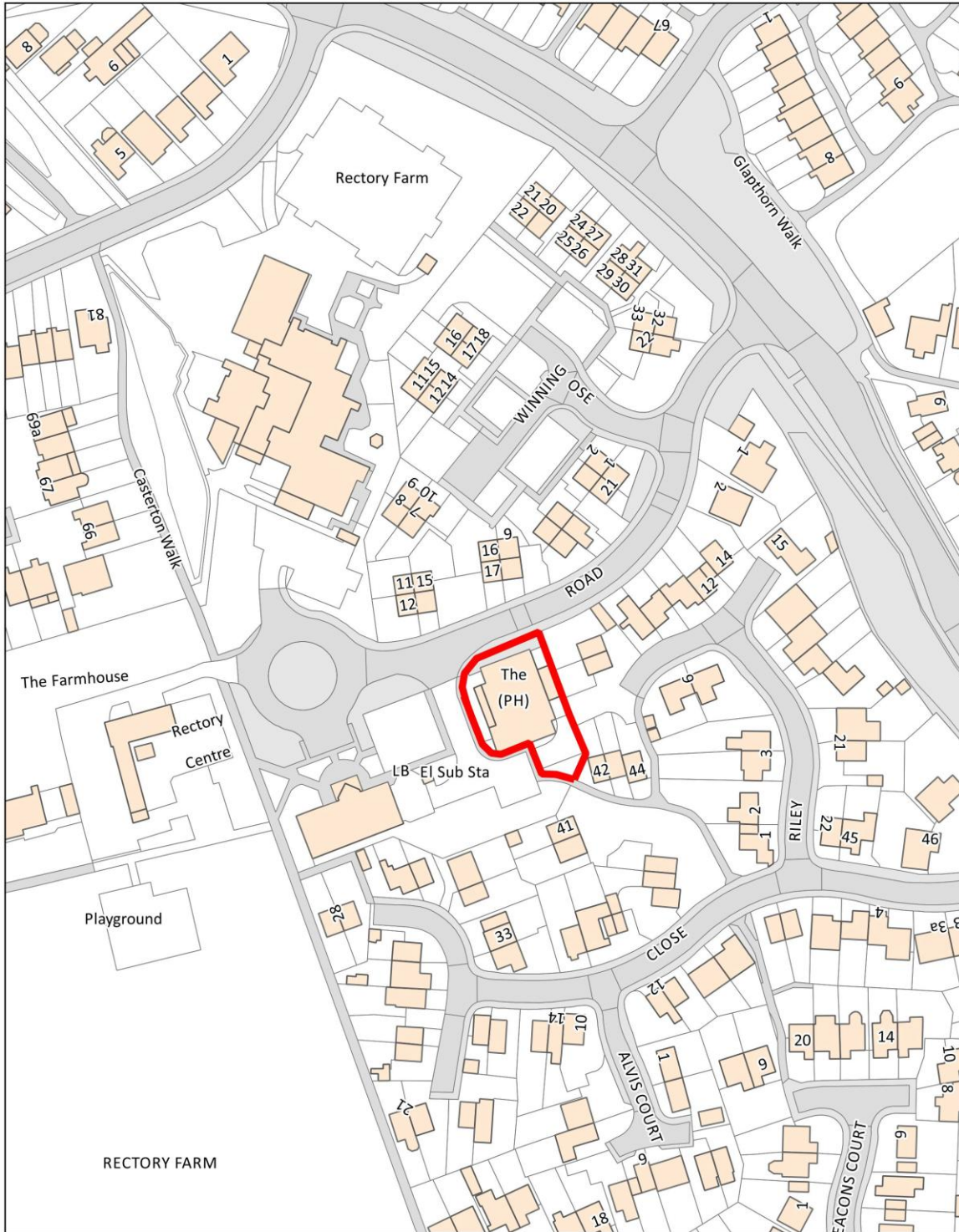
- 11.1 N/2015/1314.

12. LEGAL IMPLICATIONS

- 12.1 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.

13. SUMMARY AND LINKS TO CORPORATE PLAN

- 13.1 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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