

PLANNING COMMITTEE: 27th April 2016
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

APPLICATION REF: N/2016/0057

LOCATION: Delapre Abbey, London Road

DESCRIPTION: Variation of condition 5 of planning permission N/2013/0612 (repair and refurbishment of Delapre Abbey) to extend opening hours of cafe/restaurant and holding functions and events between 8am to midnight (Friday and Saturday) and 8am to 11pm (Sunday to Thursday); business studios/workshops between 7am to 6pm; visitor and heritage centre from 9am to 7pm

WARD: Delapre & Briar Ward

APPLICANT: Delapre Abbey Preservation Trust
AGENT: Delapre Abbey Preservation Trust

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: NBC 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 proposed increased opening hours would have no significant adverse impact on the amenities of adjoining and nearby residential occupiers, over and above from the previous approval. The proposal thereby accords with Policies BN5 and BN9 of the West Northamptonshire Joint Core Strategy, Policies E20 and E26 of the Northampton Local Plan and the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The proposal is for the variation of Condition 5 of Planning Permission N/2013/0612. This condition sets out the permitted opening hours of the various permitted functions of the Abbey buildings which were permitted as follows, on all days:

- Café / Restaurant and Holding of Functions / Events – 8am to 10.30pm
- Business Studios / Workshops – 9am to 6pm
- Visitor and Heritage Centre With Ancillary Retail – 10am to 5.30pm

2.2 The proposal, as amended following the original submission of the application, is for the permitted hours to be varied as follows:

- Café / Restaurant and Holding of Functions / Events – 8am to midnight on Fridays and Saturdays, 8am to 11pm on Sundays to Thursdays inclusive and 8am to midnight on a further 50 dates per year, to be notified in advance.
- Business Studios / Workshops – 7am to 6pm
- Visitor and Heritage Centre With Ancillary Retail – 9am to 7pm

3. SITE DESCRIPTION

3.1 The application site comprises Delapre Abbey and its associated buildings. The use as a heritage attraction covers the whole site, whilst the use for business studios and workshops is restricted to the 19th Century stable block.

3.2 The use for conferences, weddings and events would be located within the South Range, including the proposed new conservatory and refurbished billiard room.

4. PLANNING HISTORY

4.1 Application N/2013/0612 was approved on October 30th 2013, for the repair and refurbishment of Delapre Abbey, 18th Century Stables and Coach House including construction of kitchen building, rebuilding conservatory; installation of windows and doors; demolition of second floor courtyard WC; change of use of building to include functions/events (Class D2); conferences, guided tours, visitor and heritage centre and ancillary retail (Class D1); offices (Class B1); café and restaurant (Class A3) and holiday lets. Repair and refurbishment of 19th Century Stables including new brick building façade to north elevation; new openings with doors and shutters; new frameless glazed screen and access ramp; demolition of steel barn and lean-to; change of use of building to business studio/workshops (Class B1).

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 Northampton Local Plan (1997) saved policies.

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:

Paragraph 17 that states that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraph 126 goes on to say that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their 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 BN5 - The Historic Environment And Landscape

Policy BN9 - Planning For Pollution Control

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 “New Development”, which states that the design of any new building or extension should adequately reflect the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials and that development should be designed, located and used in a manner which ensures adequate standards of privacy, daylight and sunlight.

Policy E26 “Conservation Areas” which states that development must preserve or enhance the character and appearance of the area, and not include the demolition of any building which makes a significant contribution to the character or appearance of the area.

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Environmental Health** – The proposal for function suites to be located inside the Abbey and shielded by the existing building does hold credence in terms of attenuation of sound being contained and attenuated by the building. However, given the likely low background and proposed hours of usage have significant concerns about noise from customer dispersal at the end of a function. Acceptable hours of operation would be 8am to 11pm on Sundays to Thursdays and 8am to Midnight on Fridays, Saturdays. In respect of the proposed additional 50 events with opening until midnight, officers from Environmental Health continue to have concerns regarding the impact of this number of events on the occupiers of the residential properties adjoining the car parking area, however it is recognised that the venue requires a level of flexibility to ensure commercial viability. If the application is recommended for approval this concern should be noted and management measures to mitigate the impact of dispersal noise should be implemented to address this issue. Appropriate management measures include management of the car parking areas, particularly those spaces closest to the residential property, together with management and supervision of customers as they leave the venue and appropriate signage near the exits to the venue reminding customers that there are residents in the vicinity.
- 6.2 **NBC Conservation** - No objection to the proposal on conservation grounds. The extension of the hours of operation will enhance the viability of activities at Delapre Abbey, thereby helping to

secure the future occupation and use of the buildings, consistent with their conservation. The proposal will not harm the character of the buildings or the conservation area.

- 6.3 **3 Gardener's Cottage** - Whilst understanding the need for the opening hours, there needs to be some control of potential noise level, not only in the areas of the Abbey, but in the car park and grounds. Gates to control access to residential areas must be required by condition to prevent the public gaining access.

7. APPRAISAL

- 7.1 The issues to consider are the impact on the amenities of residential occupiers in the area as a result of the proposal to increase the hours of use.
- 7.2 In considering the original application N/2013/0612, it was concluded that the proposed uses would not have a detrimental impact on adjoining residents, subject to the hours of use as set out in the conditions attached to that application.
- 7.3 When considering the current proposal to increase these hours, regard must be given to the potential impact of both the use of the site and the associated vehicle and pedestrian movements to and from the site.
- 7.4 In respect of the business studios and workshops, the proposal is for hours of use to be increased by two additional hours in the morning, thereby allowing use from 7am to 6pm rather than 9am to 6pm as previously approved. In originally considering this aspect of the proposal it was concluded that the use as workshops, which would be in light industrial use which by definition would not have an adverse impact on neighbouring occupiers. This would still be the case in respect of the use itself, but the proposed earlier opening time proposed would potentially result in vehicle movements in the area at an earlier hour of the morning. However, it is not considered that this would result in a significant number of movements at this early time of the morning and therefore the impact of this would be limited and acceptable.
- 7.5 In respect of the use as a visitor attraction and heritage centre, the hours of use would be increased to 9am to 7pm from the previous 10am to 5.30pm. It is considered that this additional hour of use would not result in any significant impact.
- 7.6 The final element of the use, for which an extension of opening hours is proposed, is the most significant and would result in the café and restaurant use, together with the use for holding functions and events, being extended beyond the 10.30pm closure as previously approved.
- 7.7 The café and restaurant uses would, in themselves, have a limited impact. However, the use for functions would include events such as weddings, which would be likely to result in noise being generated by music and entertainment.
- 7.8 In considering the original proposal, it was considered that the location of this element of the use, within the South Range and the conservatory and billiard room would minimise the impact of this on residential occupiers around the site due to the fact that this part of the site is the furthest from residents, with all windows facing away from the nearest residents. As a result of this, it is considered that the impact of the use itself, even continued until 12.30am as originally proposed, would be acceptable.
- 7.9 However, in consultation with Environmental Health, concerns were raised due to the proximity of parking areas, both existing and proposed, to the residents on the site. Therefore whilst the noise from the events itself would be unlikely to have an impact, upon returning to vehicles within the car park, it is likely that some guests would be likely to be noisy and boisterous and noise would result from all guests starting cars, having car radios on etc.

- 7.10 On this basis, comments from Environmental Health indicated that the proposed opening hours for functions, including weddings, of 8am to 12:30am, 7 days a week, would not be acceptable.
- 7.11 Discussions therefore took place involving Environmental Health and the applicants and it was agreed that opening hours until midnight on Friday and Saturday nights would be acceptable, as this would mean that guests would be likely to return to their cars by half past midnight. On these two days it is considered that nearby residents would be likely to have stayed up later and would not generally need to be up early for work the next day. Therefore a later closing time is considered to be appropriate.
- 7.12 On other days, Sundays to Thursdays, it is considered that the acceptable closing time would be 11pm, meaning that the guests would have left the site by 11.30pm.
- 7.13 In addition to these regular hours, and to allow for flexibility and to ensure the viability of the use as a venue for weddings and other functions, it has been further proposed by the applicants that opening between 8am and midnight should take place on a further 50 dates per year. These dates would be on Sundays to Thursdays and there would be no more than two such events in any one week.
- 7.14 The proposal for these additional dates was also considered by Environmental Health officers and whilst some concerns were raised it was considered that these hours could be accepted if management measures could be put in place which would serve to mitigate the impact on residents in the area. A condition is proposed which would require the detail of such measures to be submitted.
- 7.15 Such measures could include appropriate management of the car parking area, to indicate areas where guests for events finishing late in the evening should park. This would commence with the booking of each event, with those booking possibly being provided with plans of the parking areas indicating where their guests should park. This would then be followed up on the day with signage. At the end of each event, guests would be reminded by staff as they leave the premises of the need to respect residents in the area. This could be backed up by signage to this effect.
- 7.16 This proposed increase in the hours was discussed with Environmental Health Officers and it was confirmed that the use of the site for these additional dates would be acceptable, subject to appropriate management.
- 7.17 Whilst the impact on residential occupiers is an important consideration, in this case the viability of the proposal must also be taken into account, as this will secure the long term future of the listed buildings. It is considered, on balance, that in achieving this significant benefit, the impact on neighbouring residential occupiers can be satisfactorily ameliorated.
- 7.18 It is not considered that the change in opening hours would cause any impact on the character and setting of the listed Abbey.

8. CONCLUSION

- 8.1 Any additional impact on adjoining occupiers as a result of the proposed increase in opening hours can be satisfactorily ameliorated by appropriate management, and the proposal would ensure the long term viability of the Abbey, thereby assisting in the preservation of this important group of listed buildings.

9. CONDITIONS

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans: 233554 - 100 B, 101 A, 103 C, 104 B, 105 A, 106 A, 107 A, 108, 109, 110 B, 111 A, 112 E,

113 A, 114 A, 115 A, 116 B, 117 B, 118 E, 119 E, 120 D, 121 A, 122 B, 123 C, 124 B, 125 C, 126 C, 127 B, 128 C, 129 B, 130 A, 131 A, 132 A, 133 A, 134 A, 135 A, 150, 151, 152, 153, 154, 155, 160, 170, 171, 172, 173, 201 B, 203 B, 204 G, 205 G, 206 G, 207 E, 208 D, 210 A, 211, 212, 213, 216 B, 218 B, 219 B, 220, 221, 222, 223, 224, 225, 226 A, 227, 230 A, 231 A, 232 B, 233 B, 234 C, 235, 236 B, 255 B, 256 B, 257 B, 258 C, 260 A, 261, 263, 264, 265, 601, 602, 610, 611 A.

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

- (2) Any further excavations shall be carried out in full accordance with the agreed programme of archaeological works.

Reason: To ensure the protection of the integrity of the Listed Building in accordance with the NPPF.

- (3) The fenestration of the proposed conservatory shall be installed in full accordance with the previously approved details as set out on drawings numbered: 233554 226D, 305 A, 441 B, 412A and 413 A.

Reason: To ensure the protection of the integrity of the Listed Building in accordance with the NPPF.

- (4) The development shall be carried out in accordance with the details of materials as set out on drawings 233554 225 A, 226D, 227C, 228, 229A, 230 C, 231 C, 232 D, 233 C, 234 C, 235 C, 236, 401B, 402, 403 A, 410, 411 B, 412A, 413 A, 422, 430, 431 A, 432 A, 433 A and 434 B.

Reason: To ensure the protection of the integrity of the Listed Building in accordance with the NPPF.

- (5) The premises shall be open only between the following hours for each of the proposed uses: Business Studios / Workshops – 7am to 6pm on all days; Visitor and Heritage Centre With Ancillary Retail – 9am to 7pm on all days; Café / Restaurant and Holding of Functions / Events – 8am to Midnight on Fridays and Saturdays, 8am to 11pm on Sundays to Thursdays inclusive and 8am to Midnight on an additional 50 days (being Sundays to Thursdays) per calendar year, the dates of which shall be submitted to the Local Planning Authority in advance giving at least 14 days' notice, with notice of the cancellation of any such dates also being given in advance.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy E20 of the Northampton Local Plan.

- (6) The use for the purposes of the holding of functions and events shall be limited to the ground floor of the South Range, Conservatory and Billiard Room only.

Reason: To protect the amenities of adjoining and nearby residential occupiers, in accordance with the NPPF.

- (7) The collection, treatment and dispersal of cooking smells and fumes and noise mitigation in respect of shall be carried out in accordance with the previously approved details as set out in drawings 99427/M004, 99427/M12 and 99427/M020 and retained thereafter.

Reason: In the interests of the amenity of the surrounding locality and to secure a satisfactory standard of development in accordance with the NPPF.

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

Reason: To protect the amenities of nearby occupants in accordance with the NPPF.

- (9) Deliveries to or collection from the premises shall not take place before 08:00 or after 20:00 on any day.

Reason: To protect the amenities of nearby occupants in accordance with the NPPF.

- (10) Prior to the commencement of the use of the site for the holding of functions and events, a plan for the management of customers arriving at and leaving the venue, shall be submitted to and approved in writing by the Local Planning Authority and the measures included therein shall be implemented in accordance with the approved details at all times whenever there are functions being held in the Abbey.

Reason: To protect the amenities of nearby occupants in accordance with the NPPF.

10. BACKGROUND PAPERS

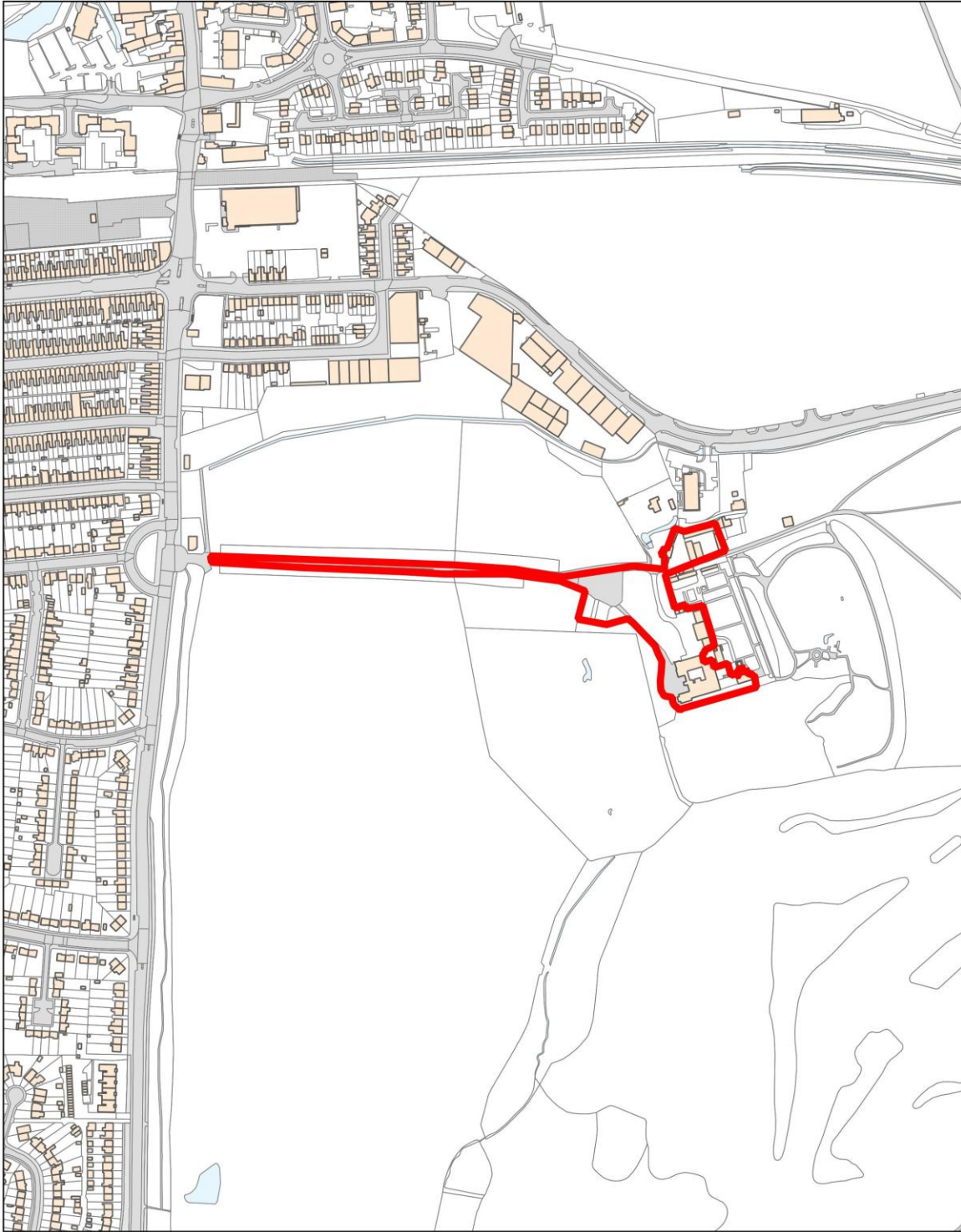
- 10.1 Application File N/2016/0057.

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.



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Date: 14-04-2016

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