



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 26th July 2016
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

APPLICATION REF: N/2016/0660

LOCATION: The Barn Owl , Olden Road

DESCRIPTION: Variation of Conditions 3 and 6 of Planning Permission 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) to allow for extension of delivery hours, additional plant information and submission of details prior to occupation

WARD: Rectory Farm Ward

APPLICANT: Hawthorn Leisure Ltd
AGENT: PLC Architects

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Previous application was determined by Committee

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 variation of conditions, as amended, would not adversely impact on adjacent amenity and the principle of the change of use and proposed alterations remains acceptable and 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 seeks to vary Conditions 3 and 6 of planning permission N/2015/1314 which granted permission for a change of use from a public house (Use Class A4) into a convenience store (Use Class A1), including alterations and extensions.

2.2 Condition 3 requires the submission of details prior to commencement of the permitted use that demonstrate any new plant or equipment will achieve the agreed target noise level limits for both daytime and night time. The current application seeks to vary this condition to agree the details prior to occupation to allow equipment to be tailored to the proposed occupier's needs.

- 2.3 Condition 6 relates to the control of delivery hours to the store, the existing permission currently restricting delivery times to between the hours of 07:30 and 19:30 hours only. The application seeks to extend these times to between the hours of 07:00 and 20:00 hours.

The application has subsequently been amended to reduce the proposed delivery times to between 07:30 to 20:00 hours following concerns raised by Environmental Health.

- 2.4 Members are advised that the Council can only consider the Conditions which are the subject of this Application and it is not a complete re-consideration of the original Application which will continue to subsist whatever the outcome of this Application.

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. Residential properties are located to the immediate rear and side of the site.

4. PLANNING HISTORY

- 4.1 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. Approved 13.04.16.

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.

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 BN9: Planning for Pollution Control – seeks to ensure that development proposals demonstrate that they provide opportunities to minimise and where possible reduce pollution issues, such as the impacts of noise, that are a barrier to sustainable development and healthy communities.

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:

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NBC Environmental Health** – following amendments to the proposed delivery removing the additional half hour requested in the morning, no objection to the proposed delivery hours or the amendment to Condition 3.

6.2 **NCC Highway Authority** – no comments.

6.3 Two objections have been received from residents raising the following concerns:

- Not enough information on the nature of the shop or community room, existing residential premises, parking.
- Poor condition of Olden Road.
- Insufficient environmental impact reports.
- As the area is residential, deliveries should only be undertaken during normal work hours 0800-1700 hours so that noise and endangerment to the community is kept to an absolute minimum.

7. **APPRAISAL**

7.1 The main issues for consideration are the impact of the proposed changes on adjacent residential amenity.

7.2 The application site and, in particular, the service yard area, are located within close proximity to residential properties on Riley Close. The conditions on the original consent were therefore imposed in the interests of protecting the amenity of these residential properties and the surrounding area.

7.3 The amendments to the proposal would retain the earlier delivery hours of 07:30 hours as originally permitted. The additional half hour in the evening extending delivery times to 8pm is

not considered to be of such detriment to adjacent residential amenity to warrant refusal and Environmental Health has no objection.

- 7.4 The submission of details in relation to noise requirements prior to occupation would still ensure appropriate details are approved prior to the business coming into operation.

8. CONCLUSION

- 8.1 The proposed variations are considered acceptable and would not lead to any unacceptable increased impact on residential amenity to that approved under the permitted application.

9. CONDITIONS

1. The development hereby permitted shall be begun before 13 April 2019.

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 8/9th June 2015 prior to occupation 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 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 20:00 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, Policy BN9 of the West Northamptonshire Joint Core Strategy 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.

10. BACKGROUND PAPERS

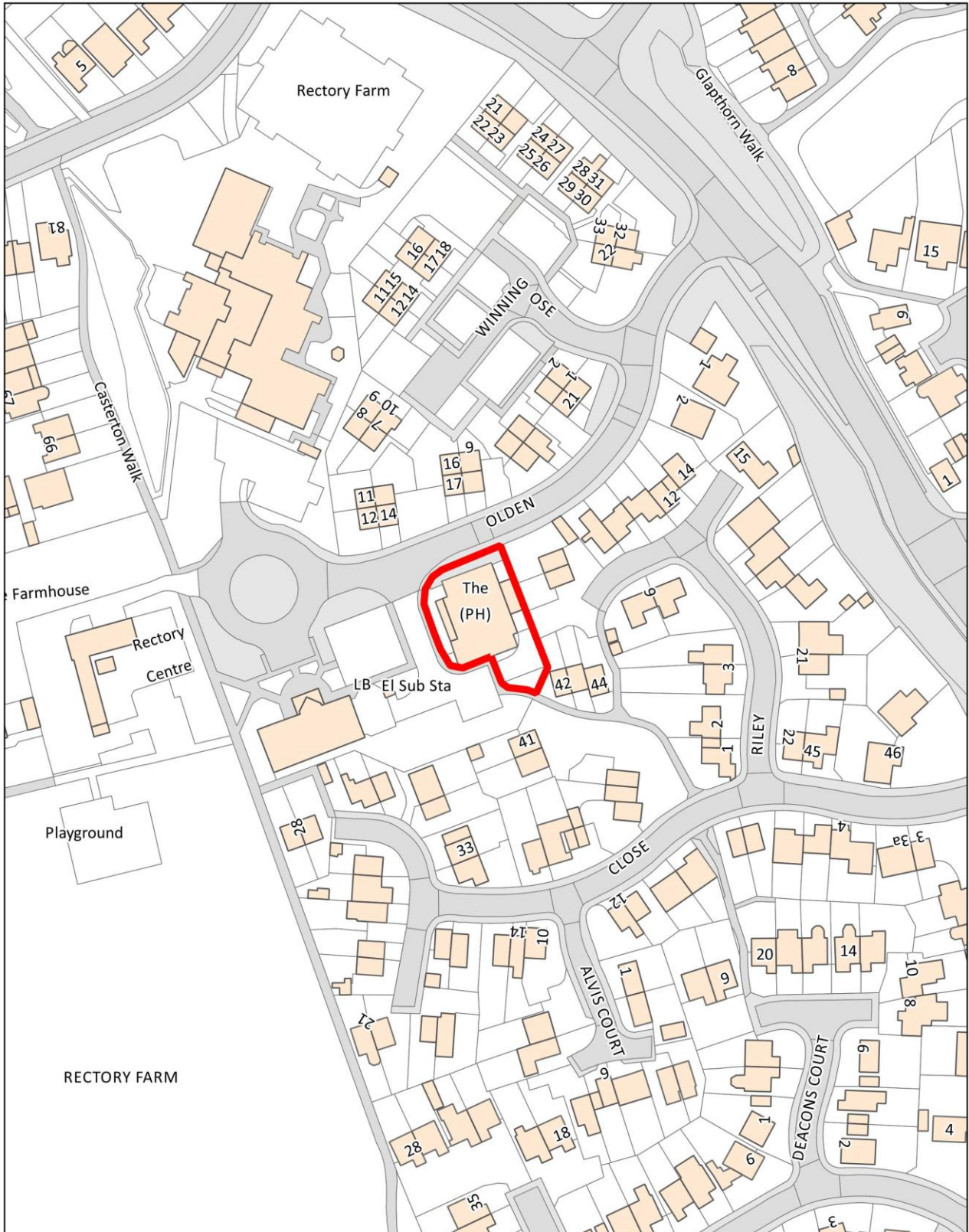
- 10.1 N/2016/0660

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: **The Barn Owl, Olden Road**

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Date: 14-07-2016

Scale: 1:1,250

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