

**PLANNING COMMITTEE:** 20<sup>th</sup> December 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/1566

**LOCATION:** St Crispin Community Centre , St Crispin Drive

**DESCRIPTION:** Certificate of Lawfulness application to use previously approved nursery school for general educational purpose within the new community centre building

**WARD:** Upton Ward

**APPLICANT:** Northampton Borough Council  
**AGENT:** Mr Stuart Docker

**REFERRED BY:** Head of Planning  
**REASON:** Council owned land and as applicant

**DEPARTURE:** No

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#### **APPLICATION FOR DETERMINATION:**

#### **1. RECOMMENDATION**

##### **1.1 APPROVAL** for the following reason:

The Council is satisfied that the proposed use of part of the building for general educational purposes would not be materially different from the previously approved use of this part of the building as a nursery, as both uses fall within the same Use Class D1 in the Town and Country Planning (Use Classes) Order 1987 (as amended). Planning permission is therefore not required for the proposed use.

#### **2. THE PROPOSAL**

2.1 The proposal relates to the use of part of the community centre for general educational purposes (Use Class D1). Previously it had been proposed that this part of the site would be used as a nursery (Use Class D1). The application is for a certificate of lawfulness to confirm that this change of use does not require planning permission.

2.2 General education purposes would mean education of persons of any age, rather than just nursery age children.

#### **3. SITE DESCRIPTION**

3.1 The site consists of the St Crispin Community Centre, which is now under construction and nearing completion. The building consists of three distinct although linked elements: the

community centre, the changing rooms and the circular part of the building, formerly proposed to be the nursery.

- 3.2 The site is adjacent to relatively new housing to the east and a Grade II listed church and cemetery to the north, within the former St Crispins Hospital site, now redeveloped for housing. The site falls within the St Crispins Conservation Area.

### **3. PLANNING HISTORY**

- 3.1 Application no. N/2015/0987 for “New Community Centre incorporating changing room facilities and Nursery School. New access road with parking facilities and relocation of play area” was approved in March 16<sup>th</sup> 2016.

### **4. PLANNING POLICY**

- 4.1 As the application is for a certificate of lawfulness, planning policy is not a consideration.

### **5. CONSULTATIONS/ REPRESENTATIONS**

- 5.1 As this is an application for a certificate of lawfulness, no notification of neighbours nor consultation with statutory consultees is required under current planning legislation.

### **6. APPRAISAL**

- 6.1 As an application for a certificate of lawfulness, the issues to consider relate to a factual assessment as to whether the proposed use is or is not lawful. The planning merits of the proposal and any impact which may or may not result are not material considerations.

- 6.2 In considering whether the proposed use would be lawful, regard must be given to the planning application as previously submitted and approved, and the nature of the use as now proposed.

- 6.3 The building, which is currently under construction on the site, was approved in March 2016. The use of the building, as approved, was as a community centre, incorporating changing room facilities and a nursery school. The building comprises three linked elements, whilst the use of any part of the building for any of the three purposes was not restricted by planning conditions, the changing rooms are clearly marked on the plan. The central part of the building clearly has the features of a community centre including a hall, café and a meeting room. This leaves the circular part of the building, linked to the remainder by an entrance foyer, as the nursery. This is shown on the approved plans as having two classrooms and associated facilities.

- 6.4 The nursery use falls within Use Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). As the proposed use for general educational purpose also falls with Use Class D1, to replace the nursery with general educational purpose would not require planning permission as there would be no material change in the use. On this basis, it is considered that the proposed use would be lawful.

### **7. CONCLUSION**

- 7.1 It is considered that the use of the part of the building previously earmarked for the proposed nursery for a general educational purpose would not represent a material change of use. It is recommended, therefore, that a certificate of lawfulness should be issued.

### **8. BACKGROUND PAPERS**

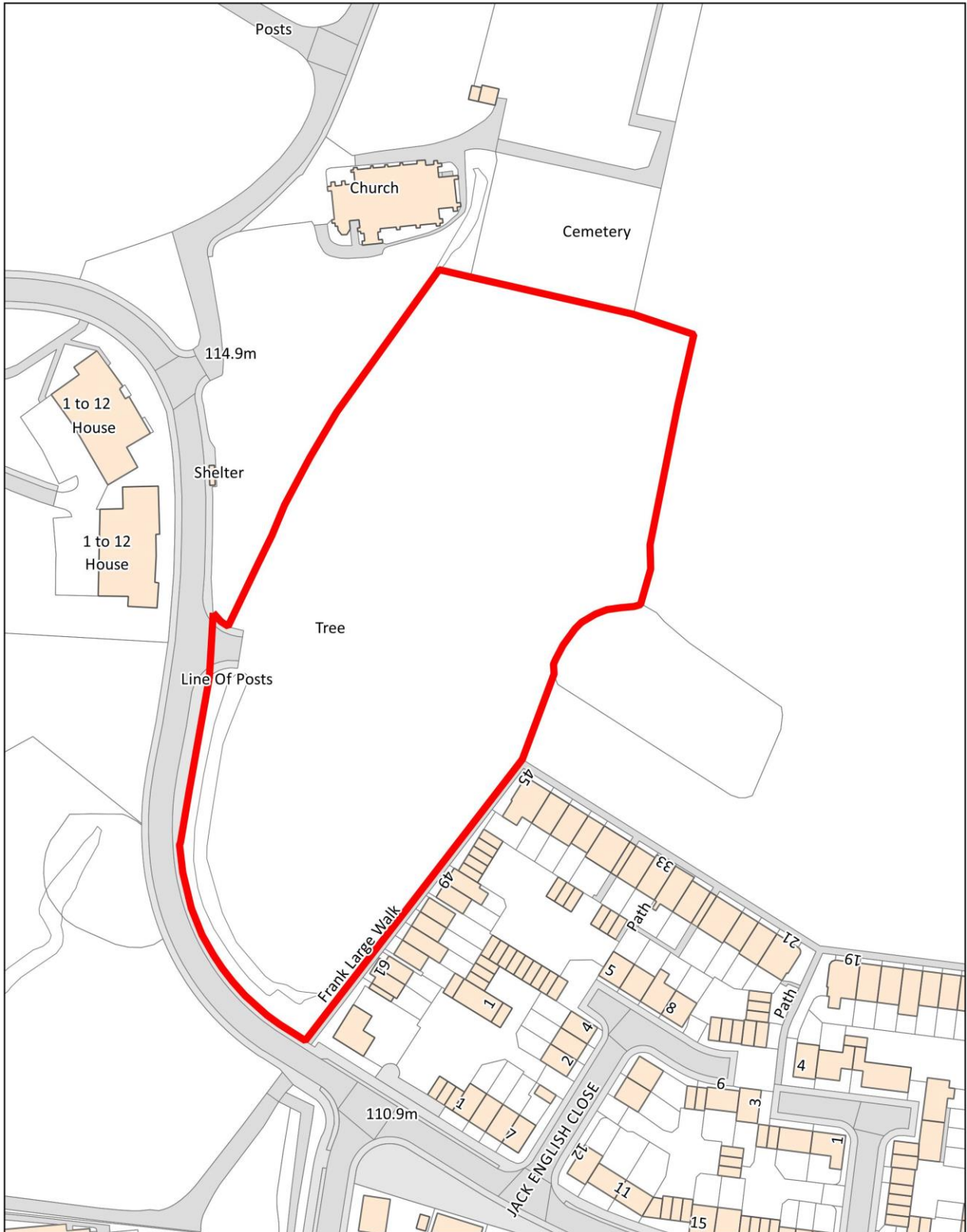
- 8.1 Application file N/2016/1566

**9. LEGAL IMPLICATIONS**

- 9.1 The development is not CIL liable as the proposal is for a change of use with no increase in floorspace.

**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.



Title: **St Crispin Community Centre**

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Date: 12-12-2016

Scale: 1:1,250

Drawn by: SW