



PLANNING AGENDA

Tuesday, 12 April 2016

The Jeffrey Room, 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, St. Giles Square, Northampton, NN1 1DE.
on Tuesday, 12 April 2016
at 6:00 pm.

D Kennedy
Chief Executive

AGENDA

- 1. APOLOGIES**
- 2. MINUTES**
- 3. DEPUTATIONS / PUBLIC ADDRESSES**
- 4. DECLARATIONS OF INTEREST/PREDETERMINATION**
- 5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED**
- 6. LIST OF CURRENT APPEALS AND INQUIRIES**
(Copy herewith)
- 7. OTHER REPORTS**
- 8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**
- 9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**
- 10. ITEMS FOR DETERMINATION**

ADDENDUM

- (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 COUNTESS ROAD & LYTTLETON ROAD**

(Copy herewith)

- (B) N/2015/1228 - DEMOLISH FORMER CAR SHOWROOM AND ERECT BUILDING WITH RETAIL (USE CLASS A1) ON GROUND FLOOR AND 14NO FLATS ON FIRST, SECOND AND THIRD FLOORS INCLUDING NEW ACCESS AND ANCILLARY DEVELOPMENT, AND CREATION OF RESIDENTIAL CAR PARKING AREA. 194-200 KINGSTHORPE GROVE AND TRINITY AVENUE**

(Copy herewith)

- (C) 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)

- (D) N/2015/1424 - CHANGE OF USE FROM DWELLING (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR THREE RESIDENTS. 35 COWPER STREET**

(Copy herewith)

- (E) N/2016/0123 - ERECTION OF ELECTRONIC GATE AND PEDESTRIAN GATE WITH SURROUNDING FENCING AT THE ENTRANCE TO THE CLUB CARPARK VIA ANGEL STREET - RETROSPECTIVE APPLICATION. NORTHAMPTON AND COUNTY CLUB, 8B GEORGE ROW**

(Copy herewith)

11. ENFORCEMENT MATTERS

12. ITEMS FOR CONSULTATION

- (A) N/2016/0310 - CONSTRUCTION OF 54 DWELLINGS INCLUDING PUBLIC OPEN SPACE, BALANCING POND AND ASSOCIATED INFRASTRUCTURE. LAND OFF WHITES LANE, LOWER HARLESTONE**

(Copy herewith)

13. 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.

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 15 March 2016

PRESENT: Councillor Oldham (Chair); Councillor Lynch (Deputy Chair);
Councillors Aziz, Birch, Davenport, Golby, Haque, Hill, Larratt,
McCutcheon and Meredith

OFFICERS: Steven Boyes (Director), Peter Baguley (Head of
Planning), Rita Bovey (Development Manager), David Rowen
(Development Management Team Leader), Ben Clarke (Senior
Planning Officer), Theresa Boyd (Solicitor), Michael Flynn
(Democratic Services Officer)

1. APOLOGIES

Apologies were received from Councillor Jamie Lane

2. MINUTES

The minutes of the meeting held on 16th February 2016 were agreed and signed by the Chair with the amendment that Councillor Birch had given her apologies but was not noted.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That under the following items, the members of the Public and Councillors listed below were granted leave to address the Committee:

N/2015/1009

Kim Hughes
Mike Clarke
Cllr Mike Hallam (Ward Cllr)
Barry Waine 07860541451
Paul Rumens

N/2015/1050

Tim Bunting
Barry Waine

N/2015/1424

Mr Jenkins
Paul Scrugham
Sindy Luthra

N/2015/1498

Alan Earle
Cllr Brendan Glynane
Rodney Giddins

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Birch declared a personal interest in item 9a as a trustee of the organisation involved in the design and planning of the development.

Councillor Rahman declared a personal interest in item 10g as the Ward Councillor for Spring Park.

Councillor Davenport declared a personal interest in item 10f as the Ward Councillor for Delapre and Briar Hill.

Councillor Larratt declared a personal non pecuniary interest in item 10h as a trustee of the organisation that is the applicant.

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

There were none.

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Development Management Team Leader submitted a List of Current Appeals and Inquiries and elaborated thereon.

RESOLVED: That the report be noted.

7. OTHER REPORTS

None

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

(A) N/2015/0987 - NEW COMMUNITY CENTRE INCORPORATING CHANGING ROOM FACILITIES AND NURSERY SCHOOL. NEW ACCESS ROAD WITH PARKING FACILITIES AND RELOCATION OF PLAY AREA. LAND OFF ST CRISPIN DRIVE

Councillor Birch left the committee room at 18.10 having declared a personal interest in the item at the beginning of the meeting.

The Development Manager submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. She drew Members'

attention to the additional representation received from the Crime Prevention Officer and those contained in the addendum. It was reported that the proposal is for the construction of a single storey new community centre, sports changing rooms and nursery school, an associated access road and area of parking. The existing play area would be relocated to the southern part of the application site.

The Committee discussed the report.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out in the report and for the following reason:

The proposed community centre would provide for necessary community facilities whilst not resulting in any adverse impact on the character and appearance of the Conservation Area. Whilst the proposal would impact on the setting of the adjacent Listed Building this would not be significant and would be offset by the wider benefits of the proposal. The proposal would not adversely impact on the amenities of existing neighbouring residents nor highway safety, subject to appropriate mitigation as required by conditions. The proposal is therefore compliant with the requirements of Policies SA, S10, C2 and BN5 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

10. ITEMS FOR DETERMINATION

(A) N/2015/0785 - CAR PARK EXTENSION, ASSOCIATED GROUNDWORKS AND PIT WITH CHANNEL FOR BALL COLLECTING - PART RETROSPECTIVE. DELAPRE GOLF COMPLEX, EAGLE DRIVE.

The application was withdrawn by the Applicant and item withdrawn.

(B) N/2015/0999 & N/2015/1000 - CHANGE OF USE FROM OFFICE (CLASS B1) TO CHILDRENS DAY NURSERY (CLASS D1) AND ASSOCIATED WORKS. HOME FARM WORKS, ORCHARD HILL

The applications were withdrawn by the Applicant and item withdrawn.

(C) N/2015/1009 - CONVERSION OF EXISTING DWELLING INTO THREE DWELLINGS AND ERECTION OF TWO ADDITIONAL DWELLINGS. HOME FARM HOUSE, HILLCREST AVENUE

Councillor Birch returned to the committee room at 18:30.

The Senior Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was advised that the applicant sought full planning permission to erect two new dwellings within the curtilage of an existing dwelling. It was also proposed that the existing dwelling, which predates the development of much of the surrounding area, would be subdivided into three new dwellings. Vehicular access to four of the units would be via a new driveway that would be constructed in Cumberland Close. Members'

attention was also referred to observations that had been received from the occupiers of 15 Hillcrest Avenue, which had been received after the committee report had been written.

Mrs Kim Hughes addressed the committee and spoke against the application as a local resident

Mr Mike Clarke addressed the committee and spoke against the application as a local resident

Councillor Mike Hallam as Ward councillor addressed the committee and spoke against the application

Mr Barry Waine addressed the committee and spoke in favour of the application as the agent

Mr Paul Rumens addressed the committee and spoke in favour of the application as the applicant

The Committee discussed the report.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out in the report and an additional condition regarding the hours in which construction works can take place and for the following reason:

The proposed development is complimentary towards the surrounding land uses; is of an acceptable design and would have a neutral impact upon the character and appearance of the surrounding area; and would have a neutral impact upon the highway system. The development is therefore compliant with the requirements of the National Planning Policy Framework; Policies S1, S10 and H1 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

(D) N/2015/1050 - ERECTION OF 3NO. DWELLINGS. 77-79 SEMILONG ROAD

The Senior Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. Members were also referred to the addendum. It was advised that the application sought planning permission to erect three dwellings of two storeys in height, which would be arranged in terrace located adjacent to the northern boundary. The dwellings would be accessed via a service road that runs from Semilong Road. To the front of each dwelling, there would be a block paved area, which would be used for car parking.

Mr Tim Bunting addressed the committee and spoke against the application

Mr Barry Waine addressed the committee and spoke in favour of the application.

The Committee discussed the report.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out in the report and the addendum and for the following reason:

The proposed development would preserve the character and appearance of the surrounding area (including the Barrack Road Conservation Area), neighbour amenity and highway safety. The development is therefore in accordance with the requirements of the National Planning Policy Framework; Policies S1, S3, S10, H1 and BN5 of the West Northamptonshire Joint Core Strategy and Policies E20, E26 and H10 of the Northampton Local Plan.

(E) N/2015/1424 - CHANGE OF USE FROM DWELLING (C3) TO HOUSE IN MULTIPLE OCCUPATION (C4) FOR THREE RESIDENTS. 35 COWPER STREET

Councillor Larratt arrived at 19:15.

The Development Management Team Leader submitted a report on behalf of the Director of Regeneration, Planning and Enterprise. He also reported that 32 survey responses have been received regarding parking situation in the vicinity. It was advised that Permission was sought to change the use from single dwelling to house in multiple occupation (HIMO) for 3 people.

Mr Jenkins addressed the committee and spoke against the application

Mr Paul Scrugham addressed the committee and spoke against the application.

Mrs Sindy Luthra addressed the committee and spoke in favour of the application

The Committee discussed the report

RESOLVED

That the application be **DEFERRED** to allow further consideration regarding parking, anti-social behaviour, noise and number of HIMOs in the area

(F) N/2015/1498 - FORMATION OF CAR PARKING AREA.DELAPRE ABBEY, LONDON ROAD

The Development Manager submitted a report on behalf of the Director of Regeneration, Enterprise and Planning. She also drew Members' attention to the

addendum which contained additional representations received and amended conditions. She also confirmed that paragraph 2.1 of the report should be updated to say the application sought planning permission for additional parking to serve Delapre Abbey, providing 131 general car spaces in total, an increase of 85 above the current provision, as well as 11 disabled parking spaces and 2 coach spaces. The additional parking provision would largely come from the provision of a grasscrete parking area.

Mr Alan Earle addressed the committee and spoke against the application.

Councillor Brendan Glynane addressed the committee and spoke in favour of the application

Mr Rodney Giddins addressed the committee and spoke in favour of the application

The Committee discussed the report.

RESOLVED

That the application be **APPROVED** subject to the conditions as set in the report and addendum and an additional condition regarding tree protection during construction and for the following reason:

The impact on the character, appearance or historical significance of the listed building, the registered Battlefield and Delapre Conservation Area would be outweighed by the public benefit arising from the development, with no unduly adverse impacts on neighbour amenity, road safety or drainage. The impact of the proposal on the registered battlefield has been minimised by appropriate site selection and the proposal would assist with the overall project to restore the Abbey and remove it from the Heritage at Risk Register and thereby accords with Policy BN5 of the West Northamptonshire Joint Core Strategy, Policies E20 and E26 of the Northampton Local Plan and the National Planning Policy Framework

(G) N/2016/0070 - ERECTION OF FENCE ALONGSIDE DRIVE. 9 ROOKERY LANE

The Senior Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning. It was advised that the applicant sought planning permission to replace a hedge that is sited adjacent to the site boundary with a wooden fence. This fence would taper from 1.8m in height to 0.9m in height.

The Committee discussed the report.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out in the report and for the following reason:

The proposed development would have a neutral impact upon the character and appearance of the locality and neighbour amenity. The development is therefore in conformity with the requirements of the National Planning Policy Framework; Policy S10 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan

(H) N/2016/0087 - INTERNAL ALTERATIONS INCLUDING BLOCKING EXISTING NON STRUCTURAL DOORWAY & REMOVE DOOR, OPEN WALKWAY AT GROUND FLOOR. 39 ST GILES STREET

Councillor Larratt left the committee room having declared a personal interest in the item at the beginning of the meeting

The Senior Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning. It was advised the applicant has applied for Listed Building Consent in order to carry out internal works comprising the removal of a stud partition and door on the ground floor and the installation of additional shelving units on the first floor.

The Committee discussed the report.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out in the report and for the following reason:

The proposed works would not harm the character and significance of this Grade II Listed Building and as a consequence, the proposal is compliant with the requirements of the National Planning Policy Framework; Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan.

11. ENFORCEMENT MATTERS

None.

12. ITEMS FOR CONSULTATION

None.

The meeting concluded at 20:43

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 22 March 2016

PRESENT: Councillor Oldham (Chair); Councillor Lynch (Deputy Chair);
Councillors Aziz, Birch, Davenport, Golby, Hill, Lane, Larratt,
McCutcheon and Meredith

OFFICERS: Steven Boyes (Director), Peter Baguley (Head of
Planning), David Hackforth (Interim Head of Planning), Rita Bovey
(Development Manager), Nicky Toon (Principal Planning Officer),
Fiona McMillan (Solicitor), Michael Flynn (Democratic Services
Officer)

1. APOLOGIES

Apologies were received from Councillor Haque.

2. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That under the following items, the members of the Public and
Councillors listed below were granted leave to address the Committee:

N/2015/1314

Cllr James Hill (Ward)
Keith Holland – Delamere
Mrs Woodvines
Nick Bowden

3. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor James Hill declared a personal non pecuniary interest in item 9b as the
Ward Councillor for Rectory Farm.

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

None

5. LIST OF CURRENT APPEALS AND INQUIRIES

The Development Manager submitted a List of Current Appeals and Inquiries on
behalf of the Director of Regeneration, Enterprise and Planning and elaborated
thereon. She drew Members' attention to the fact that the Planning Inspector
considered the imposition of a noise condition to the proposed change of use to a

HIMO at 76 Somerset Street N/2015/0561 was unnecessary and unreasonable. In addition, she reported that the appeal for 119 Whitworth Road N/2015/0928 was allowed by the Inspectorate, notwithstanding the fact that the change of use would add to further concentration of HIMOs for more than 15% within 50m radius. However further legal advice would be sought on the matter.

Councillor Meredith requested that his comments be minuted. Referring to application N/2015/0561 he stated that he knew this decision would be overturned by the Inspector and felt that it would be difficult for the Planning Committee to make a decision on HIMOs.

Councillor Larratt proposed that the Council write to the 3 local MPs requesting that sound insulation of HIMOs should be a requirement and enshrined in planning legislation. This was seconded by Councillor Meredith.

Councillor Golby requested that Members be kept informed following legal advice.

RESOLVED

- 1) The Committee **AGREED** that the Council will write to the three local MPs to request that sound insulation of HIMOs should be a requirement and enshrined in planning legislation.
- 2) That the report be **NOTED**.

6. OTHER REPORTS

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

Item 6 was heard last on the agenda

The Interim Head of Planning submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was advised that 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). 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.

The Committee discussed the report.

The Committee suggested a meeting between Councillors Larratt and Oldham with Cabinet Members regarding review of Joint Core Strategy and withdrawal from the Growth Management Strategy.

Councillor Lane left the committee at 20:20.

RESOLVED

1.1 The Committee **NOTED** the Secretary of State's decision to allow the appeal and grant planning permission.

1.2 The Committee **NOTED** the Secretary of State's reasons for allowing the appeal.

1.3 The Committee **NOTED** the financial cost to the Council in defending the decision to refuse planning permission at the public inquiry.

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 COUNTESS ROAD & LYTTLETON ROAD

Item 9a was heard before item 6.

The Principal Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. She recommended that Condition 10 be amended to include additional plot numbers.

It was advised that 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 roof lights inserted within the roof to utilise the roof space. The existing vehicular access from Countess Road would be retained and 54 parking spaces provided on site for the apartments together with bin and cycle storage and a further 4 parking spaces for the two dwellings. Access to the two new dwellings proposed would be from Lyttelton Road.

The Committee discussed the report

RESOLVED

- 1) The committee **DEFERRED** the application to investigate further regarding provision of disabled access to flats and possibility of having lift access.

- 2) The committee **AGREED** that Condition 10 be amended to include additional plot numbers

(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

The Principal Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was reported that 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. It was advised that 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 review has concluded that the current levels of trade are simply not able to support a commercial operation and further investment of capital into the unit cannot be justified as the applicant is unlikely to ever see a return on their investment.

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

Councillor James Hill addressed the committee and spoke against the application as Ward Councillor.

Councillor Hill then left the Committee at 19:15.

Mr Keith Holland Delamere addressed the Committee as Chairman of Rectory Farm Residents Association and spoke against the application.

Mrs Woodvine addressed the Committee as a resident of Rectory farm and spoke against the application.

Mr Nick Bowden addressed the Committee as the Planning Consultant and spoke in favour of the application.

The Committee discussed the report.

RESOLVED

The Committee **DEFERRED** the application to allow the applicant to carry out further consultation with local community

(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.

Councillor Meredith left the committee at 19:45. Councillor Hill returned to the committee at 19:45.

The Principal Planning Officer submitted a report on behalf of the Director Regeneration, Enterprise and Planning and elaborated thereon. It was advised that 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. It was reported that 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.

The Committee discussed the report.

RESOLVED

That the application be **APPROVED** subject to the conditions as set in the report 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.

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.

The Development Manager submitted a report on behalf of the Director of Regeneration, Enterprise and Planning. It was advised that 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.

The Committee discussed the report

RESOLVED

The committee **RAISED 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.
- That the Council will request help from Daventry District Council to provide maintenance of Billing Brook and associated ponds

The meeting concluded at 20:20

Directorate: Regeneration, Enterprise and Planning
 Director: Steven Boyes



List of Appeals and Determinations – 12th April 2016

Written Reps Procedure			
Application	DEL/PC	Description	Decision
N/2015/0699 APP/V2825/D/16/3145940	DEL	Single storey rear extension at 64 Kingsley 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
Hearings			
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 25th April 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 12th April 2016

10. ITEMS FOR DETERMINATION

10a

N/2015/1021

Part demolition of existing factory building and conversion of existing factory building into 45no. apartments and erect 2no. dwellings

Land at the corner of Countess Road and Lyttleton Road

No update.

10b

N/2015/1228

Demolish former car showroom and erect building with retail (Use Class A1) on ground floor and 14no. flats on first, second and third floors including new access and ancillary development, and creation of residential car parking area

194-200 Kingsthorpe Grove and Trinity Avenue

Item **WITHDRAWN** from agenda.

10c

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 2 no. satellite dishes on roof

The Barn Owl, Olden Road

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

The Applicant, Hawthorn Leisure, accompanied by Instinctif Partners, Hawthorn's community consultants, met with Councillor James Hill and representatives of Rectory Farm Residents' Association ('the Representatives') on 1st April 2016.

It is understood that the meeting was constructive and provided the opportunity for everyone present to articulate their respective views. It was acknowledged by all parties attending that the pub is no longer commercially viable as a business.

Following a comprehensive discussion, Hawthorn Leisure agreed to pass on some of the Representatives' thoughts and suggestions to the Co-op and in particular a request that the Co-op give consideration to allowing potential future community use of one or more room(s) on the first floor of The Barn Owl building, subject to the approval and implementation of the current planning application.

Members are advised that potential future community use of one or more rooms does not form part of the current planning application and cannot therefore be conditioned. A separate planning application would be required in respect of any future community use of part of the first floor and such an application would have to be considered on its planning merits. However, Hawthorn Leisure has advised that they would be happy to continue to keep the Committee, Councillor Hill

and the Representatives appraised of on-going discussions with the Co-op regarding future access to the first floor of the site as development progresses. Should the current scheme be approved, the Applicant has indicated that the Co-op has expressed optimism about being able to accommodate the Representatives' interest with respect to access to the first floor.

The Director of Regeneration, Enterprise and Planning has subsequently spoken to Hawthorn Leisure and they have confirmed that Co-op would, subject to details, be willing to provide a room for the local community.

10d

N/2014/1424

Change of use from dwelling (Use Class C3) to house in multiple occupation (Use Class C4) for three residents

35 Cowper Street

Area Concentration

Further information has recently been received from a local resident identifying properties in Cowper Street that are alleged to be in HIMO use. Investigation of the properties is being undertaken in conjunction with the Private Sector Housing Department. Some of the properties are previously identified as confirmed HIMOs. One has come into use as a HIMO and another has ceased being used as a HIMO. From available data, it has been concluded that the percentage of confirmed HIMOs within 50m of the application site has not increased, i.e. it remains at 8 confirmed HIMOs, equalling 11%. There remains one suspected HIMO, which even if confirmed would not result in the area concentration exceeding 15%.

10e

N/2016/0123

Erection of electronic gate and pedestrian gate with surrounding fencing at the entrance to the club carpark via Angel Street – Retrospective application

Northampton and County Club, 8B George Row

No update.

12. ITEMS FOR CONSULTATION

12a

N/2016/0310

Construction of 54 dwellings including public open space, balancing pond and associated infrastructure

Land off Whites Lane, Lower Harlestone

No update.



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

APPLICATION REF: N/2015/1021

LOCATION: Land at the corner of, Countess Road & Lyttleton Road

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

DEPARTURE: Yes

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, 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. UPDATE SINCE PREVIOUS COMMITTEE

2.1 The application was deferred by Committee on 22nd March 2016 to allow further investigation into the provision of disabled access to flats and the possibility of having lift access.

- 2.2 Officers have raised these issues with the applicant. The applicant's agent has responded advising that their client has considered the re-use of the lifts and comments as follows:
- The lifts are either goods lifts or pulley lifts and neither could be used as passenger lifts.
 - There is no statutory requirement for lifts to serve a 3-storey development.
 - To reconfigure a lift within the building would inevitably involve the loss of a unit on each of the three floors. The loss of any units to the scheme would make it even less viable than the current scheme for which a detailed Report on viability has been submitted and is now supported by the Council's own consultants.
 - The provision of an external lift shaft has been looked at but the estimated price based on initial consultation with such lift companies indicates a figure of over £100,000 the additional cost of which would make the scheme unviable.
 - Four mobility units are proposed on the ground floor.
 - The development is over four floors, however the 2nd & 3rd floor are duplex apartments.
- 2.3 Whilst the NPPF advises on the need to plan to create safe, accessible environments, National Planning Policy Guidance, in reference to new developments, advises that viability is a consideration when considering whether accessible and adaptable wheelchair user dwellings should be required in non-lift serviced flats.
- 2.4 Furthermore, Building Control has advised that, whilst desirable, there is no legal requirement under Part M of the Building Regulations for disabled access on developments involving conversion of an existing building to residential use.
- 2.5 Members are advised therefore, that whilst desirable, there are no planning policy or building regulations requirements for the provision of disabled access within the development proposed, and that the viability of the scheme would be further impacted should such provision be requested.
- 2.6 Notwithstanding the above, the applicant has submitted an amended plan identifying Units 7, 9, 11 and 13 as mobility units. These units will have direct access from the car park area via a ramped approach. There will also be entrance doors internally purely for the occupiers to have the option to have visitors access through the communal entrance points. The circulation within the mobility apartments will be adapted to suit wheelchair bound persons with kitchen worktops located partially at lower level and bathrooms fitted out with fixtures and fittings suitable for disabled persons and to meet Building Regulation approval for a disability unit.

3. THE PROPOSAL

- 3.1 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.

4. SITE DESCRIPTION

- 4.1 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.

5. PLANNING HISTORY

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

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 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.

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 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.

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:

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.

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 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.
- 7.2 **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.
- 7.3 **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.
- 7.4 **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.
- 7.5 **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.
- 7.6 **Highways England** – no objection.

- 7.7 **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.
- 7.8 **Anglian Water** – no objection. The existing sewerage system at present has capacity.
- 7.9 **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.
- 7.10 Letter received from **Unit B Lyttelton Road** - do not object provided own access roads/rights are not impinged upon. Concur with police over security problems that exist in the area.

8. APPRAISAL

Principle of development

- 8.1 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.
- 8.2 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.
- 8.3 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 was 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 is considered acceptable.

Design and Appearance

- 8.4 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.
- 8.5 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.

- 8.6 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.
- 8.7 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. It is considered acceptable in this regard.

Amenity

- 8.8 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.
- 8.9 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.
- 8.10 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

- 8.11 Access to the site would be via the existing access from Countess Road. Parking for a total of 58 vehicles would be provided on site comprising of 54 spaces for the apartments located to the rear of the site accessed via automated secure access gates including 5 disabled spaces and 2 spaces per dwelling. 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

- 8.12 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.
- 8.13 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

- 8.14 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.
- 8.15 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.
- 8.16 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.
- 8.17 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.
- 8.18 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.
- 8.19 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 value 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.

- 8.20 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.
- 8.21 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.
- 8.22 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.
- 8.23 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.
- 8.24 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.
- 8.25 The applicant has considered the re-use of the existing lift shafts to ensure that all flats are fully accessible, but considers that the cost of this non-statutory requirement, and the potential impact of this on the viability of the scheme, means that it is not deliverable. However, four of the ground floor flats are to be made mobility units, and all of the ground floor flats units will be accessible by level access and ramps.

9. CONCLUSION

- 9.1 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.
- 9.2 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.

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. 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), 21 to 29 (odds), 37 to 43 (odds), Unit 47 and the rear elevations of Units 38, 40, 42, 44, 45 & 46 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_17B, 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 dwellings 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

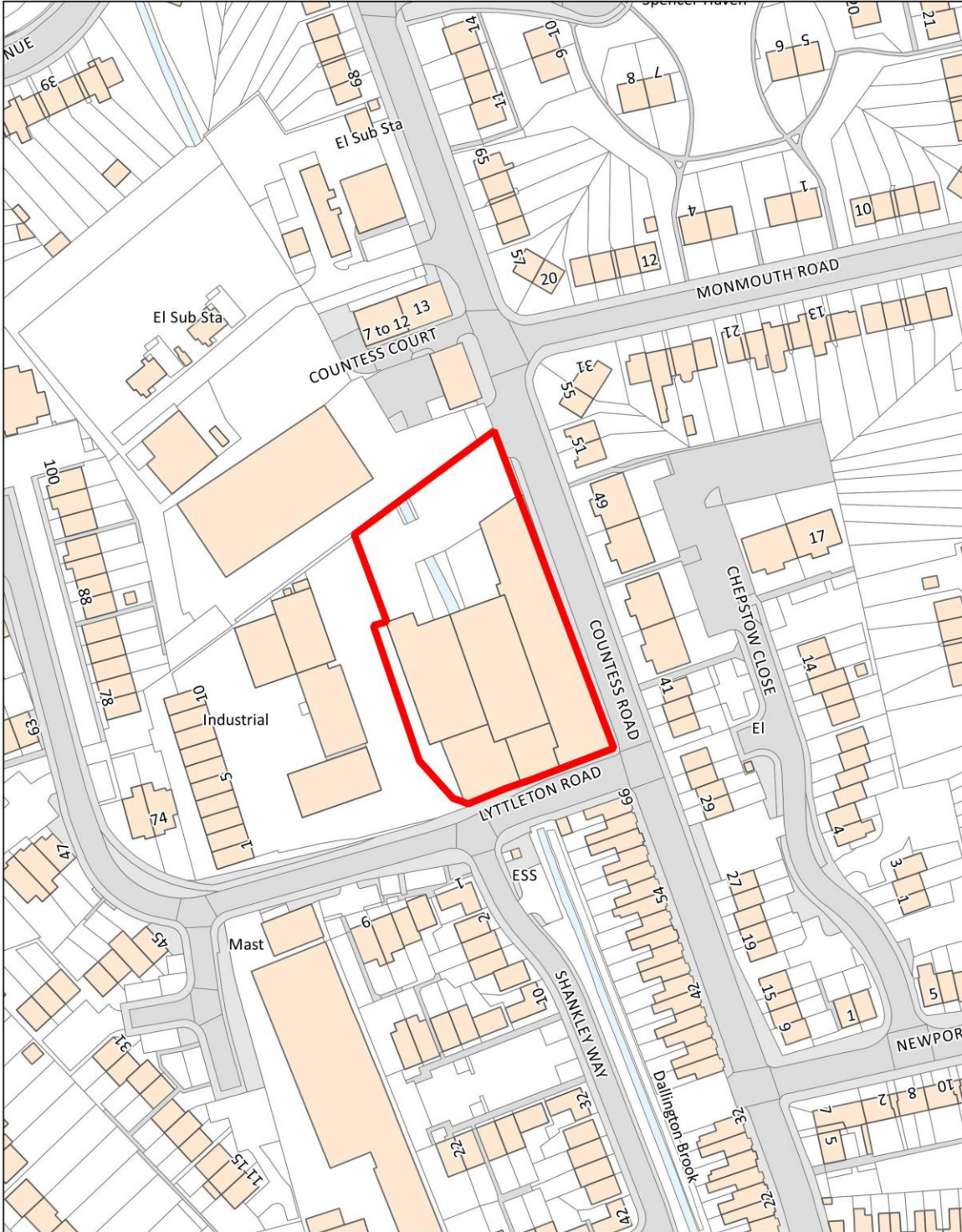
- 10.1 N/2015/1021

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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NORTHAMPTON
BOROUGH COUNCIL
 Planning Committee

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

APPLICATION REF: N/2015/1228

LOCATION: 194 - 200 Kingsthorpe Grove and Trinity Avenue

DESCRIPTION: Demolish former car showroom and erect building with retail (Use Class A1) on ground floor and 14no flats on first, second and third floors including new access and ancillary development, and creation of residential car parking area

WARD: Trinity Ward

APPLICANT: Venulum Trinity Limited
AGENT: David Lock Associates

REFERRED BY: Cllr J Birch
REASON: Concerned about design, scale of development, parking and anti-social behaviour

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 REFUSAL for the following reason:

The development proposal by virtue of its design and appearance would represent a poor quality of design and an incongruous feature in a prominent position within the streetscene. With the absence of a cohesive and harmonious design the proposed development would be harmful to the character and appearance of the area contrary to Policies S10 and H1 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan and the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The proposal includes the demolition of the vacant former car showroom on the main part of the site at the corner of Kingsthorpe Grove and Stanhope Road and the erection of a three to four storey block of 14 flats on the upper floors, comprising 5 no. 1 bed and 9 no. 2 bed apartments, with a retail unit of 304m² at ground floor level.

- 2.2 Parking would be provided adjacent to the proposed building for the retail unit (13 spaces with 1 disabled parking space) with access from Stanhope Road, with a further car parking area with 14 spaces to be provided on a separate site adjacent with access from Trinity Avenue.

3. SITE DESCRIPTION

- 3.1 The premises on Kingsthorpe Grove are now vacant, having previously been in use as a car dealership with associated vehicle workshop, whilst the Trinity Avenue site, which is also vacant, was used as a car storage area for this use. Apart from the nearby Romany Public House, its car wash and one retail unit (hairdresser), the area is generally residential in character, with the form of existing development comprising predominately two and three storeys traditional terraced properties but also featuring two storey flat roofed flats opposite the site. Across Kingsthorpe Grove is an area of open space forming part of the Kingsthorpe Golf Course and allotments.

4. PLANNING HISTORY

- 4.1 The only relevant planning history is application reference N/2007/1344 for the demolition of the existing buildings and erection of 19 apartments which was approved in principle by the Planning Committee in May 2008, but as the associated Section 106 agreement was never signed, the application was finally disposed of in 2013.

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.

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 25 requires that a sequential test should be applied to applications for main town centre uses that are not in an existing centre. Such uses should be located in town centres and then edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

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

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 S1 – The distribution of development - in assessing the suitability of sites for development priority will be given to making best use of previously developed land and vacant and under-used buildings in urban or other sustainable locations contributing to the achievement of a West Northamptonshire target of 30% of additional dwellings on previously developed land or through conversions.

Policy S2 – Hierarchy of Centres - The vitality and viability of centres must be maintained and enhanced commensurate with their role and function.

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 S9 – Distribution of Retail Development - proposals for new retail development which cannot be accommodated within the town centres will be subject to a sequential approach where first preference is given to well-connected edge of town centre sites, and then sites within district / local. Only if sequentially preferable sites are not suitable and available should out of centre sites be considered.

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 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 BN9 - Planning For Pollution Control - proposals for new development which are likely to cause pollution or likely to result in exposure to sources of pollution or risks to safety will need to demonstrate that they provide opportunities to minimise

and where possible reduce pollution issues that are a barrier to achieving 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:

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**

Comments received are summarised as follows:

- 6.1 **Environmental Health** – No objections, conditions required regarding contaminated land, noise and refuse storage.
- 6.2 **Construction Futures** – Financial contribution and training weeks will be required.
- 6.3 **Surface Water Drainage** – *Initial comments* : Insufficient detail provided. *Response to revised plans*: The impacts of surface water drainage will be adequately addressed, subject to conditions requiring a surface water drainage scheme for the site and the maintenance of the scheme.
- 6.4 **Local Highway Authority** – *Initial comments*: Amendments required to car park access, access gradients and surfacing. *Comments on revised plans*: Happy with revised layout, Conditions will be required for visibility splays, positive means of drainage and construction management plan.
- 6.5 **Police Crime Prevention** – Security measures required.
- 6.6 **Councillor Jane Birch** – Concerned over scale of development, parking, overshadowing of neighbouring properties, design of the building which is not in keeping with the area and the potential for anti-social behaviour.
- 6.7 **Councillor Sarah Uldall** - Concerned about traffic impact and scale and design of the building.
- 6.8 **Councillor Sally Beardsworth** - Concerned about the impact on the road network and the size and scale of the development.
- 6.9 **Councillor Brain Hoare** (in correspondence with the Highway Authority copied to the LPA) – Concerned that the data used in the Transport Assessment was not representative. *A response to this was sent by the Highway Authority confirming that flaws in the data had been taken into account in their response.*

6.10 25 representations received from the occupiers of adjacent and nearby premises together with a 77 signature petition, as well as a representation from **Michael Ellis MP**, making the following points in summary:

- The land is protected by a deed of covenant restricting the height of buildings.
- Area unsuitable for this type of building.
- Large amount of traffic goes through the area.
- Party wall consent is required.
- There is a problem with anti-social behaviour, another shop will increase this.
- Retail use will increase noise and disturbance to neighbours
- More than enough local shops nearby.
- Concerned over safety and increased vehicle movements,
- Object to height of proposed building
- Totally out of keeping and detracts from visual amenities
- No on site residential parking, this is 100m away and poorly lit.
- No way to ensure off-site parking is tied in to residential part of the development.
- Off-site parking would not be used due to distance / convenience.
- Delivery bay further reduces on street parking
- Not enough parking in the area.
- Applicants have not worked with the community.
- Will overshadow neighbouring property.
- Walkway / stairs would be level with neighbouring first floor, affecting privacy.
- Will be a loss of natural light and sunlight to neighbouring property.

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 The application site is allocated as being within a Primarily Residential Area in the Local Plan and is within an area which consists primarily of residential accommodation, within which the former use represented a non-conforming commercial use, as a car showroom and vehicle repair workshop.
- 7.3 The proposal would remove this non-conforming use, and would replace it with residential and retail development. The residential element of the use is considered to be acceptable in principle given the policy allocation. Furthermore, the site is considered to be in a sustainable location with good access to public transport and local facilities. The development of the site for residential use would contribute towards the Council's 5-year housing supply and enable the re-development of what has now become a semi-derelict building. As the proposal is for 14 dwellings, there would not be a requirement for the provision of affordable housing.
- 7.4 304m² of proposed retail floorspace is to be provided. This is stated as being intended as a shop to serve local needs. Policy S9 of the Joint Core Strategy deals with the distribution of retail development and states that new retail development should be located within the town centre and if that is not possible, within district or local centres. The proposed site in this case is outside such a centre and therefore a sequential analysis was produced on behalf of the applicants, which considers whether alternative sites in the town centre, or failing that in district and local centres,

would have been available for the retail use and which therefore would be considered sequentially preferable.

- 7.5 This analysis identified and considered 88 such retail units, with the consideration based on criteria including their size, availability of servicing / parking, and proximity to convenience store competitors. It was concluded that there were only six sites which were worthy of further investigation, based on a score derived from a combination of these criteria. However, whilst these six units scored well overall in the analysis, they were ultimately rejected in the applicants' analysis due to either the proximity of competitors or poor servicing.
- 7.6 The conclusion reached in this analysis was, therefore, that there are no sequentially preferable sites for the proposed convenience retail use of the site. In reviewing this document, it is considered that it represents a sound analysis of the situation and has demonstrated satisfactorily that there are no sequentially preferable sites available.
- 7.7 Due to the small size of the unit i.e. well under the threshold 1,000 square metres, a retail impact assessment is not required to be carried out. On this basis and given the size of the development, it is not considered that any undue detrimental retail impact would be likely to occur.
- 7.8 The stated intention of the retail use is to provide a local convenience store for the area. If this is to serve this function, by definition this would have to be located in this local area. The need for the unit has been called into question by some of the objectors to the application, however, the need or otherwise for the unit is not a planning consideration, this would be a commercial decision and it is only necessary to demonstrate that there is not a sequentially preferable site.

Impact on the street scene and the character and appearance of the area

- 7.9 In respect of the impact on the street scene and the character of the area, the existing car showroom building on the site is single storey although at its highest is almost as high as a two storey house. This building is of a functional design and is not in keeping with the wider character of the area. Neighbouring properties along Stanhope Road and Kingsthorpe Grove are generally two storeys in height, the exception to this being two three storey buildings on Stanhope Road.
- 7.10 The proposed new building for the flats and retail unit steps up in height from the adjacent two storey buildings on either side, from three to four storeys in height, with the three storey elements having pitched roofs and the four storey element being flat roofed. It is considered that the combination of these roof designs would result in an unattractive, poor design quality and incohesive development which would appear incongruous in the area.
- 7.11 In addition, the proposed access stairway and the timber cladding so close to Kingsthorpe Grove would create an unattractive dead frontage totally out of character with the existing development in the area.

Impact on the amenities of adjoining and nearby occupiers

- 7.12 In respect of the impact on adjoining and nearby residents, the proposed building is adjacent to the side wall of the immediate neighbour at 192 Kingsthorpe Grove. There is no overshadowing impact from this nearest part of the building. Whilst parts of the building will be set further south from this neighbour, there will be a separation

distance of up to 8 metres, it is not considered that the impact in terms of overbearing and overshadowing would be unacceptable.

- 7.13 Furthermore, a shadow analysis has been produced by applicants. This shows that shadows would not fall onto neighbouring properties from direct sunlight creating unacceptable impact.
- 7.14 In respect of overlooking, the building has been designed with most of the windows to habitable rooms being on the front of the building, with only three bedrooms on each of the first and second floors having rear facing windows. These would not face directly towards any neighbouring properties and only two of these windows overall (one on each floor) would allow partial overlooking of the garden area of no. 192 Kingsthorpe Grove, which would be at an oblique angle and would be similar to the relationship which generally exists between neighbouring properties. It is considered that such relationship is acceptable.

Parking and Highway Issues

- 7.15 Parking for the retail unit would be provided on the same site as the flats, in the form of 13 spaces including one disabled space, with a further 15 spaces provided for the residential element on a separate site on Trinity Avenue.
- 7.16 Concerns have been raised by some objectors that the residential parking may not be used by future residents, due to the inconvenience of having to walk to and from a second location, and due to fears of security and remoteness of the car park. However, the parking is approximately 100m away from the flats, which would represent a walking time of less than one and a half minutes. Given the congested nature of parking in the area, it is considered that many of the future residents of the development would be likely to use the proposed parking spaces rather than risk trying to find a space on the street.
- 7.17 As this area of parking would be detached from the site of the flats, it is necessary to ensure that it remains available for parking for so long as the flats remain in use. As this is a separate piece of land this could not be secured by means of a planning condition. Were the application being recommended for approval, a S106 agreement would be required to secure the use of the site for parking by the residents.
- 7.18 The provision of 14 residential parking spaces represents one space per dwelling. Whilst some of the flats have two bedrooms and therefore occupants would potentially have more than one car, the site is within what could be considered a reasonably sustainable location, being served by public transport and within walking distance of some local facilities, which would include the proposed retail unit. On this basis occupants of the flats would not necessarily need to have cars and it is considered, therefore, that level of parking proposed is acceptable. The Local Highway Authority is satisfied with the level of parking proposed.
- 7.19 As regards security, comments from the Police Crime Design Adviser indicate the need for security measures to be incorporated into the satellite parking area, as well as the development overall.
- 7.20 In terms of the servicing and parking arrangements for the retail unit, 12 spaces and one disabled space would be provided adjacent to the flats. A dedicated delivery bay was also proposed to be provided on the road, but this was removed from the plans at the request of the Local Highway Authority, who did not consider this to be

necessary. It is considered, following amendments, that the access is acceptable and this is confirmed by the response received from the Local Highway Authority.

Other Matters

- 7.21 The retail unit would be located below the residential element of the scheme, and concerns have been raised by Environmental Health Officers that the flats may be affected by noise. The opening hours of the proposed retail unit have not been specified in the application, however discussions with Environmental Health Officers indicate that opening hours of 7am to 10pm would be appropriate for the location. All these matters could have been mitigated and restricted by planning conditions.
- 7.22 In respect of other matters raised by objectors, reference has been made to a deed of covenant which would prevent the construction of a four storey building. Whilst this may be the case, this does not represent a material planning consideration but would be a separate legal matter, which may nevertheless prevent the development taking place, if invoked.
- 7.23 In respect of matters raised in consultations, a consultation response has been received from Construction Futures, requesting training weeks and a financial contribution. This would normally be secured by a S106 agreement.

8. CONCLUSION

- 8.1 Notwithstanding the fact that the proposal would make a positive contribution to the Council's 5-year housing supply and would remove a non-conforming use on site, the proposal as submitted is considered to be unacceptable and would be harmful to the character and appearance of the area contrary to Development Plan Policy. The recommendation is therefore to refuse planning permission.

9. BACKGROUND PAPERS

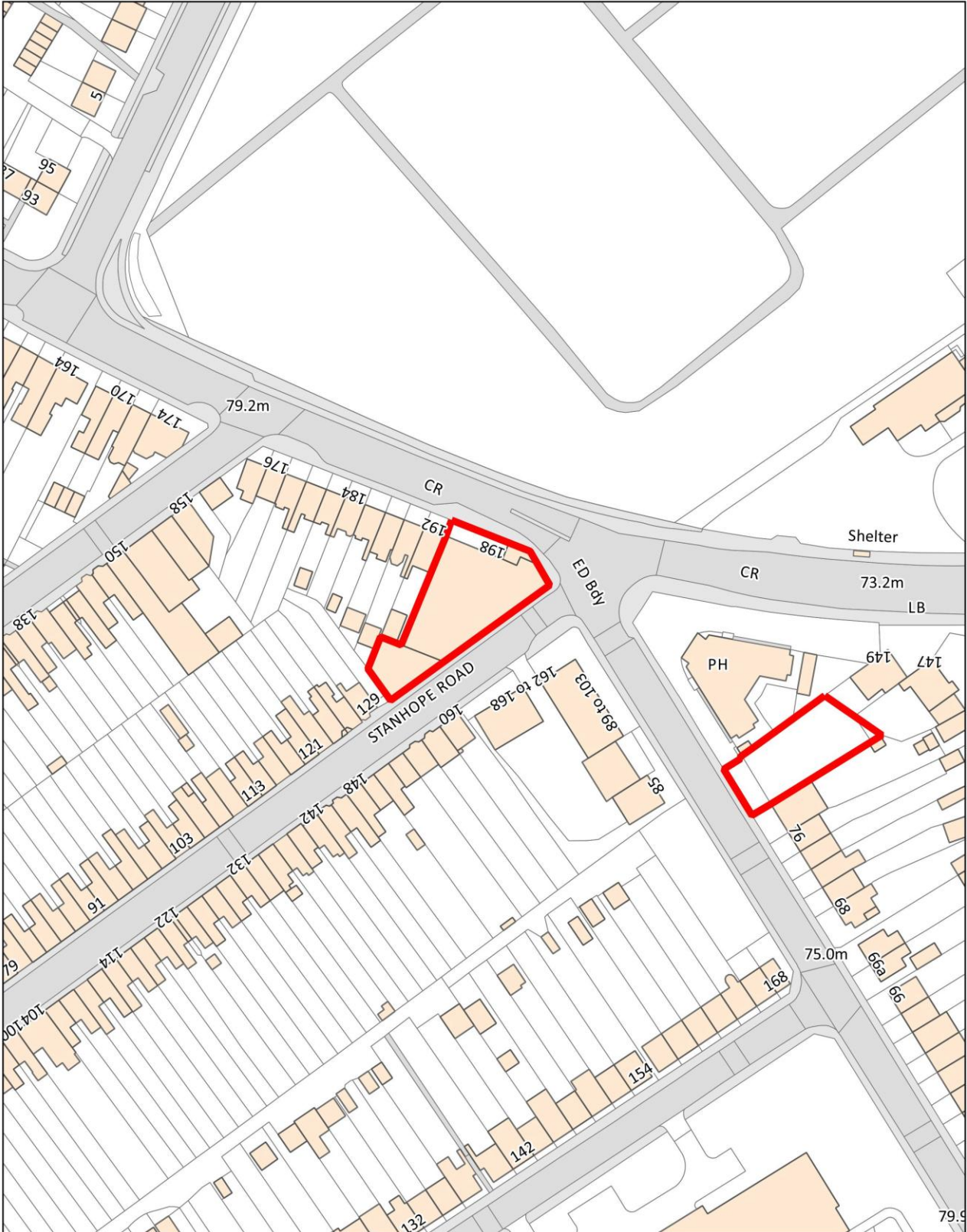
- 9.1 Application file N/2015/1228.


10. LEGAL IMPLICATIONS

- 10.1 None

11. SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 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.



 <p>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Title: 194-200 Kingsthorpe Grove</p>	<p>Date: 29-02-2016</p>
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		<p>Drawn by: Planning</p>



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

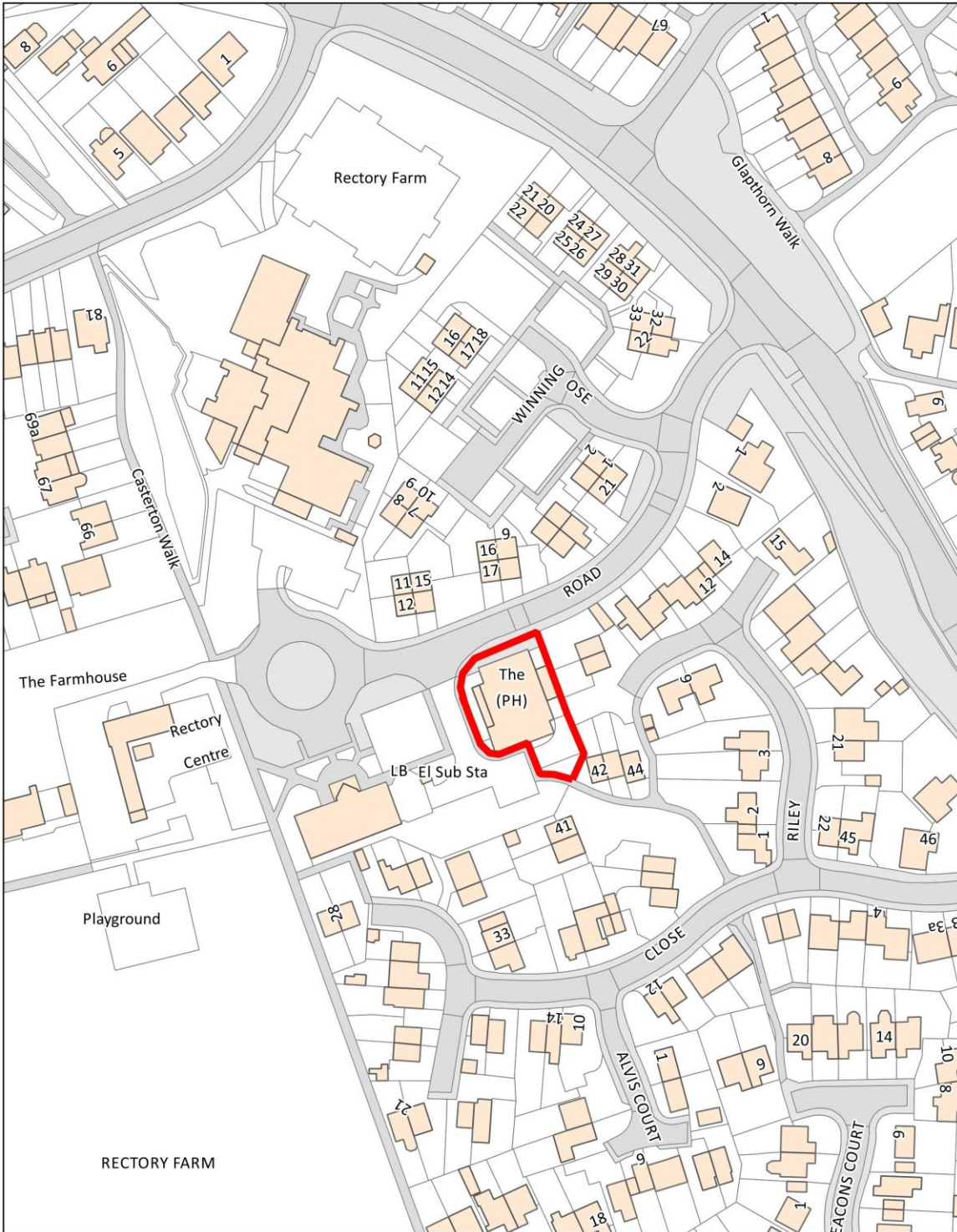
- 11.1 N/2015/1314.

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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Date: 28-01-2016

Scale: 1:1,250

Drawn by: Planning



NORTHAMPTON
BOROUGH COUNCIL
 Planning Committee

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

APPLICATION REF: N/2015/1424

LOCATION: 35 Cowper Street

DESCRIPTION: Change of use from dwelling (C3) to House in multiple occupation (C4) for three residents

WARD: Castle Ward

APPLICANT: Mr Luthra
AGENT: Archi-tec Architectural Design

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Previous application dismissed on appeal

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The development would not lead to an unacceptable concentration of HIMO's within the locality that would adversely impact upon the character of the street, nor would the development have significant adverse impacts on neighbouring amenity or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed and is in accordance with the requirements of Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy, Policies E20, E26 and H30 of the Northampton Local Plan, the Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Permission is sought to change the use from single dwelling to house in multiple occupation (HIMO) for 3 people.

2.2 This application was deferred from the 15th March 2016 Planning Committee meeting for further consideration in particular regarding issues of noise, anti-social behaviour, parking and number of HIMO's in the area.

3. SITE DESCRIPTION

- 3.1 A two storey mid-terrace dwelling of the Victorian era, within the Boot and Shoe Quarter Conservation Area, and within a residential area as so designated in the Northampton Local Plan. The area is included in the Article 4 Direction which has removed permitted development rights for Class C4 use.
- 3.2 The property fronts directly on to a street of approx. 60 houses, and has a long rear garden, with no car parking spaces provided on site. Surrounding uses include single family dwelling houses, flats, and houses in multiple occupation. Three bedrooms and a bathroom are provided upstairs, with two lounges, a kitchen, utility room and WC provided on the ground floor, with a basement room for storage.
- 3.3 The property is currently in use as a HIMO for four occupants.

4. PLANNING HISTORY

- 4.1 N/2014/1025 – change of use from dwelling to house in multiple occupation for 4 people – retrospective – refused and dismissed at appeal.

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).

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention 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 - Core Principles - seeks to secure high quality design and good standard of amenity for existing and proposed occupiers.

Paragraph 49 - Housing applications considered with presumption in favour of sustainable development.

Paragraph 50 - To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Paragraph 56 - Good design is a key aspect of sustainable development.

Chapter 12 – Conserving and enhancing the Historic Environment.

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 H1 - Housing Density & Mix & Type of Dwellings - States that development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs. Housing developments will be expected to make the most efficient use of land having regard to the location and setting of the site, the existing character and density of the local area, accessibility to services and facilities, proximity to public transport routes, the implications of density for affordability and viability, the living conditions provided for future residents, the impact on the amenities of occupiers of neighbouring properties.

Policy H5 - seeks to manage and safeguard existing housing stock, including through HIMOs where they would not adversely impact upon the character and amenity of residential areas.

Policy S10 - requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

Policy BN5 – Historic Environment: Designated heritage assets and their settings will be conserved and enhanced in recognition of their individual and cumulative significance.

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 should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.

Policy E26 – the character and appearance of conservation areas should be enhanced or preserved.

Policy H30 – requires HIMOs to be of sufficient size to accommodate the proposed use and not result in an over concentration to the detriment of the character and amenity of the area or result in a substantial demand for on street parking in areas judged to be experiencing difficulties.

5.5 Supplementary Planning Documents

Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

5.6 Other Material Considerations

Houses in Multiple Occupation (HIMO) Interim Planning Policy Statement (IPPS)
(November 2014)

Proposals for HIMOs should:

- Result in a balanced and mixed community and protect the physical character of the street and neighbourhood as a whole by not resulting in a concentration of similar uses; a material change or adverse impact on the character of the area; or more than 15% of HIMOs within a 50m radius.
- Secure the provision of adequate facilities, amenities and minimise flood risk;
- Promote use of public transport, cycling and walking and secure provision of adequate parking;
- Ensure provision of adequate storage for refuse and materials for recycling.

Boot and Shoe Quarter Conservation Area Appraisal 2011

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Conservation** – no physical changes to the building fabric are proposed, and use would have a neutral impact on the character and appearance of the Conservation Area.

NBC Private Sector Housing – space and amenities provided are suitable to let to 3 individuals from 3 separate households. The property is already licenced under Part 2 of the Housing Act.

Councillor D Stone – Cowper Street is one of the worst in my ward for HIMOs and houses turned into flats. It is awash with rubbish and litter most of the time. It has immense parking issues. Families live in this street and have a truly horrible time.

Highway Authority – whilst parking is at a premium in the area, the LHA does not believe that the potential increase in parking demand created by the change of use to a three bedroom HIMO will compromise highway safety or amenity in the area.

- 6.2 Letters sent to immediate neighbours, site notice posted and newspaper advertisement placed.
- 6.3 25 responses from neighbours received objecting on the grounds that Cowper Street is being targeted by landlords who want to make money, most of the time ignoring planning permission, multiple occupied houses already overpopulate the street with an impact on car parking, noise, anti-social behaviour, refuse on street and increased public nuisance.
- 6.4 In addition, 32 survey responses have been received regarding parking problem in the vicinity of Cowper Street.

7. APPRAISAL

Principle of the development

- 7.1 The conversion of an existing dwelling to a HIMO is considered to be in accordance with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. Policy H5 of the Joint Core Strategy allows for

HIMOs where they would not adversely affect the character and residential amenity of an area.

- 7.2 In principle, houses in multiple occupation are considered to be acceptable in a residential area.

Size of property

- 7.3 The plans indicate two lounges, kitchen, utility and a WC on the ground floor and three bedrooms and a bathroom on the first floor. The response from Private Sector Housing indicates that the property can accommodate 3 people from three separate households, and holds a licence for the same under the Housing Act 2004. It is considered that the application therefore complies with Principle 2 of the Council's adopted Planning Policy Statement on HIMOs, that adequate facilities and amenities would be provided for occupants.

Area Concentration

- 7.4 Updated Council records evidence that the application would not lead to an over-concentration of authorised and licensed HIMOs within a 50m radius of the application site i.e. there would be a total of 8 HIMOs within the 50m radius, which would equal to 11% out of 72 properties. The application therefore complies with Principle 1 of the Council's adopted Planning Policy Statement on HIMOs, which states that '*... applications should result in a balanced and mixed community and protect the physical character of the street and neighbourhood as a whole by not resulting in a concentration of similar uses; a material change or adverse impact on the character of the area; or more than 15% of HIMOs within a 50m radius.*'
- 7.5 The Interim Planning Policy Statement on Houses in Multiple Occupation was adopted November 2014. Since that time, Council records as to existing HIMOs have been updated, and the Policy Statement is under review. There are currently two other properties in Cowper Street that are suspected unauthorised HIMOs, but only one of these is within the 50m radius of the application site, which, if taken into account, would not raise the concentration percentage over 15%. The Planning Department continues to liaise closely with the Private Sector Housing to resolve these matters.
- 7.6 The previous application for a 4 person HIMO at this site (N/2014/1025) was refused (and dismissed at appeal) in October 2014 for the reason of '*undue concentration of such premises in this locality to the detriment of the general amenities and character of the area, contrary to Policy H30 of the Northampton Local Plan*' However, it should be noted that the HIMO Interim Planning Policy Statement was not adopted at that time, and the method of assessing over-concentration was different i.e. data was collected for Cowper Street as a whole, as opposed to an area (50m radius) around the property. Also since that time, the Council has updated its records for HIMO properties and the information and data now being used are more robust.
- 7.7 It is considered that this method of assessing HIMO concentration in an area would acceptably safeguard existing housing stock, as is required by Policy H5 of the West Northamptonshire Joint Core Strategy.

Parking

- 7.8 No off-street parking is provided, and neighbours have objected on this issue. However, the amended plan indicates cycle storage in the rear garden, and also the

site is located within walking distance (130m) of a main bus route, and a Local Centre. This therefore complies with Principle 3 of the Council's adopted Planning Policy Statement on HIMOs.

- 7.9 The Highway Authority has raised no objections to this application, on the basis that whilst parking is at a premium in the area, the LHA does not believe that the potential increase in parking demand created by the change of use to a three bedroom HMO from a three bedroom single family dwelling will compromise highway safety or amenity in the area.
- 7.10 In regard to the results of a recent parking survey relating to an application at 36 Cowper Street (change of use from single family dwelling to a HIMO for 5 people), the LHA further comments are as follows:

'I can confirm that the results of the parking survey for the area around Cowper Street will not change the previous position of the LHA for application N/2015/1424 – 35 Cowper Street – HIMO for 3 residents. It is not believed that the potential demand for parking for a three person HIMO will be greater than the maximum potential demand that could be reasonably assumed to be generated from a typical residential dwelling. Therefore, the LHA maintains no objection to the application.'

Bin Storage

- 7.11 The amended plan indicates an area for refuse bins in the back garden. This is therefore considered to be in compliance with Principle 4 of the Council's adopted Planning Policy Statement on HIMOs.
- 7.12 Consequently it is not considered that any refusal of planning permission or the imposition of planning conditions in relation to amenity issues of refuse disposal would be reasonable or sustainable at appeal.

Amenity

- 7.13 The proposed use falls within Use Class C4, which categorises this as a residential use, which in planning terms should not generate significant amenity impacts, such as noise or anti-social behaviour upon local residents over and above those created by a more conventional dwelling house. Indeed, without the Article 4 Direction, planning permission would not have been required for this change of use.
- 7.14 Several objections have been received from neighbours concerning anti-social behaviour arising from HIMOs. Such matters as the unsatisfactory handling of refuse and noise disturbance would be the landlord's responsibility under The Management of Houses in Multiple Occupation (England) Regulations 2006 and would be included in the tenancy agreement, and also part of the Council's Licencing process. Such matters would also fall under the Environmental Protection Act 1990 if the anti-social behaviour is arising from HIMOs.
- 7.15 Consequently it is not considered that any refusal of planning permission or the imposition of planning conditions in relation to amenity issues would be reasonable or sustainable at appeal.
- 7.16 The recent Appeal Decision for 76 Somerset Street illustrates this point, as follows:

'The appellant states that he manages the property in a way which is focussed on professional people who are vetted before they are granted a tenancy, and that the

tenancy agreement contains obligations to minimise noise. Whilst the planning permission runs with the land, there is no evidence to suggest that new ownership or management would lead to more significant noise issues being experienced. As the HMO is a residential use it cannot be assumed that it would create a noise problem which is materially worse than would be generated by use as a single dwelling house, which could involve for example young children or teenagers.'

Public Nuisance

- 7.17 An issue of public nuisance could result from anti-social behaviour within the public domain, and this may be a criminal offence. However, this could arise in any residential setting and should not necessarily be linked to residential dwellings in use as HMOs. As stated above, in rented accommodation, anti-social behaviour of tenants would be the responsibility of the landlord and would be covered in tenancy agreements.

8. CONCLUSION

- 8.1 Taking the above into account, it is considered that the use of this property as a HMO for 3 people is in compliance with Policy requirements, 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 development hereby permitted shall be carried out in accordance with the following approved plans: location plan, L13-1A.

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

- (3) The development hereby permitted shall be occupied by a maximum of three residents at any one time.

Reason: In the interests amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

- (4) The bin storage and cycle storage provision as indicated on the approved plans shall be implemented prior to the use commencing and retained thereafter.

Reason: For the avoidance of doubt and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

- (5) The basement area shall not be used for habitable accommodation at any time.

Reason: For the avoidance of doubt and to avoid overdevelopment of the site in the interests of amenity in accordance with Policy H5 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

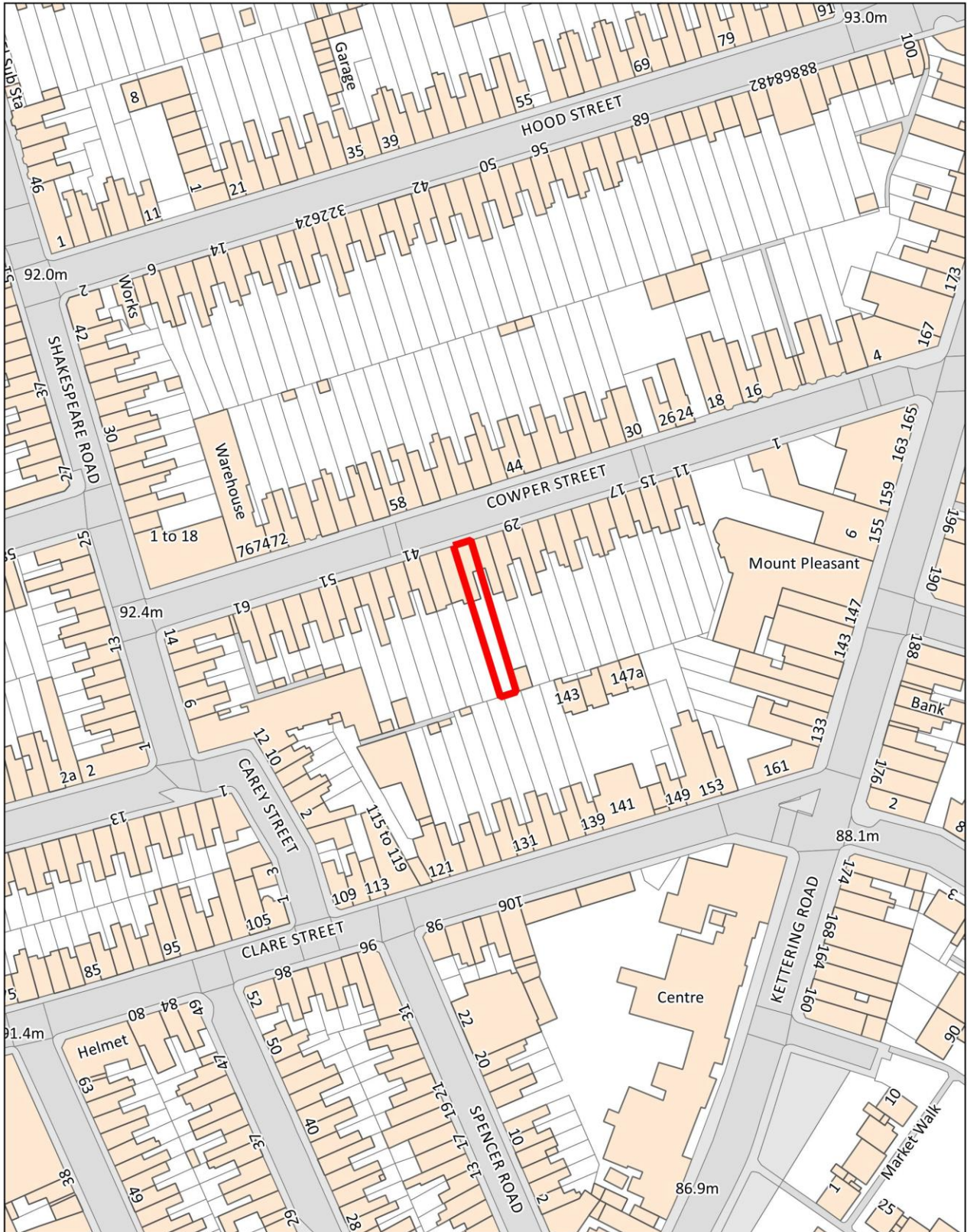
10.1 N/2015/1424


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.



 <p>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Title: 35 Cowper Street</p>	<p>Date: 04-04-2016</p>
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PLANNING COMMITTEE: 12th April 2016
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

APPLICATION REF: N/2016/0123

LOCATION: Northampton & County Club, 8B George Row

DESCRIPTION: Erection of electronic gate and pedestrian gate with surrounding fencing at the entrance to the club carpark via Angel Street - retrospective application

WARD: Castle Ward

APPLICANT: Northampton and County Club
AGENT: Northampton and County Club

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Council Members are members of Northampton and County Club

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The retention of the gates and fencing as proposed is considered to be of less than substantial harm, whilst providing wider public benefits in securing the site in order to reduce crime and anti-social behaviour issues, and would assist in ensuring the continued viable use of the listed building. The retention of the gates and fencing would not lead to any unacceptable adverse impact on the setting of the Grade II* listed premises which form part of the application site, or the adjacent listed buildings to the north and north east. Nor would they adversely impact on the character and appearance of the conservation area. The proposal is, therefore, in accordance with the requirements of Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy, Policy 1 of the Northampton Central Area Action Plan and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The applicant seeks planning permission to retain an electronic access gate (approximately 2.1m in height) and fencing to the rear of the club. Works to implement the development commenced earlier this year, without the benefit of planning permission; however, this application seeks to regularise the situation.

- 2.2 The submitted Heritage Impact Assessment advises that there have been issues of illegal parking, anti-social behaviour and illegal activities in the car park which is prevalent at the weekends. The security gates are intended to resolve the parking issues and limit the ability of the public to access the site without permission.

3. SITE DESCRIPTION

- 3.1 The application site comprises of a private members' club, three offices on George Row and separately accessed first, second and third floor offices and studios situated within All Saints Conservation Area within the Town Centre. The upper rooms extend across Nos. 8, 8A, 9 & 9A George Row, all of which are Grade II* listed buildings. The main pedestrian entrance to the club is from George Row. All Saints' Church, a Grade I listed building is located directly opposite the front entrance and County Hall, a Grade II* building, is located to the north east. The premise has a car park to the rear accessed from Angel Street. The gates and fencing proposed for retention are situated at the rear entrance to the car park.

4. PLANNING HISTORY

- 4.1 There is no 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 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:

Paragraph 58 advises on the need to create safe and accessible environments.

Paragraph 131 – account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraphs 132 in considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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 S10: Sustainable Development Principles - seeks to achieve the highest standards of design incorporating safety and security considerations and to protect, conserve and enhance heritage assets and their settings.

Policy BN5: The Historic Environment and Landscape – heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative significance.

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 – development in the Central Area must demonstrate a high design standard and preserve and enhance the character, appearance and setting of the central area's heritage assets and pay suitable regard to the adopted Conservation Area Appraisals and Management Plans.

Policy 21: Angel Street – development to be consistent with the Development Principles set out in Policy 21 and expected to play major role in the provision of new offices.

5.5 **Supplementary Planning Documents**

All Saints Conservation Area Appraisal & Management Plan (2007)

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NBC Conservation** – no objection. The bow-top fencing and electronic sliding gates are painted and are of an acceptable design. They are not unduly prominent in the street scene and do not harm the character or appearance of the conservation area. They are a considerable distance from the rear of the Grade II* listed premises, such that its setting and the setting of the adjacent listed buildings are not harmed.
- 6.2 **Historic England** – note the problems with anti-social behaviour and appreciate the desire to address these issues. It therefore seems that there is a genuine need to make the car park secure, and there is some public benefit in doing so. Railings of a more traditional design would be more appropriate for this sensitive heritage location and would have a more positive effect on the character and appearance of the conservation area. Recommend that the applicant is encouraged to consider proposal as an interim solution and that a longer term solution of a design and aesthetic quality, more sympathetic to the historic environment and its respective heritage assets. Recommend the application is determined in accordance with national and local policy guidance and on basis of Council's specialist advice.
- 6.3 **Town Centre Conservation Advisory Committee** – the gates are very plain and boring for an important pedestrian street. Should not be treating this as a back alley and the argument in the Heritage Statement is weak.

- 6.4 Observation from **resident of Portland Place** – the fact that a Councillor sits on the committee of this club could not have anything to do with the club not being penalised for carrying out this work without permission.
- 6.5 Letter from **Chelton Brown Lettings & Sales, 45 George Row**:
- Chelton Brown has had corporate membership of the club for approximately 10 years.
 - Our principle reason for using membership is for the use of the car park which gives us use of up to ten spaces.
 - Over recent years cars have been broken into and vandalised.
 - Issues of anti-social behaviour.
 - Fully support the gates which will improve the security of our cars, property and staff.
 - Opposing the visual appearance whilst building works within meters of the access is ridiculous.

7. APPRAISAL

- 7.1 The main issues for consideration are as to whether the development adversely impacts on the setting of the host and adjacent listed buildings and the character and appearance of the conservation area.
- 7.2 The NPPF advises on the desirability of sustaining and enhancing heritage assets whilst putting them to viable uses consistent with their conservation. The impacts arising from development proposals considered to lead to less than substantial harm to the significance of a heritage asset should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 7.3 Nos. 8, 8A, 9 & 9A are located within the application site and are Grade II* listed. To the north east of the application site car park is the Grade II* listed County Hall building. As defined by Historic England, Grade II* listed buildings are ‘particularly important buildings of more than special interest’.
- 7.4 The gates and fencing are located to the rear of the site and, whilst visible within the setting of the above listed buildings, are situated a considerable distance away from the Grade II* listed premises such that it is not considered that the setting of the listed buildings within or adjacent to the application site would be harmed.
- 7.5 The gated and fencing are not unduly prominent within the street scene, being set back from the road frontage, thereby reducing their visual prominence from the east and west along Angel Street. Whilst a more traditional appearance may have been more sympathetic to the setting of the listed buildings, both within and adjacent to the site, and to the character and appearance of the conservation area, the design of the bow top fencing and gates and dark green colour are considered acceptable. The structures do not appear as an incongruous feature in the street scene and are not considered to adversely impact on the character of the conservation area. The impact on the setting of the host and adjacent listed buildings is considered less than substantial.
- 7.6 The gates and fencing are required in order to provide a more secure environment for the premises and would assist in allowing the continued viable use of the listed building. Furthermore, the works are readily reversible without causing any harm to historic assets.

8. CONCLUSION

- 8.1 The retention of the gates and fencing as proposed is considered to be of less than substantial harm whilst providing wider public benefits in securing the site in order to reduce crime and anti-social behaviour associated with the site, and would assist in ensuring the continued viable use of the building. The retention of the gates and fencing would not lead to any unacceptable

adverse impact on the setting of the Grade II* listed premises, adjacent listed buildings or the character and appearance of the conservation area and the application is therefore recommended for approval.

9. CONDITIONS

9.1 None.

10. BACKGROUND PAPERS

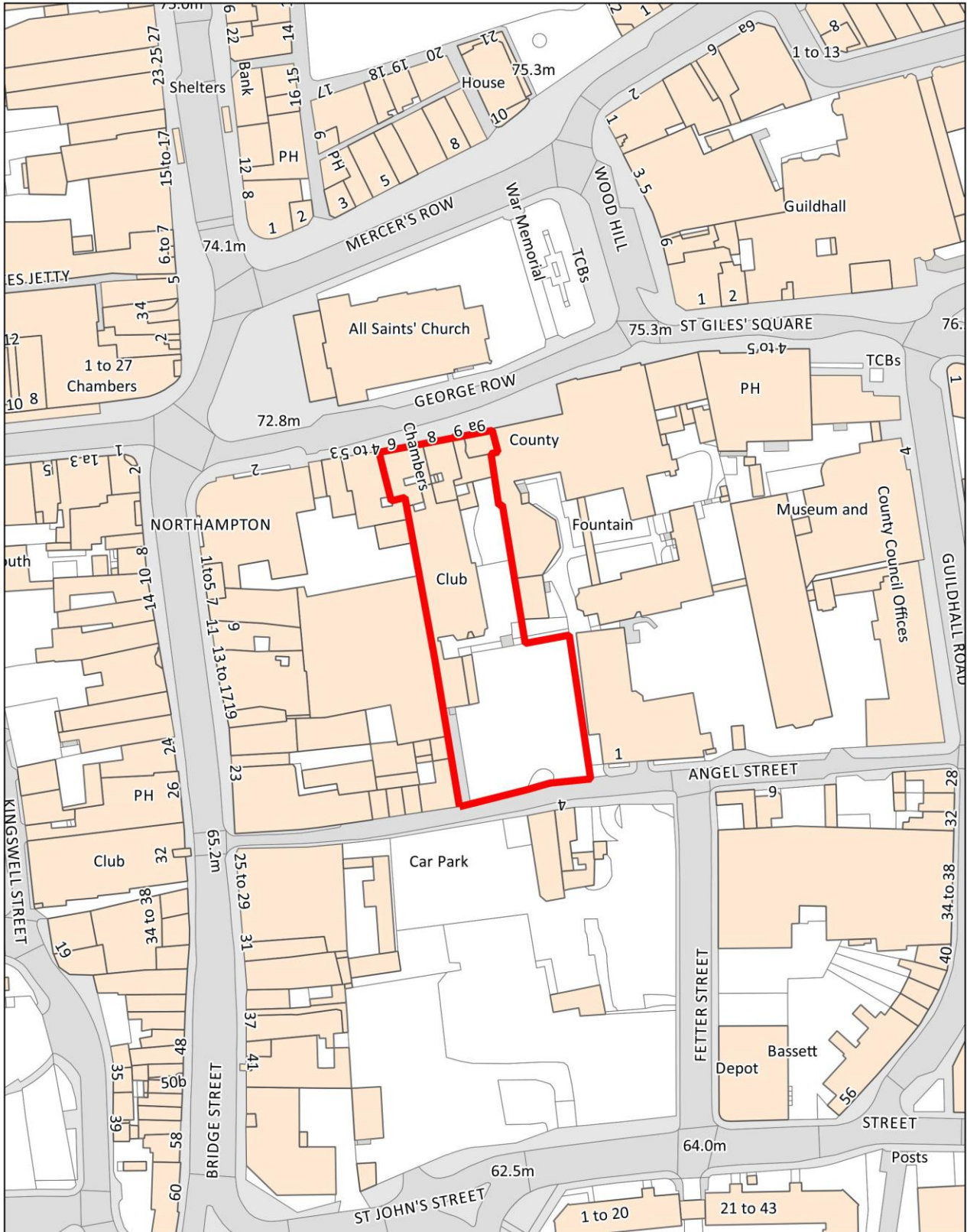
10.1 N/2016/0123.


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.



 <p>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Title: 8B George Row</p>	<p>Date: 31-03-2016</p>
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		<p>Drawn by: Plannir</p>



NORTHAMPTON
BOROUGH COUNCIL
 Planning Committee

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

APPLICATION REF: N/2016/0310

LOCATION: Land off Whites Lane, Lower Harlestone, Northamptonshire

DESCRIPTION: Construction of 54 dwellings including public open space, balancing pond and associated infrastructure

WARD: N/A

APPLICANT: BDW Trading Ltd

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Major Fringe Application

DEPARTURE: No

APPLICATION FOR CONSULTATION BY DAVENTRY DISTRICT COUNCIL:

1. RECOMMENDATION

1.1 That Northampton Borough Council has **NO OBJECTIONS** to the principle of development subject to the issues outlined below being addressed by Daventry District Council:

- No adverse comments being received from the Highway Authority regarding the impact on the local road network;
- An appropriate contribution reflecting the level of development and infrastructure costs should be provided towards necessary highway works to mitigate the impact of the development including a financial contribution towards the North West Bypass and the Kingsthorpe corridor, in accordance with JCS Policy N4;
- No adverse comments being received from the Environment Agency, Lead Local Flood Authority or other statutory body regarding flooding or drainage matters;
- An appropriate contribution should be provided towards the range of infrastructure requirements identified in JCS Policy N4 including a primary school (and, if advised by the County Council, a secondary school), healthcare services and community facilities;
- The requirements of JCS Policy N4 should be satisfied in terms of how the development would contribute towards an integrated transport network;
- An appropriate contribution should be provided towards infrastructure items set out in JCS Appendix 4 and the more up-to-date Infrastructure Delivery Plan produced by the West Northamptonshire Joint Planning Unit;

- Securing 35% of the proposed dwellings as affordable housing in accordance with Policy H2 of the JCS with a housing mix in accordance with the Northampton Affordable Housing Interim Statement 2013;
- The private housing mix including more 2 bed dwellings in accordance with the Northampton Affordable Housing Interim Statement 2013.

2. THE PROPOSAL

- 2.1 The application seeks full planning permission from Daventry District Council to erect 54 dwellings including public open space, a balancing pond and associated infrastructure. The development would be accessed from Whites Lane with a main access road running north to south in the western half of the site and two further roads running east west from this. The balancing pond and public open space would be located in the southern part of the site.

3. SITE DESCRIPTION

- 3.1 The application site is located at the junction of Whites Lane and Harlestone Road, immediately to the north of the Borough boundary. Currently the site is agricultural land.
- 3.2 The site forms part of the Northampton West Sustainable Urban Extension (SUE) as identified in the West Northamptonshire Joint Core Strategy.

4. PLANNING HISTORY

- 4.1 None relevant.

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).

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 14 identifies the development plan as the starting point for decision making and enables development proposals that accord with an up-to-date Local Plan to be approved without delay.

Paragraphs 47-49 indicate the need for Local Planning Authorities to identify the ability to deliver a 5 year housing land supply, where this cannot be shown, the

policies in Plans related to housing are considered out of date and there is a presumption in favour of sustainable development.

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 SA “Presumption in favour of Sustainable Development” requires local planning authorities to take a positive approach to determining development proposals.

Policy S1 “The Distribution of Development” requires that development be concentrated primarily in and adjoining the principal urban areas of Northampton.

Policy S4 makes provisions for 28,470 net additional dwellings within the NRDA and that Northampton’s housing needs will be met primarily within Northampton’s existing urban area and at the Sustainable Urban Extensions within the NRDA, whilst additional development would be supported if it meets the vision and objectives of the JCS.

Policy N4 “Northampton West SUE” sets out how the allocation should be developed including infrastructure provision.

5.4 **Supplementary Planning Documents**

Planning Obligations SPD (February 2013)
Affordable Housing Interim Statement (February 2013)

6. **CONSULTATIONS/ REPRESENTATIONS**

- 6.1 A copy of Duston Parish Council’s representation to Daventry District Council has been received. This raises concerns over traffic and the impact upon Duston; further pressure on infrastructure, especially the infrastructure within Duston; the suitability of the location of the balancing pond; connectivity and that the application may be determined before the Northampton West Strategic Development Framework has been implemented.

7. **APPRAISAL**

Principle

- 7.1 The site forms a small part of the allocated Northampton West SUE. As such it is considered that the principle of residential development is accepted. As the site forms such a small portion of the overall allocation, and is located at the extremes of the SUE, in an almost isolated position, it is not considered that the development of the 54 dwellings would compromise the delivery of the remainder of the SUE. However the site would need to contribute towards the infrastructure associated with the wider SUE.
- 7.2 The Northampton West Strategic Development Framework (SDF) is currently being produced and seeks to provide a framework for the site specific masterplans for the Upton Park, Upton Lodge/Norwood Farm and Northampton West SUEs, and to

inform the planning application process. It is not considered that this would impact on the current application for the reasons outlined at 7.1 above.

- 7.3 As the application involves a SUE the development would contribute to the Northampton five year housing land supply.

Landscape/Visual

- 7.4 Given the site's allocation the change of its appearance from an agricultural field to a housing development has been accepted. The dwellings proposed are of a conventional design and appearance and are considered acceptable for the site.

Highways

- 7.5 The site would be accessed from Whites Lane and the Highway Authority's views will be required as to whether this access and indeed the roads in the immediate vicinity are suitable to serve the development. On a more strategic level Policy N4 of the JCS requires the development of the SUE to provide contributions towards the North-West Bypass and the Kingsthorpe Corridor and as such this application should be required to contribute proportionately towards this.

8. CONCLUSION

- 8.1 Due to the allocation of the site as part of the Northampton West SUE and considering the presumption in favour of sustainable development identified in the NPPF, it is considered that the principle of the development should be supported subject to the following issues being addressed by DDC:

- No adverse comments being received from the Highway Authority regarding the impact on the local road network;
- An appropriate contribution reflecting the level of development and infrastructure costs should be provided towards necessary highway works to mitigate the impact of the development including a financial contribution towards the North West Bypass and the Kingsthorpe corridor, in accordance with JCS Policy N4;
- No adverse comments being received from the Environment Agency, Lead Local Flood Authority or other statutory body on flooding or drainage matters;
- An appropriate contribution should be provided towards the range of infrastructure requirements identified in JCS Policy N4 including a primary school (and, if advised by the County Council, a secondary school), healthcare services and community facilities;
- The requirements of JCS Policy N4 should be satisfied in terms of how the development would contribute towards an integrated transport network;
- An appropriate contribution should be provided towards infrastructure items set out in JCS Appendix 4 and the more up-to-date Infrastructure Delivery Plan produced by the West Northamptonshire Joint Planning Unit;
- Securing 35% of the proposed dwellings as affordable housing in accordance with Policy H2 of the JCS with a housing mix in accordance with the Northampton Affordable Housing Interim Statement 2013;
- The private housing mix including more 2 bed dwellings in accordance with the Northampton Affordable Housing Interim Statement 2013.

9. BACKGROUND PAPERS

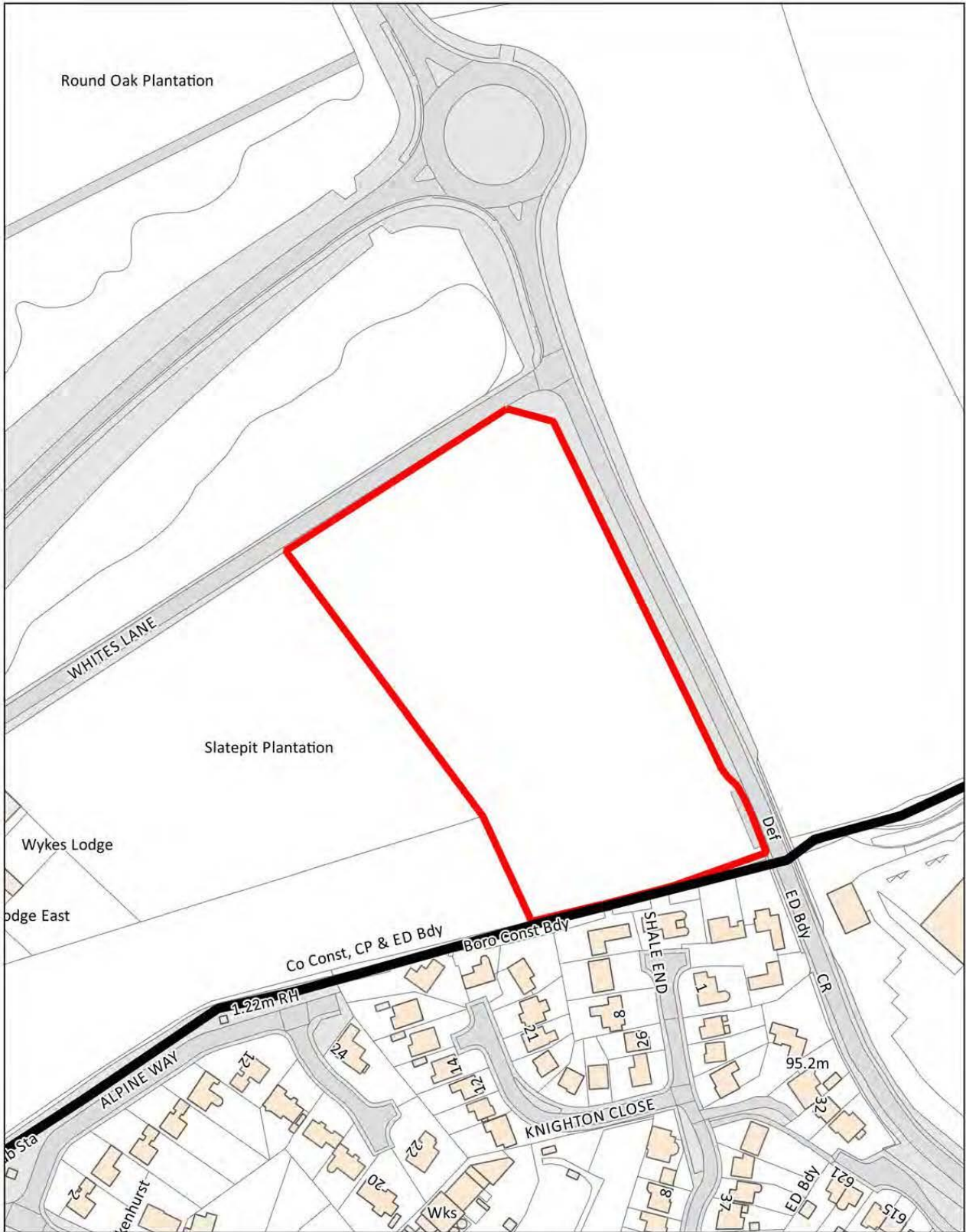
9.1 N/2016/0310


10. LEGAL IMPLICATIONS

10.1 None

11. SUMMARY AND LINKS TO CORPORATE PLAN

11.1 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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