



PLANNING COMMITTEE: 29th July 2014
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2014/0617: Change of use from public house (Use Class A4) at Pig & Whistle, Blackthorn Bridge Court into childcare community nursery (Use Class D1) to include the installation of entrance doors, new north facing window openings and the addition of solar panels to the east facing roof slope.

WARD: Talavera

APPLICANT: Blackthorn Good Neighbours
AGENT: Mr. Phil Bates

REFERRED BY: Head of Planning
REASON: Application site in the ownership of Northampton Borough Council.

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions for the following reason:

The proposed development would provide a facility and job opportunities to serve the local community, would have an acceptable impact upon highway safety, would safeguard existing residential amenity and would pay adequate regard to the need to deter crime in compliance with the guidance contained within the National Planning Policy Framework, Policies E20 and E40 of the Northampton Local Plan and Policies RC1, N1 and N11 of the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

2. THE PROPOSAL

- 2.1 The proposals are for the change of use of a public house to a childcare community nursery. This would initially be operational between the hours of 0800 and 1600 Monday to Friday (envisaged to be extended to 0800-1800 once established). Minor internal layout changes would be required, for example, new toilet and changing facilities would be installed and partition walling would be provided to the main function area to provide defined areas for 'younger and older' children.
- 2.2 The proposals would include minor external alterations including the provision of new entrance doors to the eastern elevation and solar panels to the east-facing roof slope of the property. Two new windows are proposed to the northern elevation to serve an internal play area. The external areas to the southern and western sides of the building would be used as external play areas and would be bound with green-coloured 1.8m palisade fencing. A small part of the building (providing 18sq m of floor space) located to its northern end would be demolished as part of the works to provide the new entrance.

3. SITE DESCRIPTION

- 3.1 The site constitutes a detached, single-storey, brick-built property that provides 280 sq. m of gross internal floor space at ground floor level. A small manager's flat is located at first floor level (94 sq. m) which is to be retained. The site is presently used as a Public House (Use Class A4) and is located within the Blackthorn Local Centre, which is served by a shared public car park. The wider area is typified by residential housing. Footpath links surround the site; steps are provided at the southern end of the site to account for a change in ground level.

4. PLANNING HISTORY

- 4.1 No recent or relevant planning history at the site.

5. PLANNING POLICY

5.1 Development Plan

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 current Development Plan comprises the saved policies of the Northampton Local Plan and, whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

5.2 **National Policies:**

The National Planning Policy Framework sets out the Government's planning policies for England and provides guidance for how those policies are expected to be applied. The presumption in favour of sustainable development (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. Paragraph 7 clarifies the three dimensions to sustainable development. Paragraph 17 requires that new developments be of a good standard of design and secure a satisfactory standard of amenity.

5.3 **Northampton Borough Local Plan**

Policy E20 – 'New Development' requires that planning permission be granted for new development where its design adequately reflects the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials.

Policy E40 – 'Crime & Vandalism' requires that planning permission not be granted for development unless it pays adequate regards to the need to deter crime and vandalism.

5.4 **Other Material Considerations**

Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

The NPPF enables weight to be given to emerging plans, subject to certain criteria (para. 216). The emerging West Northamptonshire Joint Core Strategy (WNJCS) was initially examined in 2013 with further hearings held in spring 2014 to consider proposed modifications. This proposal shall be considered in the context of emerging policies of the WNJCS.

Policy RC1 – 'Delivering Community Regeneration' requires existing levels of social and economic deprivation to be reduced by encouraging partnership working with stakeholders and by co-ordinating planning and regeneration strategies to ensure that improved services, community facilities and infrastructure are provided.

Policy N1 – 'The Regeneration of Northampton' requires regeneration to be supported by addressing factors of deprivation within the communities of 'Northampton East'.

Policy N11 – 'Supporting Areas of Community Regeneration' supports the regeneration of 'Northampton East' through such measures as creating local opportunities for employment and business development.

6. CONSULTATIONS/ REPRESENTATIONS

6.1 The application was advertised by site notice. In addition, consultation of local neighbours and consultees has been undertaken. Representations are summarised as follows:

6.2 **NBC Environmental Health:** No objections, a general noise condition should be imposed upon any consent to demonstrate how the property will be managed to prevent noise impacts arising from the new end use.

6.3 **Local Highway Authority:** The Authority would appreciate at least some off-road parking at the above property in order to cater for staff. It is understood that a few parking spaces are available in and around the development for the parents to drop children off at the nursery.

6.4 Objections have been received from 7 different addresses. The comments / objections that have been received can be summarised as follows:

24 Arlbury Road; 37 Longmead Court; 46 Harefield Road; 8 Maidencastle; 8 Pikemead Court; 18 Collmead Court; 20 Stoke Firs Close

a) The proposals would result in the loss of a pub, which provides an important facility for the local community.

b) This is a local pub within easy walking distance of many with a lot of local customers.

c) There are already existing nurseries located close to the site.

d) A nursery would cause excess traffic in an already busy car park, which is used by customers of neighbouring local amenities.

e) The building is afforded no outside space, which is required for a nursery.

f) The area to the front of the pub is subject to anti-social behaviour – unsuitable for next to a nursery.

7. APPRAISAL

Principle of Use

7.1 The NPPF identifies that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 6). The Framework identifies three dimensions to sustainable development (economic, social and environmental), which give rise to the need for the planning system to perform a number of roles (Paragraph 7). In its social role, the Framework requires the planning system to support strong, vibrant and healthy communities, by creating

a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.

- 7.2 The site is located within 'Northampton East'. The emerging WNJCS identifies 'Northampton East' as a 'Community Regeneration Area', where Policy RC1 provides a strategic approach to community regeneration activity, through providing community facilities to address social and economic deprivation. In addition, Policy N11 supports the regeneration of Northampton East through a range of measures, including addressing existing deficiencies and creating local opportunities for employment and business development. WNJCS Policy N1 recognises that addressing factors of deprivation within Northampton East is not only important for the immediate community, but has strategic implications for the regeneration of Northampton as a whole.
- 7.3 The Justification Statement provided by the applicant identifies the positive contribution the proposal offers in addressing local issues associated with poverty and deprivation, through providing a facility to enable statutory intervention in child development. The scheme would be expected to create up to 15 jobs, 64 high quality nursery places and, in time, 16 playgroup and 24 holiday club and after school places.
- 7.4 Information related to the demand for nursery provision in the area has also been included within the Justification Statement. Surveys carried out by the County Council have demonstrated that there is significant room for expansion of childcare services for 2 year old children. The Government has released Capital Funding to Local Authorities to enable local providers to increase their capacity – the applicant, it is stated, has been awarded the maximum grant from this funding stream to create new places at this site.

Blackthorn Local Centre

- 7.5 The site is located within Blackthorn Local Centre as allocated by the Northampton Local Plan. The emerging WNJCS does not include specific policies relating to the Blackthorn Local Centre, but makes reference to the intention to address local centres through subsequent Local Plans (Part 2).
- 7.6 The relevant saved Northampton Local Plan Policy (Policy R9 – District and Local Centres) contains provisions to protect existing retail uses within allocated centres and is therefore not relevant to this particular proposal, which would result in the loss of a public house. However, the pre-ambles to Policy R9 (p92) outlines the Council's aims and aspirations for local centres. These are to strengthen and improve the facilities of local centres whilst acknowledging that many alternative uses may be appropriate. Proposals for community facilities are encouraged where they do not harm the character and vitality of

shopping areas. The proposal will not result in the loss of shops, and therefore is not expected to negatively impact on the character and vitality of the local centre as a shopping area.

- 7.7 The Pig & Whistle currently operates as a public house. On implementation, the proposal would result in the loss of the pub facility within the Local Centre. As discussed above, this would be compensated for by the gain of a community nursery and its associated community and employment benefits. The proposed use would contribute positively to the character and vitality of the Blackthorn Local Centre.
- 7.8 It is referenced within the submitted Justification Statement that the pub, in recent years, has been associated with criminal activity and anti-social behaviour. It is stated within the Justification Statement that the pub is now used by a small number of people on a regular basis. In light of this situation, the pub company has been trying to sell the lease on the building for over two years with no interest being received from anyone wanting to run the site as a pub. The Council's Asset Management Team has confirmed that the lease has been actively marketed by commercial agents and that the current operators of the pub have already agreed to surrender the lease back to the Council. Via a commercial agent, it has been confirmed that the marketing of the premises (that has been undertaken through the usual avenues) commenced on 5th September 2011.

Crime & Security

- 7.10 The proposed scheme would result in security benefits through the provision of 1.8m gated palisade fencing to external areas of the site (situated to the southern and western sides of the building) in the interests of providing protection for children using the site. It is considered that the improvements in this context would be acceptable to ensure a safe and secure operation of the site.

Design & Visual Impact

- 7.11 The proposals would involve minor physical alterations at the property to facilitate the change of use. At the northern end of the site a minor re-configuration of the built form (involving the loss of 18 sqm of floorspace) would provide a new main access whilst an additional pair of windows would be installed. There would also be an installation of solar panels to the eastern roof slope. These would be fitted flush to (and within the confines of) this roof slope. The alterations proposed would be acceptable in visual terms.

Residential Amenity

- 7.12 The newly proposed openings to the building would not raise any amenity concerns. Following the consultation response from Environmental Health, it is considered appropriate to secure a Noise Scheme via condition should the application be approved. This would secure full details of all internal and external sources of noise and the provisions to be made for its control. In the further interests of protecting the residential amenity of the area, a planning condition should be imposed upon any approval to restrict the consented hours to those being applied for; i.e. 0800 -1800 hours Monday to Friday.

Highways & Parking

- 7.13 The newly proposed use would primarily serve local children and it is envisaged that the majority of users of the site shall be able to travel to the site on foot. However, the Local Highway Authority has stated that they would appreciate some additional off-street parking to be provided to cater for staff at the site. In this instance, given the space constraints of the application site, it would be difficult to accommodate car parking on-site. The Blackthorn Local Centre is afforded a generously scaled car park area that currently serves the pub (and all other uses within the local centre). The layout of this car park naturally provides a drop off / pick up lane to the side of the main access into the car park, which operates as a circulatory route around Blackthorn Bridge Court. It is considered that the site is afforded adequate and appropriate car parking and drop-off facilities to serve the newly proposed use.

8. CONCLUSION

- 8.1 The proposed development would provide a facility and job opportunities to serve the local community, would have an acceptable impact upon highway safety, would safeguard existing residential amenity and would pay adequate regard to the need to deter crime in compliance with the guidance contained within the National Planning Policy Framework, Policies E20 and E40 of the Northampton Local Plan and Policies RC1, N1 and N11 of the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

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; Existing Ground Floor

Plan (13.061.01); Existing First Floor Plan (13.061.02); Existing Elevations (13.061.03); Existing Site Plan (13.061.04); Proposed Ground Floor Plan (13.061.05); Proposed Elevations (13.061.06); Proposed Site Plan (13.061.07).

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

- (3) Prior to the commencement of development a scheme that specifies the internal and external sources of noise on the site and the provisions to be made for its control shall be submitted to and approved in writing by the Local Highway Authority; thereafter the development shall be implemented and retained thereafter in full accordance with the approved scheme.

Reason: To protect residential and general amenity in compliance with Policy E20 of the Northampton Local Plan.

- (4) The premises shall be open between the hours of 0800 and 1800 from Mondays to Fridays and at no time on Saturdays and Sundays or Bank or Public Holidays.

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

- (5) Prior to the first occupation of the development hereby permitted the external areas of the application site shall be fully bound with 1.8m palisade fencing erected in full accordance with fence position depicted upon the approved Site Plan (13.061.07); the palisade fencing shall be retained at all times thereafter.

Reason: To ensure a safe and secure development in accordance with Policy E40 of the Northampton Local Plan.

10. BACKGROUND PAPERS

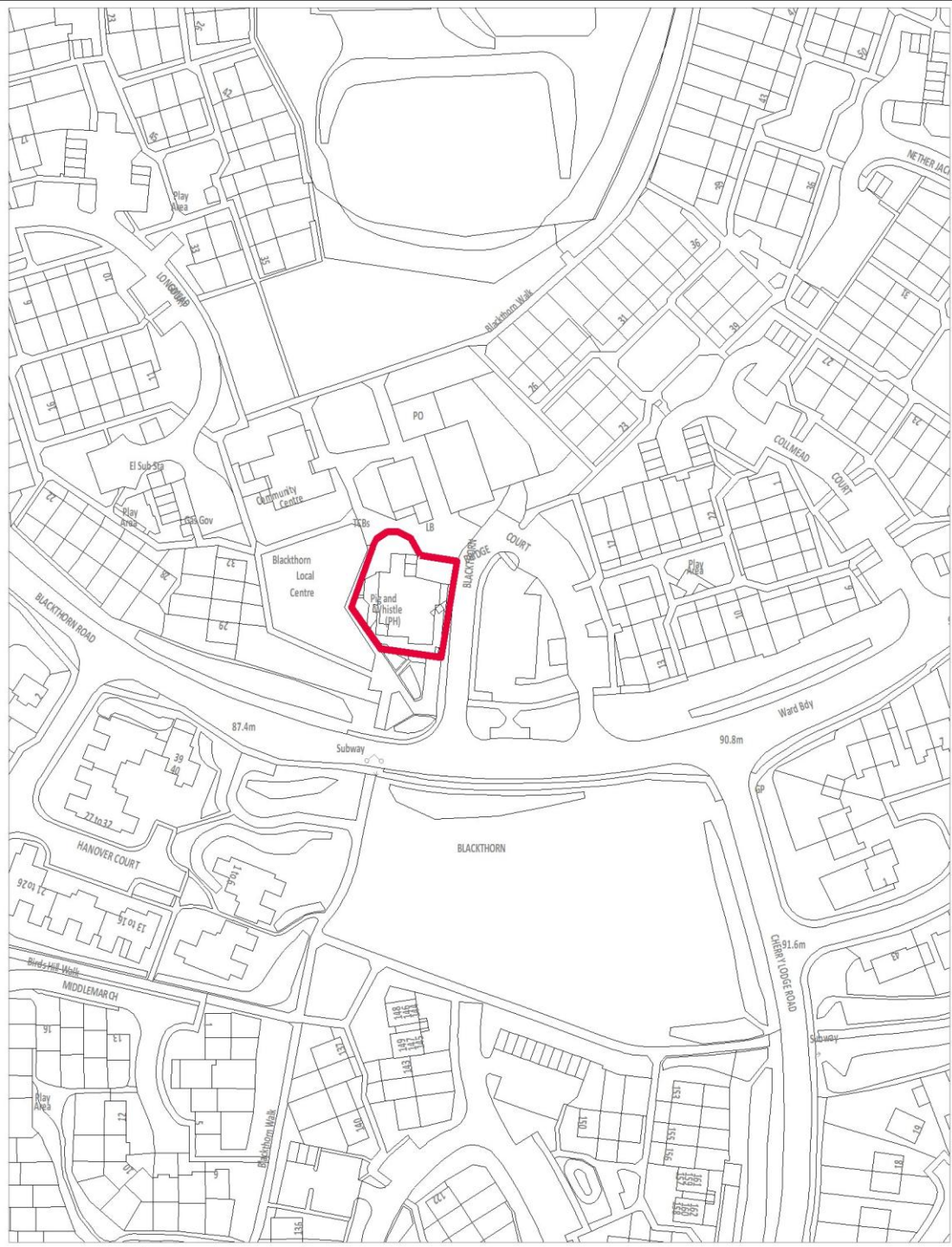
10.1 N/2014/0617

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.



Name: Becky Gittins
 Date: 17th July 2014
 Scale: 1:1250
 Dept: Planning Support
 Project: Location Plan

Title

Pig & Whistle Pub, Blackthorn

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