



**PLANNING COMMITTEE:** 29<sup>th</sup> October 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2014/1022:** Removal of Condition 3 (requiring submission of details of noise sources); variation of Condition 2 to allow for substitution of plans incorporating revised door and window details and extended recreation area and variation of Condition 4 to extend hours of opening to between 0730 and 2100 Monday to Friday, 0900 to 2100 Saturday and 0900 to 1800 Sunday & Bank/Public Holidays at former Pig and Whistle Public House, Blackthorn Bridge Court

**WARD:** Talavera

**APPLICANT:** Blackthorn Good Neighbours  
**AGENT:** Mr Phil Bates

**REFERRED BY:** Director of Regeneration, Enterprise and Planning

**REASON:** Application site is in the ownership of Northampton Borough Council

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

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

The proposed amendments to conditions would not lead to any increased adverse visual impact or impact on the amenity of adjacent occupiers and would maintain the provision of a facility and job opportunities to serve the local community. The proposal 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 site was subject to a recent planning approval by Committee in July 2014 for the change of use of the public house into a childcare community nursery (Use Class D1) with associated external alterations (N/2014/0617).
- 2.2 The current application seeks to vary Condition 2 of this consent relating to approved plans to allow for amendments to the proposed external alterations. A new external door is proposed in the east elevation to allow separate access to the first floor flat; doors to the south elevation are to be replaced by a window; and the extent of the external area to be enclosed by 1.8m high palisade perimeter fencing has been increased along the western and part of the northern boundary to follow the edge of the site adjacent to the footpath.
- 2.3 The removal of Condition 3 is sought which requires the submission of a scheme to specify the internal and external noise sources on the site and provisions to be made for its control. Details of noise sources have been submitted as part of this application.
- 2.4 A variation of Condition 4 is sought to amend the approved opening hours of 0800 to 1800 Monday to Friday and no opening on Saturdays, Sundays or Bank or Public Holidays to openings times of 0730 to 2100 hours Monday to Friday, 0900 to 2100 hours Saturday and 0900 to 1800 hours Sundays and Bank/Public Holidays. The variation is sought to allow a breakfast club to start 30 minutes earlier and an after school club finishing 30 minutes later on weekdays to assist parents whose hours do not totally coincide with the nursery opening hours. The extended evening and proposed weekend hours are intended to allow for community activities within the building. The applicant has advised that this is likely to be for small meetings for community groups and targeted youth groups of small numbers of not more than 15 at any one time which would be managed by supervising staff.

## **3. SITE DESCRIPTION**

- 3.1 The site comprises of a Public House located within the Blackthorn Local Centre with surrounding uses comprising of retail and a community centre with the wider area typified by residential housing. The public house is set at a lower level than the adjacent shared public car park and constitutes a detached brick-built property that provides 280 sq. m of gross internal floor space at ground floor level and a small

manager's flat located at first floor level (94 sq. m) within the roofspace which is to be retained. Footpath links surround the site with steps at the southern end to account for the change in ground level. A local play area is located to the west of the building.

#### **4. PLANNING HISTORY**

- 4.1 N/2014/0617 – Change of use from public house (Use Class A4) into childcare community nursery (Use Class D1) to include the installation of entrance doors, new north-facing window openings and addition of solar panels to the east-facing roof slope. Approved 30.07.14.

#### **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 Development Plan for the purposes of this application comprises the Northampton Local Plan 1997 saved policies and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

##### **5.2 National Policies**

National Planning Policy Framework (NPPF)

Paragraph 17 of the NPPF outlines the main principles that should underpin decision taking including proactively driving and supporting sustainable economic development, securing high quality design and a good standard of amenity, and supporting local strategies for the delivery of community and cultural facilities to meet local needs.

Paragraph 56 advises that design is a key aspect of sustainable development.

Paragraph 70 advises that decisions should plan positively for the provision of shared space and community facilities.

##### **5.3 Northampton Local Plan 1997 (Saved Policies)**

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)

Weight can be given to the West Northamptonshire Joint Core Strategy (JCS), this would be significant where a policy has received few representations and unresolved objections are not considered likely to have a significant bearing on the strategy of the Plan. The 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.

The Inspector's report on the examination into the JCS was published on 7<sup>th</sup> October 2014. The Inspector concluded that the main modifications made to the report (which were subject to public consultation and submitted in January 2014) satisfy the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meet the criteria for soundness in the NPPF.

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. The consultation period has not expired at the time of writing this report. Any comments received will be reported to Committee in the Addendum to this agenda.

6.2 **NBC Environmental Health:** No objection.

### 7. **APPRAISAL**

#### **Variation of Condition 2**

7.1 The proposed alterations to the exterior of the building which include the insertion of a new external door on the east elevation to allow

separate access to the upstairs flat and the insertion of a window in place of a door would not have any significant impact on the appearance of the building or adjacent amenity and are considered acceptable.

- 7.2 The principle of using 1.8m green palisade fencing to enclose part of the external area was approved under the previous application. The current application proposes to increase the extent of the area to be enclosed to follow the line of the adjacent footpath along the western boundary and part of the northern boundary. The fencing would assist in providing security to the building and would not be visually harmful in the context of the surrounding area.

### **Removal of Condition 3**

- 7.3 The application is supported by information that advises that no plant serving coolers or air conditioning is to be installed or retained with all existing plant to be removed from the building. Noise from children under school age would not be excessive and would be monitored by qualified staff. Youth groups would also be under supervision.
- 7.4 Environmental Health is satisfied with the information provided and has no objection to the removal of the condition. On the basis of the previous use of the premises as a public house it is not considered that the proposed use would lead to any increased impact in terms of noise on adjacent residential amenity.

### **Variation of Condition 4**

- 7.5 The application seeks to extend the opening hours from that previously approved to allow for a breakfast club to start at 0730 hours Monday to Friday and to extend hours into the evenings Monday to Friday until 2100 and weekend hours of Saturday 0900-2100 and Sundays, Bank/Public Holidays 0900-1800 to allow for evening and weekend community uses predominantly aimed at supervised youth groups. The applicant, Blackthorn Good Neighbours, advises that the proposed use would be complementary to the use of the adjacent Blackthorn Community Centre in the evenings which currently holds youth groups on a Monday and Thursday evening run by applicant.
- 7.6 The previous use of the premises as a public house and the subsequent approval for use as a nursery both provide a community facility for the area. The proposed increase in hours would assist in expanding the provision of community facilities within the locality in line with the aims of national and local policy and are considered to complement rather than compete with the uses of the existing Blackthorn Community Centre.
- 7.7 Environmental Health has no objection to the increased hours proposed which would remain less than the previous use of the premises as a public house.

## **8. CONCLUSION**

- 8.1 The proposed amendments to the conditions are considered acceptable and would assist in increasing the security of the building and expanding the community provision for the local area without leading to any significant increased impact on adjacent residential amenity to previous uses. The proposal accords with the aims and objectives of the above policies and is therefore recommended for approval.

## **9. CONDITIONS**

- (1) The development hereby permitted shall be begun before 30<sup>th</sup> July 2017.

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; drawing nos. 13.061.05B, 13.061.06B & 13.061.07A.

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

- (3) The premises shall be open between the hours of 0730 and 2100 from Mondays to Fridays, 0900 to 2100 Saturday and 0900 to 1800 Sundays, Bank and 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.

- (4) 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 (13.061.07A); 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**

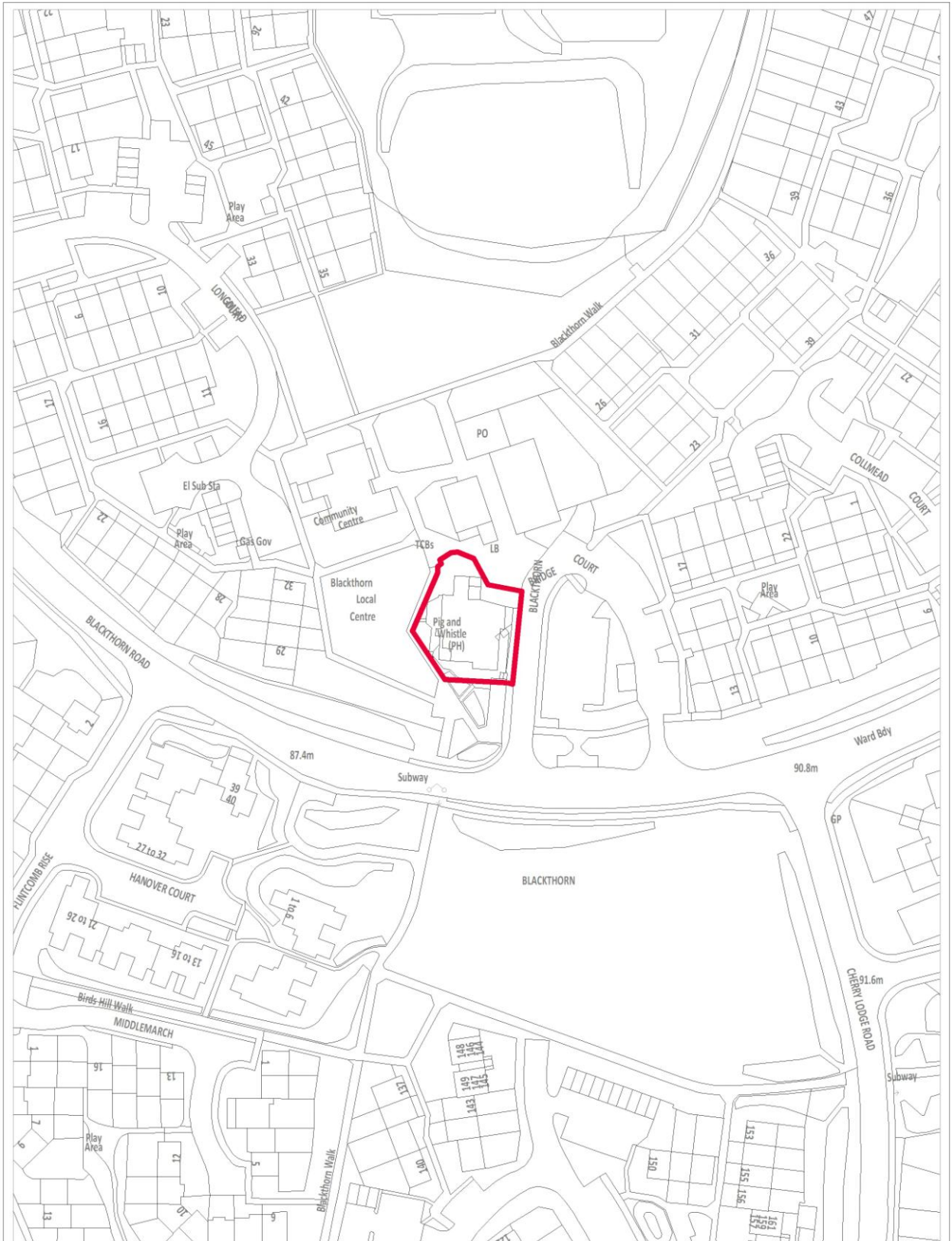
- 10.1 N/2014/1022.

## **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: Location Plan  
 Date: 8th October 2014  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

Title  
**Pig & Whistle Public House, Blackthorn Bridge Court**

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