

PLANNING COMMITTEE: 19th January 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: Loss of a community facility and traffic issue

DEPARTURE: No

1. RECOMMENDATION

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

The Town and Country Planning (General Permitted Development) (England) Order 2015 allows for the change of use from Class A4 (drinking establishment) to a use falling within Class A1 (shops). The property has been considered and rejected by the Council under the nominations process for inclusion on the list of Assets of Community Value. The design and appearance of the proposed alterations are considered acceptable and the proposal would not lead to any unacceptable impacts on adjacent amenity or significant increased impacts on existing highway conditions. The proposal is therefore considered in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy, Policies E20, E28 and T12 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The application proposes the change of use of the existing public house (Use Class A4) to a convenience store (Use Class A1), a single storey rear 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 which would include the installation of plant and equipment and refuse storage. The first floor is currently ancillary residential use to the pub and would remain unchanged to be used as ancillary residential accommodation to the proposed retail use.

2.2 The application is supported by a Planning Statement, Transport Statement and an Acoustic Report.

3. SITE DESCRIPTION

3.1 The application site comprises of a public house 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 to the north. A public car park is located to the front and side of the site. Access to the site is via Olden Road.

4. PLANNING HISTORY

4.1 There is no recent 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 the Northampton Local Plan (1997) saved policies.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

The NPPF has a presumption in favour of sustainable development.

The NPPF at paragraphs 17 and 19 seeks to support sustainable economic growth whilst securing high quality design and a good standard of amenity.

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 high standards of sustainable design and protect, conserve and enhance the built environment.

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:

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.

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 **NBC Environmental Health** – require condition regarding 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.

6.2 **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 the existing trade and business of the Council's tenant.

6.3 **NCC Highway Authority** – no observations.

6.4 **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.

6.5 **Rectory Farm Residents Association** – object as follows:

- Loss of valuable gathering place and important social hub for our community
- At no point has the applicant approached the Residents' Association.
- Pub hosts regular entertainment, social and family gatherings and a number of group activities including three darts teams, a pool team and golf society and is used by local football teams.
- Residents Association use the pub for a number of meetings.
- The Community Centre is in use during the day and on many evenings and the pub is the only alternative venue in the community. School hire is expensive.
- Residents will have to travel further to a licensed public house.
- Poor state of Olden Road. Increased use will make road condition worse.

6.6 **Councillor J 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 existing store will probably be forced to close as there is not enough business to support two similar stores.

6.7 **David Mackintosh MP** objects as follows:

- 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.

6.8 Objection from 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 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.

6.9 552 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.

6.10 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.

6.11 1 letter of support:

- Could do with a better shop close by that's got more choice, better priced and open more.

7. APPRAISAL

Principle of Development

7.1 Under Schedule 2, Part 3 Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015, the change of use from a drinking establishment i.e. public house (Class A4) to a shop (Class A1) is permitted development. The principle of a shop use is therefore acceptable as planning permission for the change of use is not required in this instance.

7.2 The Committee should note that a nomination was received by the Council on 16th October 2015 from the 'Save The Barn Owl Group' requesting that The Barn Owl Public House is considered for listing as an 'Asset of Community Value'. The nomination was rejected on 8 December 2015.

7.3 As the applicant could in effect change the use of the premises from a public house to a shop as permitted development, the only consideration for this application therefore relates purely to the physical works proposed in Paragraph 2.1 above.

Design and Appearance

7.4 The proposed extension would infill the south-eastern corner of the existing building at single storey creating an additional 39 sq. m gross internal floorspace. 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.

Impact on Amenity

7.5 Residential properties are located to the immediate rear and side of the application site. The refuse storage has been relocated 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 increased significant impact on adjacent residential amenity to that arising from the existing use. As the proposed change of use to a shop is permitted development conditions relating to opening and delivery hours as requested by Environmental Health could not be reasonably imposed.

Highways

- 7.6 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.
- 7.7 Comments on the existing condition of the road surface are acknowledged however the proposed change of use to a shop is permitted development and it is therefore not considered that highway and transport issues are material to the determination of this application. The Highway Authority has no objection. The proposed increase in floorspace of 39 sq. m is not considered to be of a scale that would lead to any significant increased impact to the existing use. Notwithstanding the above, the site has good pedestrian and cycle links to the surrounding area providing access to the site other than by vehicle.

Other Matters

- 7.9 Considerable public concern has been raised regarding the impact of an additional shop in this location on the viability of the existing shop. Whilst these concerns are acknowledged competition with existing business is not a material planning consideration.

8. CONCLUSION

- 8.1 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. The application 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 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 any new plant or equipment should 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 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.

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. Notwithstanding the submitted details, the first floor accommodation shall be used as ancillary residential accommodation to the use hereby permitted.

Reason: In the interests of adjacent 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.

6. The development hereby permitted shall be carried out in accordance with the following approved plans: 15.2105.115.P2, 15.2105.110.P3, 15.2105.100.P2, 15.2105.103.P2, 15.2105.104.P2, 15.2105.101.P2, 15.2105.102.P2, 15.2105.113.P4, 15.2105.114.P2, 15.2105.112.P3, 15.2105.111.P2.

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

Informative:

You are advised to note and adhere to the requirements of Schedule 2, Part 3 A.2 (2) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

10. BACKGROUND PAPERS

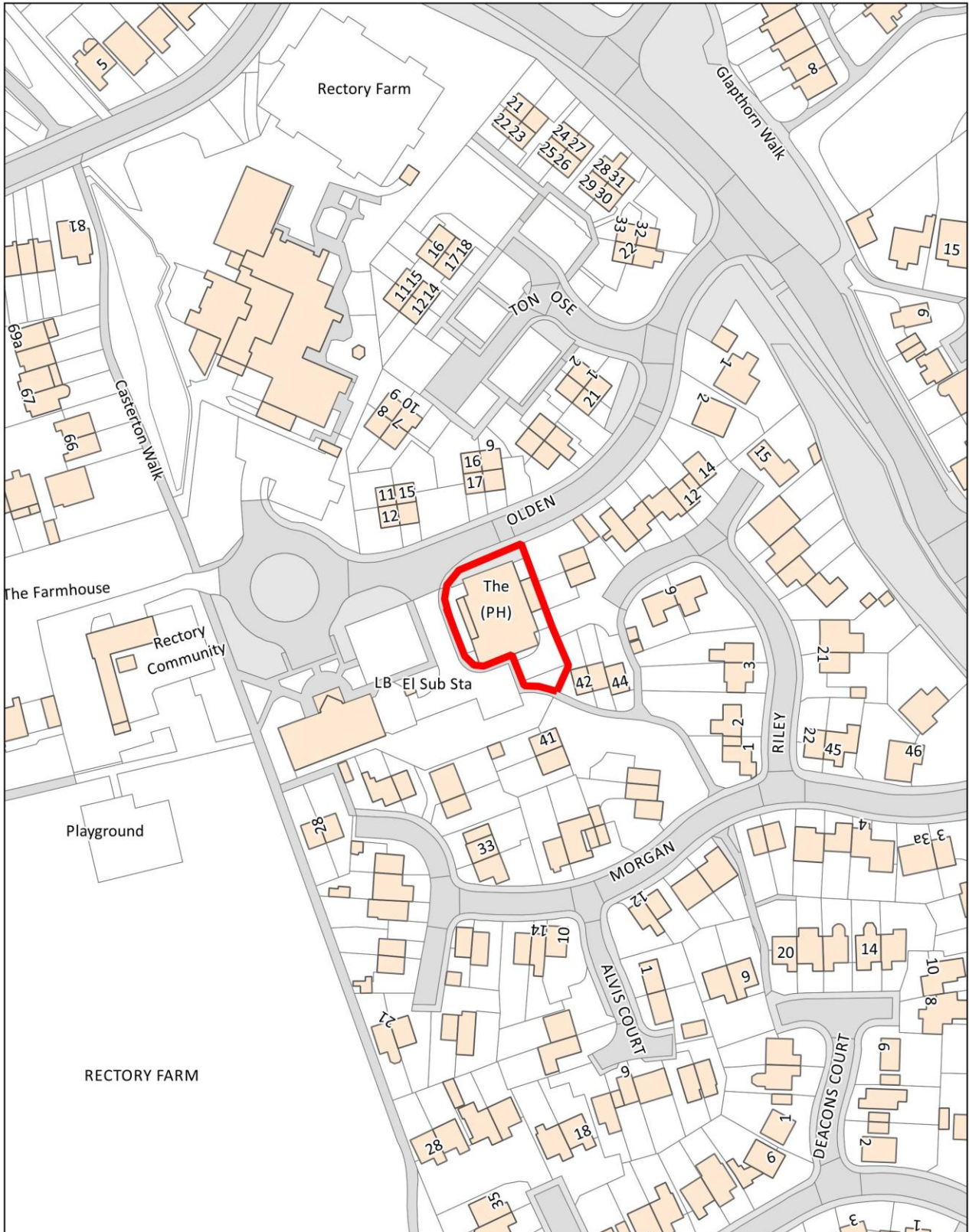
- 10.1 N/2015/1314.

11. LEGAL IMPLICATIONS

- 11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: The Barn Owl, Olden Road

© Crown Copyright 2014. Reproduced from Ordnance Survey data with the permission of the controller of Her Majesty's Stationery Office. Ordnance Survey is a registered trademark. Northampton Borough Council License Number 100019655.

Date: 05-01-2016

Scale: 1:1,250

Drawn by: Planning