

<b>Applicant:</b>	South Northants Council	
<b>Proposal:</b>	New external door, renovate existing windows, new internal walls to accommodate new internal layout and new staircase.	
<b>Ward:</b>	Towcester Mill	
<b>Councillors:</b>	Cllr Chris Lofts & Cllr Catharine Tarbun	
<b>Reason for Referral:</b>	South Northants Council is the applicant	
<b>Expiry Date:</b>	21 January 2019	<b>Committee Date:</b> 7 of February 2019

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

#### **Proposal**

The application seeks planning permission for a new external door in place of an existing window, renovation of existing windows and door, new internal layout and new staircase. However, the internal works do not require planning permission.

#### **Consultations**

The following consultees have raised no objections to the application:

- Conservation Officer
- Towcester Town Council
- 1 Letter confirming no objections has been received from a third party.

#### **Planning Policy and Constraints**

- Within the Town confines of Towcester
- Within the designated Towcester Conservation Area
- Adjoined to Grade II Listed Building 136B
- Archaeological Asset
- Within a 2km buffer zone of five Local Wildlife Sites

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

#### **Conclusion**

The key issues arising from the application details are:

- Principle of Development
- Design, and impact on the designated Towcester Conservation Area and setting of Listed Buildings

- Residential amenity

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site comprises a modest sized traditional three storey, end of terrace part commercial part residential building. The ground floor is used as a (A1) shop unit (shoe repairs etc), with a currently vacant first and second floor residential unit above. The property is built of red brick with a slate roof.
- 1.2. The property is located in a prominent location in the town centre, on the corner of Watling Street and Whittons Lane, an area of Towcester being redeveloped as part of the Moat Lane regeneration scheme, and will form one of the main access points to this mixed use residential/commercial area.

### **2. CONSTRAINTS**

- 2.1. The application site is located within the designated Towcester Conservation Area, and is considered to be a non-designated heritage asset because of the age of the property; it also adjoins Grade II Listed 136b Watling Street.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks planning permission for a new external side door to the upstairs flat, replace existing door with double doors to bin store, renovation of existing windows, new internal layout and new staircase. The works are proposed to improve the internal layout of the shop and access to the flat above. Although it should be noted that the internal works do not require planning permission and the building is not listed. No change of use is proposed.

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

- 4.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
<b>S/1993/0478/P</b>	<b>Change Of Use Of Ground Floor From Shop To Use Class A2 (Professional And Financial Services)</b>	Refusal 23/07/1993
<b>S/2013/1111/FUL</b>	<b>Alterations to form self-contained first and second floor flat, new window in</b>	Approved 26/09/2013

## side elevation of shop

### 5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Pre.App Ref.</u>	<u>Proposal</u>
P/2018/0209/PRM	Renovation works and internal alterations to existing property

- 5.2. Confirm support in principle but advised the following:
- The position of the internal ground floor stair is re considered and ideally the existing stair is retained in use or boxed in
  - The reduction in window depth is re considered
  - The skylight is removed from the proposed scheme
- The work to the stairs remains part of the application but this does not require permission. Changes to the window depth and the skylight have been removed from the scheme.

### 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **24 of December 2018** although comments received after this date and before finalising this report have also been taken into account.
- 6.2. A letter confirming no objections has been received from Towcester Volunteer Centre on Whittons Lane adjoining the property. They further comment that they welcome the improvement of the look of the external wall (which is next to their entrance).

### 7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

#### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. TOWCESTER TOWN COUNCIL: **No objection**, Improvements to the premises will add to the sustainability of the of the town centre.

#### CONSULTEES

- 7.3. Conservation Officer: **Comment**, these minor changes are not considered to harm the character of the conservation area, although a traditionally styled panelled double door would be more suitable (bin store).

### 8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 8.2. The West Northamptonshire Joint Core Strategy Local Plan (Part 1) was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and provides the strategic planning policy framework for the District to 2029. The Joint Core Strategy replaced a number of the 'saved' policies of the adopted South Northamptonshire Local Plan 1997 though many of its policies are retained and remain part of the development plan. The relevant planning policies of South Northamptonshire's statutory Development Plan are set out below:

WEST NORTHAMPTONSHIRE JOINT CORE STRATEGY 2014 (JCS 2014)

- SA – Presumption in Favour of Sustainable Development
- BN5 – The Historic Environment and Landscape

SOUTH NORTHANTS LOCAL PLAN 1997 SAVED POLICIES (SNLP 1997)

- G3 – General Development Principles
- EV1 – Design
- EV9 – Conservation Areas
- EV10 – Preservation or Enhancement of Conservation Areas
- EV11 – Preservation or Enhancement of Conservation Areas
- EV12 – Listed Buildings

- 8.3. The draft South Northamptonshire Part 2 Local Plan was submitted to the Planning Inspectorate for Examination on 22<sup>nd</sup> January 2019. Dates for the examination are yet to be confirmed, but in accordance with Paragraph 48 of the National Planning Policy Framework (NPPF) the Council may now give weight to relevant policies in the draft Plan according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

As the Plan was submitted prior to 24<sup>th</sup> January 2019, in accordance with Paragraph 214 of the NPPF consistency should be tested against the previous Framework published in March 2012. The relevant policies of the Part 2 Local Plan are:

- RET1 – Towcester Town Centre
- HE5 – Listed Buildings
- HE6 – Conservation Areas

- 8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Human Rights Act 1998 ("HRA")
- Equalities Act 2010 ("EA")

- 8.5. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council's Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year

2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

## **9. APPRAISAL**

9.1. The key issues for consideration in this case are:

- Principle of development
- Design and impact on the designated Towcester Conservation Area and setting of Listed Buildings
- Residential amenity

### Principle of Development

#### *Policy Context*

9.2. Saved Policy G3 requires proposals to have regard to its context. Section 7 of the NPPF relates to ‘Ensuring the vitality of town centres’.

#### *Assessment*

9.3. A number of changes are proposed to the external fenestration on the northern side elevation of the building, including replacing a window with a door to access the flat, obscurely glazing a first floor window to be used as a shower room, and the addition of leaf louvre double doors to store bins. All windows are to be repaired and finished in white paint. A condition is proposed to secure a suitable design detail for the doors.

9.4. The existing property is in a state of disrepair, the principle to renovate existing windows and amend the existing internal layout with a new staircase is acceptable to ensure the first and second floors are brought back into use. The external changes needed to facilitate this would be minimal. The ground floor retail unit is not adversely affected.

#### *Conclusion*

9.5. The proposal complies with policy G3 and accords with the NPPF.

9.6. Design, and impact on the designated Towcester Conservation Area and setting of Listed Buildings

### *Policy Context*

- 9.7. Policy EV1 of the South Northamptonshire Local Plan states that, “proposals for new development will be expected to pay particular attention to the following of design (I) existing site characteristics including landscape features and levels (II) the relationship with adjoining land and buildings (III) the scale, density, layout, height, massing, landscape materials in relation to the site and its surroundings (IV) the appearance and treatment of the spaces between and around buildings”.
- 9.8. Likewise, paragraph 130 of the National Planning Policy Framework, 2018 (NPPF) states that, “Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area ...”.
- 9.9. In regards to the impact on heritage assets, Policies EV9 and EV12 of the Local Plan seek to safeguard conservation areas and the setting of listed buildings. Paragraph 196 of the NPPF 2018 states, “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

### *Assessment*

- 9.10. The building is in a considerable state of disrepair the works to bring the buildings first and second floors into residential use is a public benefit and therefore supported and in accordance with paragraph 197 of the NPPF. Furthermore the building is not listed and therefore internal alterations do not require planning permission.
- 9.11. The proposed external works enhance the exterior of the building and provide a positive impact on the conservation area and setting of listed buildings. Bringing the building back into use is considered a public benefit of the scheme, the balance is considered to lie in favour of supporting the development.

### *Conclusion*

- 9.12. The proposal complies with policies EV1, EV9, EV12 and the NPPF.
- 9.13. Residential Amenity

### *Policy Context*

- 9.14. Policy G3(D) of the SNLP states that ‘...Planning permission will normally be granted where the development will not unacceptably harm the amenities of any neighbouring properties’

### *Assessment*

- 9.15. The proposed scheme will not adversely affect the amenity of any neighbouring properties in terms of overbearing and a loss of natural light to residents. No additional windows are introduced. The proposal would not result in direct or significant overlooking of neighbouring residential properties and is therefore considered acceptable.

### *Conclusion*

- 9.16. Residential amenity is protected.

### *Article 6*

9.17. Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of neighbour letter, site notice and in the local press giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case any comments/concerns raised by third parties are listed above and have been taken into account in assessing the application. Furthermore should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

*Article 8 and Article 1 of the First Protocol*

9.18. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.

*Article 14*

9.19. Officers have considered that, in the event that the application is granted planning permission, there will not be any discrimination (or potential discrimination) on neighbours

*Duty under The Equalities Act 2010*

9.20. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.

9.21. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application

**10. COMMUNITY INFRASTRUCTURE LEVY**

10.1 It is not CIL Liable as no extra floorspace is created

**11. PLANNING BALANCE AND CONCLUSION**

11.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. There are no other material considerations that dictate otherwise, and so in accordance with Paragraph 11 of the NPPF, permission should therefore be granted

**12. RECOMMENDATION**

**RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

## CONDITIONS

### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Compliance with Plans**

2. The development shall not be carried out otherwise than in complete accordance with the approved plans; Existing floorplans J87-BRP-00-ZZ-DR-A-0200-P01, Proposed elevations J87-BRP-00-ZZ-DR-A-0400-P01, Demolition plans J87-BRP-00-ZZ-DR-A-0201-P01, Proposed ground floor plan J87-BRP-00-ZZ-DR-A-0203-P01, Proposed ground floor plans J87-BRP-00-ZZ-DR-A-0202-P01 and Heritage Impact Statement, as received on the 26 of October 2018, unless a non-material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. Notwithstanding the approved plans, details of the construction, including sections, of the proposed new external doors to a scale of not less than 1:10 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. The development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the area in accordance with Policies G3 and EV9 of the South Northamptonshire Local Plan.