

**North Northamptonshire Area Planning Committee
(Thrapston)
8 June 2022**

Application Reference	NE/22/00238/FUL
Case Officer	Jennifer Wallis
Location	The Samuel Pepys Slipton Lane Slipton Kettering NN14 3AS
Development	Partial demolition and conversion of public house to a single residential dwelling with associated development including garage, access, parking and landscaping.
Applicant	M And A Knightsbridge Properties Ltd
Agent	Freeths LLP - Mr Mark Harris
Ward	Thrapston Ward
Overall Expiry Date	03.05.2022
Agreed Extension of Time	10.06.2022

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because the Officer's recommendation is contrary to the Parish Council's objection.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 The application proposes the partial demolition and conversion of the Samuel Peyps Public House (PH) in Slipton to a five bedroom dwelling. The partial demolition relates to the rear of the building, including the conservatory, and the single storey element to the frontage, east of the main building.
- 2.2 The original two storey building on the frontage of the site is to be retained with alterations proposed to the main entrance, door/ground floor window, which are to be re-positioned. An access is proposed to the east of the building to create off street parking and the erection of a detached garage.

3. Site Description

- 3.1 The application site is at the southern end of Slipton village and is located to the north of Slipton Lane which (broadly speaking) runs east to west. This route links Slipton with Islip/Thrapston to the east and Warkton/Kettering to the west.
- 3.2 The site is within the established built area of the village and currently comprises of a vacant public house and small garden area to the north. The pub and its grounds have previously been listed as an Asset of Community Value (ACV) (30.01.20). An appeal against the listing by the applicant was successful (20.11.20) and the property was delisted as an ACV. In January 2021 the public house was nominated by Lowick and Slipton Parish Council for a second time. The council agreed, following further supporting evidence (a business plan), that the asset met the definition to be listed as an asset of community value. On the 1st April 2021 the pub was relisted as an ACV. Even before the Coronavirus pandemic forced temporary closure of all pubs nationwide, the pub was closed.
- 3.3 The Samuel Pepys PH sits centrally within its own ground within a small garden area to the north and a large car park area to the south. The building fronts the highway with a two storey and single storey element and has been previously extended to the rear. To the north of the pub garden is a dwelling and gardens with open countryside to the east. To the south and west are residential properties within the village.
- 3.4 The site and neighbouring buildings are not listed, are not in a Conservation Area or adjacent to other listed assets although the pub building is considered, by Officers, to be a non-designated heritage asset. The site is also within flood zone 1, which carries the least risk of flooding. The site is not within the 3km Special Protection Area (SPA) buffer zone either.

4. Relevant Planning History

- 4.1 20/01706/FUL - Partial demolition and conversion of public house to a single residential dwelling with associated development including garage, access, parking and landscaping – Refused 24.05.21
- 4.2 20/00977/FUL – Construction of 5 residential dwellings and conversion of public house to residential dwelling – Refused 08.10.20
- 4.3 20/00161/FUL – Construction of detached 4-bed dwelling with new access – Refused 29.05.20
- 4.4 19/01271/FUL - Conversion of existing public house to residential and construction of five new residential dwellings – Refused 18.12.19
- 4.5 07/01096/FUL - Free standing retractable awning (6 metres x 5 metres x 2.6 metres in height) – Permitted 19.7.07
- 4.6 03/01347/ADV - External signage – Permitted 17.12.03
- 4.7 92/00133/FUL - Two storey extension – Refused 17.6.92
- 4.8 89/00912/FUL - Conservatory extension – Permitted 11.9.89

5. Consultation Responses

A full copy of all comments received can be found on the Council's website [here](#)

5.1 Lowick and Slipton Parish Council

Object to this application, on the following grounds;

There have been a number of repeat applications

- This would remove a social meeting place and result in the loss of a community facility
- It was a thriving business
- The premises is an ACV, and Friends of the Pepys Ltd are actively working to purchase it. They have been unable to obtain a valuation through refusal of access to property
- Building is of historical value, non-designated asset. The proposal would harm the historic fabric
- Highway Safety concerns on this stretch of road, there have been a number of near misses.
- Insufficient parking
- No turning area
- Limited visibility
- Could result in further applications for development on the garden land and car park
- The previous application 20/01/01706/FUL, was refused and as Cllrs can see no material difference between the two applications they therefore urge you to reject this current application.

5.2 Neighbours / Responses to Publicity

Letters have been sent to 13 properties, and a site notice posted, as a result 17 letters of objection have been received objecting on the following grounds;

- Repeated application – nothing has changed
- Only public community resource and is a community asset
- The public house is a huge asset to the village
- The building is a meeting place for villages/celebrations etc
- A community facility is needed more than ever in the village, particularly after Covid
- Off road parking provision is not sufficient
- No provision for visitor parking
- Vehicles will need to reverse in or out of the driveway
- Concerns over access/junction on the bend of Main Street and Slipton Lane
- Blind bend is very dangerous
- No other facility in the village
- The pub is subject to an ACV
- Formation of Friends of the Pepys Limited to ensure the pub is run by the local community
- Attempts to enter into discussion with the owner over commercially viable opportunities has been declined
- Not been possible to obtain a valuation for the sale of the property
- A viable business case has been made to support the ACV and there has been no effort to sell the pub
- Loss of iconic building
- Detrimental impact on village
- Ingress/egress of vehicles dangerous
- Danger to pedestrians
- The pub has previously been very successful with a great reputation
- Loss of area for children to socialise
- Owner focused on running down the pub
- Owners made it unsightly in appearance, cutting down nice trees
- Question whether the property has been marketed, no signs or local adverts
- Not allowed to view the property
- Non-designated asset and of great value to the village
- Previous applications refused
- Leave pockets of land either side of the PH for future development
- Clear intentions to develop further

5.3 Environmental Protection

We have previously commented on other applications relating to this site and have had concerns relating to the foul drainage provision. We have received complaints about the package sewage treatment works in the past due to capacity and lack of maintenance. The applicant has submitted a Foul Drainage Statement Revision C in which they propose to replace the current system with a new pump system including a connection into the public foul sewer system. Should you be minded to grant the application please can the following conditions be added to the permission in respect of drainage, no burning during construction, construction operation times, mud on highway and dust mitigation.

5.4 Highways

As this is a new access, the applicant will be required to demonstrate the necessary vehicular visibility splays of 2 metres x 43 metres (for a 30mph road) on both sides of the access. These splays must not contain any other third party owned land and shall be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above access / footway level.

The access must be constructed in a hard bound material for the first 5.5 metres from the highway boundary in the interests of highway safety. This prevents loose material such as gravel being transferred to the public highway where it is a danger, particularly to cyclists and motorcyclists. Please note that this authority does not accept resin bound gravel as a hard bound material due to the fact that, over time, the gravel often comes away from the binder.

A means of drainage across the back of the highway boundary, across the proposed site access draining to soakaways contained within the applicant's own land is required.

Any gates across a private drive must be set back a minimum 5.5 metres from the highway boundary to enable a vehicle to stand clear of the highway before gates are opened. Alternatively, they must be operated by electric remote fobs and in this case the setback will not be required. Gates must be hung to open inwards only.

A minimum clearance of 1 metre between the face of any building, retaining structure, garage or wall etc. and the highway boundary is required. This ensures that foundations and construction does not undermine or encroach upon the highway. It also ensures that building drainage, rainwater down pipes, eaves, outward opening windows etc. do not encroach onto or over the highway and / or Public Right of Way.

Please note the required number of parking spaces per number of bedrooms (in accordance with the NNC Parking Standard Documents dated September 2016);

- Parking for a 1 Bed = 1 Space,
- Parking for a 2 Bed = 2 Spaces,
- Parking for a 3 Bed = 2 Spaces,
- Parking for a 4+ Bed = 3 spaces,
- Visitor Parking provision is at 0.25 spaces/dwelling,
- A single garage cannot be counted as a space,
- A double garage can be counted as a single space,
- Residential Spaces must be a minimum of 3 metres x 5.5 metres,
- Garages will need to have an internal measurement of 3.3 metres x 6 metres,

The full height kerbing will need to be reinstated and the existing access.

The applicant will be required to obtain the correct licensing, from Northamptonshire Highways Regulations in order to install or alter the site access and the vehicle crossover of public highway land. Please note also that the works necessary to be undertaken within publicly maintained highway land must be undertaken only by a Northamptonshire Highways Approved Contactor; who has the required and necessary public liability insurance in place.

5.5 Natural England

No comment to make

5.6 Ecology

Satisfied that neither a licence nor mitigation will be needed in this case.

5.7 Archaeology

The application site is located at the south eastern end of the village. The public house itself was present by 1884 when it was shown as an L-shaped structure labelled as The Red Cow PH. Its significance lies in its role in the community as well as its historic fabric. The building should be considered a non-designated heritage asset.

As noted by this service in response to a previous application (20/01706/FUL), the NPPF, paragraph 205 says that the local planning authority should require the developer to record and advance understanding of the significance of heritage assets to be lost due to development. In this case a condition for building recording to Level 2 as defined in Understanding Historic Buildings (Historic England 2016) would be recommended.

Evidence for the development and use of the public house will be lost due to demolition and conversion. Such effects do not represent an over-riding constraint to development provided that adequate provision is made for the investigation and recording of any remains so affected. In order to secure this please attach a condition for an archaeological programme of works as per NPPF paragraph 199 to any permission granted in respect of this application.

5.8 Northamptonshire Police

No formal objection or comment to the planning application in its present form. It should be noted however that guidance should be taken from Building Regulation AD 'Q' - Security-Dwellings - Unauthorised access.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 - Presumption in Favour of Sustainable Development
Policy 2 – Historic Environment
Policy 4 – Biodiversity and Geodiversity
Policy 6 – Development on Brownfield Land and Land Affected by Contamination
Policy 7 - Community Services and Facilities
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings
Policy 11 – The Network of Urban and Rural Areas
Policy 15 - Well-connected Towns, Villages and Neighbourhoods
Policy 28 - Housing Requirements
Policy 29 – Distribution of New Homes
Policy 30 – Housing Mix and Tenure

6.5 Rural North, Oundle and Thrapston Plan (RNOTP) (2011)

Policy 2 – Windfall Development in Settlements

6.6 Other Relevant Documents

Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
East Northamptonshire Council - Domestic Waste Storage and Collection Supplementary Planning Document (2012)
East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)

7. Evaluation

The key issues for consideration are:

- Background
- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Impact on Highway Safety and Parking

7.1 Background

7.1.1 The application site has been the subject of various planning refusals and has been the subject of ACV designation, delisting and relisting.

7.1.2 Planning application, 20/01706/FUL, was the most recent refusal (24.05.21) which was for the partial demolition and conversion of public house to a single residential dwelling with associated development including garage, access, parking and landscaping. The application was refused on the following grounds:

- 1) The proposal fails to adequately demonstrate that the loss of a community facility is acceptable and that other community uses have been considered as an alternative to the loss. This is contrary to Policy 7 c) of the North Northamptonshire Joint Core Strategy 2016 and Paragraph 83 d) of the National Planning Policy Framework 2019.

7.1.3 This application is a resubmission of the previous refusal and there are no changes to the proposed layout, scale or design of the dwelling. The application differs from the previous submission with the submission of additional information on the ACV designation and justification for the proposal.

7.1.4 The application site is subject to an ACV. The site was originally listed as an ACV and an appeal was lodged to the Council against the ACV listing and at a tribunal on the 20th November 2020 the appeal was allowed and the property was delisted as an ACV. In April 2021 the premises was relisted as an ACV as it was considered that the nominated asset falls within the category of an asset of community value as defined by the Localism Act and associated regulations and that it should be listed as such by this council.

7.2 Principle of Development

7.2.1 The application site is within the village of Slipton and relates to alterations and conversion of an existing building within the settlement boundary. Policy 11 of the JCS states that small scale infill development will be permitted on suitable sites within villages and goes onto support the appropriate re-use of rural buildings. This application is for the conversion of an existing building and as such is not infill development. Whilst it is for the conversion of an existing rural building it is not considered that Policy 25 of the JCS is applicable as it is not within the open countryside.

- 7.2.2 The conversion of the public house to residential is considered to be acceptable in principle, subject to other material considerations such as character and impact on residential amenity.
- 7.2.3 Planning policies aim to protect local services and paragraph 93 of the National Planning Policy Framework (NPPF) states that in order to provide the social, recreational, and cultural facilities a community needs, planning decisions should guard against the unnecessary loss of valued facilities and services.
- 7.2.4 Policy 7 c) of the North Northamptonshire Joint Core Strategy (JCS) states that development should support and enhance community services and facilities where appropriate by safeguarding existing facilities unless it can be demonstrated that:
- They are no longer viable; and
 - No longer needed by the community they serve; and
 - Are not needed for any other community use or that the facility is being relocated and improved to meet the needs of the new and existing community.
- 7.2.5 The application has been submitted with a range of supporting information which includes a planning statement and a separate report on the economic viability of the premises. The report submitted is an updated version of the report previously submitted with the previous planning application. The applicant's viability consultant concludes in their report that:

“the reintroduction of public house trading in the property presents a highly risky venture with a high probability of business failure.”

The updated version further states;

“Such previously identified risks have now been exacerbated by the economic circumstances and operational challenges caused by the Covid-19 health crisis and the damage caused to consumer confidence. There is now increased uncertainty over the prospects for public houses returning to previously achieved trading levels.”

and

“Based upon my assessment of the credible Fair Maintainable Trade and profit performance of the Samuel Pepys, it is my opinion that the public house is no longer economically viable and does not warrant a prudent operator in taking a decision to seek the reintroduction of pub trading. My detailed trade appraisal and viability assessment set out above, demonstrate that the property will unlikely be capable of generating a satisfactory profit to fund capital investment in the venture or for it to be viable or sustainable, after accounting for the costs of capital required to achieve acquisition and reopening for trade.”

- 7.2.6 The council has not sought independent viability advice in this instance, so largely takes these conclusions at face value and does not dispute the methodology or general outcomes. There is however an area of perceived peculiarity which is discussed at paragraph 7.35 later in the report.
- 7.2.7 When considering the above matters in the context of the principle of development, there is provision in policy to allow for the loss of a community facility if the criteria in JCS Policy 7 c) are adequately met.
- 7.2.8 The economic viability assessment includes details on alternative community uses and details of the marketing of the existing site. The report dismisses the use of the premises as an alternative community use due to the size, condition and the costs of renovating and converting the building. This submission is not a detailed consideration of alternative uses or an investigation into the need for a community facility.
- 7.2.9 The supporting planning statement states that the November 2020 ACV Tribunal decision is a material consideration, which led to the de-listing of the public house as an ACV. This judgement concluded that ‘it is not realistic to think that there is a time limit in the next five years when there could be non-ancillary use of the building or land that would further the social well being or social interests of the local community and S88(2) of the Act is not satisfied”.
- 7.2.10 Since this judgement a further application for an ACV designated was made on the 1st April 2021. The decision notice for the second ACV application states that the Samuel Pepys is an extremely valued assets to the village as there is no other meeting place or village hall. The nomination also states that post COVID lockdown the pub will be of utmost importance as people will want to reunite and socialise again. Furthermore, the garden provides a community play area and without the Samuel Pepys there will be nowhere in the village to meet socially or formally. The report concludes that the pub has a community use which further the social well-being and social interest of the local community.
- 7.2.11 The ACV nomination in 2021 included the submission of a business plan. The ACV decision concluded that the plan sets out concrete plans supported by the fact that money is becoming available. It further states that the business plan stages have been well thought through and a phased approach is set out, the business plan appears to contemplate all considerations including repair, renovation and conversion costs. The decision notice concludes that;

Having considered all of the factors above, it is my view that the nominated asset falls within the category of an asset of community value as defined by the Localism Act and associated regulations and that it should be listed as such by this council.

- 7.2.12 Following the re-designation of the Public House as an ACV, planning permission for the conversion of the public house to a single residential dwelling was refused. This was on the grounds that the applicant had not fully demonstrated that other community uses have been considered or are needed; their assessment is based on a general nature and physical unsuitability of the building.
- 7.2.13 This application has been submitted following the refusal of 20/01706/FUL in May 2021. Additional justification for the application has been submitted. The applicants have advised that since the designation of the ACV no approach has been made and there has been no realistic and viable business proposition to the applicant to allow re-occupation of the building for a public house or other form of community use.
- 7.2.14 In July 2021, the applicants notified the Council of their intention to sell the building which commenced a formal 6 month moratorium period. NNC confirmed on the 9th December 2021 that no formal bids from any community interest group had been received. As a result, the premises is now in a protected period where up to the 7th December 2022, the property is free to be sold to any party.
- 7.2.15 The premises has remained for sale on the open market and there has not been any interest from either a public house tenant or operator and/or a community group.
- 7.2.16 Evidence has been submitted with the application to demonstrate that the premises has been marketed in 2017, 2018 and continually since January 2020. The supporting information states that the marketing evidence demonstrates that there is no market demand for this public house.
- 7.2.17 The applicants have not provided any detailed consideration of alternative uses or an investigation into the need for a community facility. However, due to the length of time the premises has been on the open market for, and the recent moratorium period undertaken where no community bids for the public house were made it is considered, on balance, that the public house is no longer viable and is not needed for any other community use.
- 7.2.18 Based on the above assessment, the proposed conversion of the public house to a single residential dwelling would comply with JCS Policy 7 c and the principle of the development is accepted. The report will now discuss other aspects of the proposal before reaching a final conclusion.

7.3 **Design, Layout and Impact on the Character and Appearance of the Area**

- 7.3.1 Planning permission for the conversion of existing public house to residential and construction of five new residential dwellings was refused in October 2020. One of the reasons for refusal was;

'The design and layout of the proposal would introduce additional dwellings beyond the existing built form of the village, would not respect or enhance the character of the area and the way it functions, and would result in harm to the setting of a non-designated heritage asset.'

- 7.3.2 This application has been significantly amended and now only relates to the conversion of the existing public house to a single residential dwelling, the same as the recent application 20/01706/FUL. The application proposed the partial demolition and conversion of the former public house into a five bed dwelling. This application proposes the partial demolition of the rear of the building, including the conservatory, to create an L-shaped dwelling with three parking spaces and a garage on the eastern side of the building.
- 7.3.3 The pub building would be substantially reduced in size, with demolition to include the conservatory and single storey element along Slipton Lane. As proposed, it would become a 5-bedroom dwelling with its own amenity space and parking.
- 7.3.4 This application is the same as the recently refused scheme submitted under application 20/01706/FUL. This application was not refused on the impact of the proposal on the character of the area. In the previous application the Principal Conservation Officer expressed concerns about the alterations and stated;
- “The majority of the removal work relates to modern fabric and therefore is accepted, but the proposed loss of the barn/range on the right-hand-side of the building's front elevation would be regrettable.*
- The alteration of the windows and doors on the building's front elevation is not justified. In my view this elevation should remain as existing to preserve the building's historic character and appearance.”*
- 7.3.5 With regard to the proposed alterations to the front elevation of the property, the applicant has stated that the proposed changes are in their view minor and proposed to suit the internal layout alterations that are necessary as part of the conversion. They further state that the position of the door and windows are not materially different from the original building and the existing window positions and will be using joinery to match. On balance, whilst the previous comments of the Principal Conservation Officer are noted the character and appearance of the building is considered to be retained and the minor alterations to the frontage of the building would sufficiently harm the character and appearance of this non-designated heritage asset to warrant a refusal.
- 7.3.6 A new garage is proposed to the east of the premises. The proposed garage is a light-weight construction proposed to be constructed from timber cladding and roof tiles. The garage building is to be off-set from the main building and set back into the site and will be subordinate to the host property. The garage is considered to be acceptable and would not have any adverse impact on the character and appearance of the host property or surrounding area.

7.4 Impact on Residential Amenity

- 7.4.1 The application proposes the conversion of the existing public house to a five bed detached dwelling. To the north and west of the site is the garden area to the public house with a detached dwelling, Rose Cottage, further to the northwest. To the south on the opposite side of Slipton Lane are two detached cottages. Due to the distance separation and intervening highway it is not considered that the proposal would have any adverse impact on properties to the south. To the northeast and east is open countryside.
- 7.4.2 The footprint of the existing building has been reduced and there would be a number of bedroom windows on the first floor elevation. It is considered that there may be some incidental overlooking of the neighbouring garden, Rose Cottage, but this is not considered to be an unusual relationship, or severe enough to warrant a refusal of planning permission.
- 7.4.3 Having regard to the above it is considered that the proposal would not impact significantly upon neighbouring properties in terms of mass, overshadowing and overlooking and a satisfactory relationship would remain.

7.5 Highway Safety and Parking

- 7.5.1 Many of the objections to the application raise this as a concern, citing the fast traffic speeds, concerns about insufficient parking and reversing onto the road and the parking arrangements as proposed. The proposed layout of the development provides adequate visibility splays and parking has been provided within the site.
- 7.5.2 The application site is within the 30mph speed limit and there is a pinch point further to the west of the site where traffic is reduced to one lane in width, with priority to vehicles leaving the village. To the immediate east of the site the road returns to the national speed limit and the approach to the village from the south east is considerably faster.
- 7.5.3 Officer experience of this route is that speeds along the section of road outside the site can be fast and there is existing and regular on street parking near Lilac Cottage. The concerns from local residents are therefore understood.
- 7.5.4 The parking arrangements for the proposed dwelling are considered to be sufficient and the Local Highway Authority raised no objection to the proposal. Whilst the concerns raised are understood, in this case it would be difficult to substantiate highway safety as a reason for refusal. This is because the NPPF at Paragraph 109 is clear that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

7.6 The Applicant's Case for the Loss of Community Facility

7.6.1 The Samuel Pepys PH ceased trading in January 2019 and the applicant's updated viability consultant concludes in their report that:

"I reported in July 2019 and August 2020 that I then concluded that the reintroduction of public house trading in the property presents a highly risky venture with a high probability of business failure. Such previously identified risks have now been exacerbated by the economic circumstances and operational challenges caused by Covid-19 health crisis and the damage caused to consumer confidence"

and

"Based upon my assessment of the credible Fair Maintainable Trade and profit performance of the Samuel Pepys, it is my opinion that the public house is no longer economically viable and does not warrant a prudent operator in taking a decision to seek the reintroduction of pub trading. My detailed trade appraisal and viability assessment set out above, demonstrate that the property will unlikely be capable of generating a satisfactory profit to fund capital investment in the venture or for it to be viable or sustainable, after accounting for the costs of capital required to achieve acquisition and reopening for trade."

7.6.2 JCS Policy 7 c) is applicable in these circumstances and this states that:

"Development should support and enhance community services and facilities, where appropriate, by safeguarding existing facilities unless it can be demonstrated that:

- i. They are no longer viable; and
- ii. No longer needed by the community they serve; and
- iii. Are not needed for any other community use or that the facility is being relocated and improved to meet the needs of the new and existing community.

7.6.3 All three of the sub-criterion need to be met in order for the policy to be complied with, and this proposal falls short. As expressed in Paragraph 7.11 above the Council largely accepts the methodologies and findings of the viability report, as it did on the previous applications (19/01271/FUL, 20/00161/FUL, 20/00977/FUL and 20/01706/FUL which were all refused). It has been compiled by a competent person and the council has not sought independent viability advice to rebut this.

7.6.4 There is however a perceived peculiarity which is prudent to mention here. On page 22 of the viability report there is a table which breaks down the food and drink sales for the final four months of 2018. This shows a continual decline. The pub has quite generous grounds, so a decline in trade as the summer ends and temperatures drop is not a surprise. However, it is a surprise to see such low food takings for the month of December when Christmas lunches and meals are very popular, even during weekdays when workplaces typically have their annual outing for team lunches / meals. No explanation has been given for this unusual decline in sales.

- 7.6.5 This casts doubt as to the effectiveness of the most recent management of the pub. If the management has not been successful, the council's view is that this should not carry significant weight in the argument in favour of permanently removing a community facility.
- 7.6.6 It is further considered that the "destination custom" element as referred to in the submission, has been downplayed. Although the site is in a rural location it is very well placed for passing trade and the site layout is ideal for it, with its own car park and grounds. The road which passes through Slipton links it to Kettering and Thrapston within a few minutes drive along national speed limit roads. This route is also the most direct to the A14 and the large Primark distribution warehouse at Islip for people living in nearby towns/villages.
- 7.6.7 Notwithstanding the perceived financial anomaly above it is considered that Policy 7 c) i. has been complied with.
- 7.6.8 Turning to point ii) of JCS Policy 7, the Samuel Pepys PH and its grounds were confirmed as an Asset of Community Value (ACV) on 30.1.20. The applicant appealed in May 2020 against the ACV status but was unsuccessful. However, a more recent appeal, in November 2020 was successful and the pub was delisted as an ACV. As detailed above, a more recent application in January 2021 for the listing of the pub as an ACV has been accepted and in April 2021 the public house was relisted as an ACV. The proposal would result in the loss of the pub if permission is granted. The recent ACV designation (01.04.21) was considered to demonstrate clear intent from the local community that there is a need for facilities in the village and from representations received from the Parish Council and some local residents. However, since the previous refusal on the site the applicant has notified NNC of its intention to sell and entered into the required six month moratorium period. No community bids were received during this period and the property can now be sold on the open market.
- 7.6.9 The ACV status is a material consideration, however, the continued marketing of the property and the lack of submission of any community bids implies that the premises are no longer needed by the community it serves and on balance it is considered that Policy 7 c) ii has been complied with.
- 7.6.10 The updated supporting information with the application makes reference to alternative community uses. However, this submission is not a detailed consideration of alternative uses or an investigation into the need for a community facility. Details of the sales particulars and marketing period have now been supplied as part of the business / viability case, it is considered that the timeframes for marketing are adequate. As discussed within section 7.2 above, due to the length of time the premises has been on the open market and the recent moratorium period undertaken, where no community bids for the public house were made, it is considered, on balance, that the public house is no longer viable and is not needed for any other community use. Accordingly, JCS Policy 7 c) iii. has been complied with.

8. Other Matters

- 8.1 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).
- 8.2 Pre-commencement Conditions: The applicant has agreed to the proposed pre-commencement condition.
- 8.3 Waste Collection: This can take place from the kerbside on Slipton Lane.
1. 8.4 Space Standards: The new property would meet nationally prescribed space standards as required by Policy 30 of the JCS.
- 8.5 Archaeology: Following consultation with the County Archaeologist, in the event of an approval, investigation and recording can be secured through a condition.
- 8.6 Drainage: Drainage details and foul sewage treatment can be secured through a condition or conditions.
- 8.7 Future Application: A number of comments have been made about future intention for the site. Each application should be considered on its own merit. This application relates to conversion of the existing public house to a single dwelling. Any subsequent application will need to be considered on its own merits.

9. Conclusion / Planning Balance

- 9.1 In this instance the proposed partial demolition and conversion of the public house to a single residential dwelling is not considered to cause significant harm that would outweigh the economic, social and environmental benefits of the proposal, therefore given the current policy position the proposed development is considered to be compliant with relevant national and local planning policy as:
- Is of an appropriate scale and design;
 - Would not have a harmful impact upon the character and appearance of the area;
 - Would not have a significantly detrimental impact upon the amenity of neighbours;
 - Would not have a harmful impact upon highway safety; and
 - There are no other material planning considerations which have a significant bearing on the determination of this application.

10. Recommendation

- 10.1 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is therefore recommended that Planning Permission be GRANTED subject to conditions.

11. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out strictly in accordance with the following documents:

- Location Plan and Site Layout, PL-001.2 Rev D, as received by the Local Planning Authority on 22nd February 2022; and
- Proposed Floor Plans and Elevations, PL-003.2 Rev A, as received by the Local Planning Authority on 7th March 2022; and
- Proposed Garage Plans and Elevations, PL-006 Rev A, as received by the Local Planning Authority on 7th March 2022; and

Reason: In order to clarify the terms of this consent and to ensure that the development is carried out as permitted.

- 3 The development hereby permitted shall be finished externally in materials as detailed on the submitted application form and plans. The approved materials should be maintained and retained in perpetuity thereafter.

Reason: To achieve a satisfactory elevational appearance for the development.

- 4 Prior to the occupation of the dwelling, the foul drainage provision should be replaced at the approved development as detailed in the Foul Drainage Statement Revision C prepared by Chiltern Design Reference DS/701 and updated January 2022.

Reason: To ensure adequate drainage provision.

- 5 There shall be no burning of any material during construction, demolition or site preparation works.

Reason: To minimise the threat of pollution and disturbance to local amenity.

- 6 No demolition or construction work (including deliveries to or from the site) shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays or Bank / Public Holidays.

Reason: To ensure the protection of the local amenity throughout construction works.

- 7 At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

Reason: To ensure the protection of the local amenity throughout construction works.

- 8 Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud refuse etc. deposited on the road as a result of the development must be removed immediately by the operator/contractor.

Reason: In the interests of residential amenity, highway safety and visual amenity.

- 9 Prior to the commencement of building construction above ground level hereby permitted a detailed boundary and landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To achieve a satisfactory elevational appearance for the development.

- 10 Prior to first use or occupation of the development hereby permitted, the boundary and landscaping scheme shall have been implemented in accordance with the details shown on the approved plans, and shall be retained in the agreed manner in perpetuity. Any trees or plants which within a period of five years of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: To achieve a satisfactory elevational appearance for the development.

- 11 Prior to the first occupation of the dwelling hereby approved, the parking and access shall be provided in accordance with the submitted details, plan reference PL-001.02, and thereafter remain in perpetuity.

Reason: In the interests of highway safety.

- 12 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) fieldwork in accordance with the agreed written scheme of investigation;
- (ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
- (iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 205.

11 Informatives

1. Please note guidance should be taken from Building Regulation AD 'Q' - Security-Dwellings - Unauthorised access.