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Date: 28<sup>th</sup> November 2019



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Planning Department  
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Dear Maria,

**152 – 154 Watling Street, Towcester, Northamptonshire**

**Conversion of existing buildings to residential development of 15no. dwellings**

In response to your email dated 8<sup>th</sup> October and on behalf of the applicant, we would like to take the opportunity to provide a comprehensive response to both yours and the consultees concerns on the proposed development to date.

The Applicant is keen to work with South Northamptonshire Council to amend the scheme to one which is agreeable to all parties and alleviates your concerns.

As part of addressing the issues raised, the following additional information is submitted:

- Revised Drawing Package
  - Existing Floorplans 019-037-003 Rev A
  - Existing Elevations 019-037-004 Rev A
  - Location and Block Plan 019-037-005 Rev A
  - Proposed Ground Floor Plan 019-037-006 Rev A
  - Proposed First Floor Plan 019-037-007 Rev A
  - Proposed Second Floor Plan 019-037-008 Rev A
  - Proposed Elevations 019-037-002 Rev G
  - Boundary Plan 019-037-009
- Photographs of Site
- Viability Assessment & Appendix November 2019 v1
- Flood Risk Assessment and Drainage Strategy 19/37003
- Letter from Mr D Batty of Berrys 26<sup>th</sup> November 2019

An ecology report will also be submitted in due course.

We have addressed each of the issues raised in turn below.

**Principle**

The responses received have assumed the site as existing to be in commercial use, and as a result the proposed development has been deemed to be contrary to the Development Plan in that it would result in the loss of a commercial use in the town centre.

This is based on Saved Policy E4 of the 1997 Local Plan, which notes that planning permission will not be granted for the change of use or redevelopment of a site or building currently or last used and which remains suitable for, industrial or commercial purposes to a non-employment use.

As such, the LPA has requested a full marketing strategy to accompany the application to demonstrate that the site is no longer viable for a commercial use,

with marketing of the site to be carried out for a minimum of 12 months. It is our observation that the requirement for marketing to be carried out for a minimum of 12 months is a policy proposed within the emerging Part 2 Local Plan and is not required within the current policies of the Development Plan.

However, it is our opinion that the application site as existing is not in commercial use, as has been assumed by the LPA. The building has been in use as the Towcester Conservative Club, comprised of various leisure and function spaces including a bar. Furthermore, part of the building has also been in residential use. As such, we consider the lawful use of the building to be Sui Generis. Whilst this has not been explicitly stated by us within the application to date, it has been made clear within the planning statement and application forms that the site is comprised of a variety of elements. It is also worth noting that the Ordnance Survey map labels the site as 'Club'.

An internet search of the planning use of a Conservative Club brings up many examples of where former clubs have been converted, and all have been considered to be in Sui Generis use. The following are examples where the use class has been considered to be Sui Generis:

- Change of Use of Chelsea Conservative Club (ref. PP/17/02139/Q20). Here the Council, Royal Borough of Kensington and Chelsea, considered the existing use class of the Conservative Club to be Sui Generis
- Application at Norfolk Conservative Club (ref. HPK/2017/0060). Here the Council, High Peak Borough Council considered the existing use of the building to be Sui Generis
- Change of Use of Rochford Conservative Club (ref. 09/00530/COU). Here the Council, Rochford District Council, considered the existing use of the building to be Sui Generis

Furthermore, the current use on the site does not generate any jobs for the local area, with the club and leisure uses being run by members and volunteers of the club. As such, the conversion of the building to residential use would not result in the loss of any jobs from the town.

As the site is currently in Sui Generis use, planning permission would therefore need to be sought for any change of use of the building to any other use, including commercial. In this instance, it is considered that residential use would be the most appropriate use for this site, owing to its context, historic use and other surrounding uses.

Furthermore, the building in its current form would not be suited to commercial uses, nor any retail or food uses as also typically found in a town centre, as these would require substantial renovations to the building to accommodate such uses. This could then result in an unsatisfactory impact to the building in terms of heritage impact and could result in a loss of the historic fabric of the building.

Given all of the above, it is our position that the current lawful use of the site is Sui Generis and thus not commercial. As such, there are no policy restrictions regarding the change of use from Sui Generis, and a change of use of the site to residential is considered a much more appropriate use of the site and would provide additional housing in a highly sustainable location. As such, we considered the proposed development to be acceptable in principle.

#### Marketing Strategy

Notwithstanding the above, we have submitted information regarding the marketing of the site, within a letter from Mr. D Batty from Berrys. This letter sets out in full the marketing campaign carried out at the site. The letter confirms a lack of interest in the property for commercial uses, the main reasons being the closed nature of the building and its Listed status, along with the location of the site outside the main part of the town resulting in a lack of passing footfall for trade. The letter notes that to undertake a 12-month marketing period would not be possible, practical or desirable from a commercial perspective, given that the property would have to lie empty for in excess of 12 months with no income and business rates payable.

### Overdevelopment

The proposed scheme of 15no. 1-bedroom apartments has been considered by the LPA to be overdevelopment of the site. This was raised due to concerns over overlooking, design, and a lack of outdoor amenity space, all of which were considered to contribute to the feeling of overdevelopment on the site.

However, as outlined later within this letter, the issues concerning overlooking have been addressed by amending the design of the windows at the southern elevation. As such, it is considered that given that the scheme will now protect residential amenity for both existing and future occupants, this demonstrates that the proposed development can be accommodated on the site and as such is not overdevelopment.

With regard to outdoor amenity space, the proposed scheme now includes a small amount of private outdoor amenity space for all ground floor units. Furthermore, the existing courtyard area will be landscaped to provide a communal outdoor amenity space. Full details of this are to follow in due course. It should also be taken into consideration that the central location of the site also offers residents good access to alternative outdoor and recreation space nearby.

Concerns were also raised by the LPA with regard to the proposed arrangements for the units along the rear projection (south elevation) of the building due to uncertainty over what is proposed. It is clarified here and also clearly noted within the resubmitted plans that there will be partitions installed to provide each of the ground floor units a small area of outdoor space. The rear of the site will also be enclosed to ensure security and privacy for residents. A detailed boundary plan is provided for further clarification.

Finally, it should also be noted that the scheme only proposes an additional 46 square metres of floorspace at first floor level, with the rest of the development comprising a conversion of the existing building and partial demolition. As such, there is very little additional built form proposed over and above that which already exists on the site, adding further weighting to the argument that the proposed development is not considered overdevelopment of the site.

### Residential Amenity

The proposed development has been considered by the LPA to cause overlooking of the garden of the neighbouring property at No. 150 Watling Street to the south east. Your comments note that you are satisfied this could be overcome by the removal of the Juliet balconies and the setting of the bedroom windows at a high level.

As such, the proposed scheme has been amended accordingly with the Juliet balconies previously proposed removed from the scheme, and high-level windows now proposed to the bedrooms on this elevation. It is therefore considered that there are now no issues on site with regard to impact upon neighbouring amenity, and specifically not to the neighbouring property at No.150 Watling Street. It is therefore considered that this issue has been overcome and both existing and future occupants will be provided with a high level of residential amenity in this regard.

### Parking

The comments provided note the need for a minimum of 15no. car parking spaces to serve 15no units. The comments also considered that this part of Towcester is very high density which gets congested with traffic, with nearby public parking restricted to 3 hours maximum. It was also considered that this could result in the loss of a considerable amount of car parking for the town centre, which is intended to support the local economy by providing parking for visitors and businesses in the town centre.

However, it is our opinion that the proposed development is highly suited to being a car-free development, owing to its highly sustainable location in the centre of Towcester which has a number of services and facilities within walking distance and excellent public transport links. Furthermore, as set out within the planning statement submitted with the application, residents of 1-bedroom apartments are typically less likely to own a car and future residents may be likely to choose this particular location due to the fact it is highly accessible by public transport with facilities and services nearby, and the fact they would not need to rely on owning a car.

Furthermore, the Council have recently approved car free residential development within the regeneration project for Moat Lane in Towcester, a short distance from the application site, and a project which is also undertaken by this same Applicant. It is considered that to object to the application enclosed would therefore be an inconsistency in approach of the LPA and would be contrary to the NPPF which seeks to prioritise development where it is sustainably located and encourage a shift towards sustainable transport options.

#### Heritage Assets

The proposed development is considered by the LPA to cause less than substantial harm to the identified heritage assets and your response notes that this harm should be weighed against the public benefits of the scheme. Paragraph 193 of the NPPF notes that when considering the public benefits, this includes considering alternative uses for the building to secure its optimum viable re-use that will support its long-term conservation. The LPA note that in the absence of the requested marketing information, a consideration or assessment of alternative uses cannot currently be made.

However, it is our opinion that the proposed change of use of the building to residential would be the least harmful option and most suitable use for the building in terms of retaining and enhancing the Listed Building. A change of use of the building to support commercial use, or other town centre uses such as for food or retail, would require more substantial changes to the building than that proposed, in order to accommodate the change of use and specific requirements of those uses.

In terms of the public benefits of the proposed development and its consideration against the less than substantial harm caused, it is considered that the provision of a residential development in the town centre would provide more public benefit than the alternative uses of the site for commercial or retail purposes. The proposed scheme would provide smaller residential units (which are often in short supply) in a sustainable location and would make a positive contribution to the housing supply for the area. A residential use of the site would also not be in conflict with the surrounding uses, whilst the introduction of a commercial or retail use could cause conflicts with the surrounding properties. By placing a residential use in the town centre, this would also help to achieve modal shift by encouraging use of public transport, and would help to address issues regarding congestion (as mentioned in the comments received) and air quality in the surrounding area.

Your comments note that the application as submitted also does not include any assessment of the significance of the interior of the building. The Historic England Listing for the building notes that the interior of the building has not been inspected. This would infer that the interior of the building is not key to its Listing, although does not mean that the interior is not significant. As noted within the comments from the Councils Conservation Officer, the interior of the building has likely been opened up from its original form, and thus the re-introduction of partitions to create the individual rooms would not be considered to cause harm. Some of the internal changes proposed have been considered by the officer to cause less than substantial harm and as such should be assessed against the public benefits of the proposal. This is outlined in the paragraph above. Furthermore, it is considered that the interior of the building does not contribute to the character and setting of the Conservation Area and therefore any changes to the interior of the building would not impact the Conservation Area.

#### Ecology

A preliminary ecological assessment was not submitted with the application and as such is required prior to the determination of the application so that the mitigation measures required can be properly assessed and planned for as part of the proposals.

As such, an ecology survey has been commissioned and a report will be submitted to the Council in due course.

#### Surface Water Drainage

A drainage strategy was not originally submitted with the application and as such this information was requested by the Surface Water Drainage Team.

A flood risk assessment and drainage strategy is submitted with this letter. The report sets out the proposed surface water and foul drainage strategy for the site, along with an assessment of the sites flood risk. The report concludes that the proposed development can be accomplished without presenting an unacceptable flood risk to occupiers, without increasing flood risk elsewhere and without detriment to the existing drainage infrastructure.

#### Building Control Comments

Comments were provided by Building Control regarding the means of escape from flats, floor levels and balconies fire rating. This will be accounted for in the scheme and addressed with Building Control at the relevant stage of development.

#### Affordable Housing and Section 106 Heads of Terms

A full viability assessment is submitted with this letter and demonstrates that the scheme cannot support any affordable housing provision.

#### Conclusion

Overall, we feel that we can overcome the issues identified by the LPA to provide a high-quality residential scheme in a highly sustainable location in the center of Towcester. The existing use of the site is considered to be Sui Generis, and therefore a change of use of the site would not result in the loss of commercial space nor jobs from the town centre. The proposed development would also ensure the long-term retention and viable use of a heritage asset and would not cause substantial harm to the identified heritage assets.

We look forward to working with you to overcome the issues as outlined above and hope that the above and additional information submitted helps to overcome your concerns to date.

I look forward to hearing from you and if you require any further information then please get in touch.

Yours Sincerely,

**Linzi Melrose BSc MA MSc**  
Senior Planning Consultant