

<b><u>Application Number</u></b>	<b>DA/2020/1051</b>
<b>Location Description</b>	<b>WINDMILL INN, MAIN STREET, BADBY, NORTHAMPTONSHIRE, NN11 3AN</b>
<b>Site Details</b>	<b>CHANGE OF USE OF PUBLIC HOUSE (SUI GENERIS) TO SINGLE DWELLING (CLASS C3) AND OTHER ALTERATION TO THE GROUNDS TO FORM ASSOCIATED PARKING AND GARDEN AREAS.</b>
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<b>Applicant</b>	<b>WARR INVESTMENTS LTD</b>
<b>Agent</b>	<b>BARRY WAINE PLANNING</b>
<b>Case Officer</b>	<b>ANNA LEE</b>
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<b>Ward</b>	<b>WOODFORD &amp; WEEDON WARD</b>
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<b>Reason for Referral</b>	<b>CALLED IN BY ASSISTANT DIRECTOR GROWTH CLIMATE CHANGE AND REGENERATION</b>
<b>Committee Date</b>	<b>8 DECEMBER 2021</b>
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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

**RECOMMENDATION:** GRANT PERMISSION SUBJECT TO CONDITIONS

### **Proposal**

The application seeks permission for the change of use of a public house (sui generis use) to a single, six bedroomed dwelling (Class C3 use). In addition, other alterations are proposed within the grounds to form new parking and outdoor amenity areas to serve the future occupiers of the proposed dwelling.

Since receiving the application in February 2021, additional marketing had been carried out and additional marketing and market assessment reports were accepted during the course of the application. Interested parties were re-consulted on the additional information.

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### **Consultations**

The following consultees have raised **objections** to the application:

- Parish Council, Local Councillor

The following consultees have raised **no objections** to the application:

- Archaeological Advisor, Highways, Environmental Health

The following consultees **support** the application:

- Planning Policy/ Local Strategy Team

7 Letters of objection have been received.

## **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Character and Appearance
- Impact on Heritage Assets
- Residential and Local Amenity
- Highway Safety

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable on planning grounds 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**

### **APPLICATION SITE AND LOCALITY**

The application site lies inside Badby village and is surrounded primarily by residential development. The site accommodates a public house. The building is a stone and thatched inn dating back to the 16th Century. The public house benefits from outdoor areas and a car park to the rear which are positioned away from the main street.

### **CONSTRAINTS**

The application building is identified as a 'Building of Local Interest'. The proposal site lies inside a designated conservation area and there are listed buildings within the vicinity of the site, including The Wayside (to the east) and Ronkswood (on the west side). The Lilacs positioned to the immediate north of the site is also a Building of Local Interest. The site lies on Flood Zone 1.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

The development is for the change of use of the existing public house (sui generis) to a single residential dwelling (Class C3) and other alterations to the grounds to form associated parking and garden/ outdoor amenity areas.

## **RELEVANT PLANNING HISTORY**

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

<b>Application Ref.</b>	<b>Proposal</b>	<b>Decision</b>
DA/2017/0665	Installation of three new chimney pots on existing chimneys and associated works	Approved
DA/1987/1174	Alterations and extensions to public house	Approved
DA/1987/0889	Alterations and extensions to public house	Approved

## **RELEVANT PLANNING POLICY AND GUIDANCE**

### **Statutory Duty**

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

### **Development Plan**

The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the Settlements and Countryside Local Plan (Part 2) for Daventry District adopted in March 2020 and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

#### West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S3 – Scale and Distribution of Housing Development
- S10 – Sustainable Development Principles
- R1 – Spatial Strategy for Rural Areas
- R2 – Rural Economy
- BN5 – Historic Environment and Landscape
- BN9 – Planning for Pollution Control

- RC2 – Community Needs

### Settlements & Countryside Part 2 Local Plan for Daventry District (Part 2) (LPP2)

The relevant policies of the LPP2 are:

- SP1 – Daventry District Spatial Strategy
- RA2 – Secondary Service Villages
- RA5 – Renovation and Conversion of Existing Buildings within Settlements
- CW3 – Protecting Local Retail Services and Public Houses
- ENV7 – Historic Environment
- ENV10 – Design

### Badby Parish Neighbourhood Plan 2018-2029 Made Version 2019 (NHP)

The relevant policies of the (NHP) are:

- B3 – Heritage
- B4 – Protection and Enhancement of Community Facilities
- B9 – Traffic Management and Transport

### **Material Considerations**

Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Supplementary Planning Guidance (Including Badby Conservation Area Appraisal and Management Plan 2020)
- Northamptonshire Parking Standards 2016
- Local Highway Authority Standing Advice 2016

### **RESPONSE TO CONSULTATION**

Below is a summary of the consultation responses received at the time of writing this report.

<b>Consultee Name</b>	<b>Position</b>	<b>Comment</b>
Badby Parish Council		<p>Object to the application and the Parish Council's latest comments are set out below:</p> <p><i>"At its meeting on 8 November 2021, Badby Parish Council considered the amended planning application ref. DA/2020/1051 for change of use of the Windmill Inn, Badby. The Council</i></p>

		<p><i>resolved to respond that it maintains its objection to the amended application, on the same grounds i.e.:</i></p> <p><i>The Windmill Inn is identified in the Badby Neighbourhood Plan as a Local Community Facility to be protected, as supported by the West Northamptonshire Joint Core Strategy (WNJCS) section R1 (Retention of existing facilities) and Daventry District Settlements and Countryside Local Plan (Part 2) section CW3 (Protecting local retail services and public houses).</i></p> <p><i>The Daventry Local Plan furthermore designates Badby as a Secondary Service Village, on the basis that it provides scope to meet some local needs for housing, employment and service provision. The permanent closure of the Windmill as a public house would mean the loss of the principal source of employment opportunities and overnight accommodation in Badby; in his "Independent Assessment" Richard Greener argues that the Maltsters Public House offers comparable facilities, however it should be noted that the Maltsters has not offered overnight accommodation for several years now, and the Council is at a loss to understand how Mr Greener is not aware of that.</i></p> <p><i>The Council believes that the character and commercial offerings of the two public houses have typically been well differentiated, and both may be viable if managed and marketed effectively. Furthermore, over its many years in existence the Windmill has developed a reputation as a destination public house and restaurant which reaches far beyond the village of Badby.</i></p> <p><i>The Parish Council continues to believe that the business environment during the majority of time that the Windmill Inn</i></p>
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		<p><i>has been on the open market in search of a new tenant has been uniquely unfavourable on account of Covid, and that it is therefore not reasonable at this time to conclude that the site is no longer attractive to the market.</i></p> <p><i>As stated previously, the Parish Council feels strongly that all options to maintain the Windmill Inn as a public house should be fully explored before any change of use is considered; in particular, the Council would like to see the site marketed as a public house on a freehold (as opposed to leasehold) basis, in the interests of finding a third party who would be prepared to make the necessary investment to create a viable business."</i></p> <p>The Parish Council made the following objections in their initial response in February 2021:</p> <p><i>"At its meeting earlier this week Badby Parish Council discussed the subject application by Warr Investments for the change of use of the Windmill Inn to a single dwelling, and I have been asked to inform you that the Parish Council objects to the application, for the following reasons:</i></p> <p><i>The Windmill Inn is identified specifically in the Made Version of the Badby Parish Neighbourhood Plan as a Local Community Facility to be protected - as supported by the West Northamptonshire Joint Core Strategy (WNJCS) section R1 (Retention of existing facilities) and Daventry Settlements and Countryside Local Plan Part 2 section CW3 (Protecting local retail services and public houses).</i></p>
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		<p><i>Although technically the premises have been advertised to let since September 2019, the Parish Council does not believe it will have been possible to market the business actively for a minimum of 12 months because of unfavourable conditions resulting from COVID. The Parish Council is furthermore not convinced that the present owners have explored all possible options to maintain the premises as a public house, including selling it to someone who would be prepared to make the necessary investment to create a viable business.</i></p> <p><i>Over the years, the Windmill Inn has provided employment opportunities for local residents, in particular the younger generation who have been able to gain valuable and rewarding experience there as waiting, catering and cleaning staff – as supported by the WNJCS section R1 paragraph 8 (Sustaining the rural economy by retaining existing employment sites where possible).</i></p> <p><i>Furthermore, the Windmill Inn has been a public house serving the residents of Badby for over 200 years. Its closure would represent the loss not only of a community facility, but also a local heritage asset which contributes significantly to the character of the village and is deserving of conservation under WNJCS section BN5 (Historic Environment and Landscape) and Daventry Settlements and Countryside Local Plan Part 2 section ENV7 (Historic Environment).</i></p> <p><i>Although, as stated above, the Parish Council feels strongly that all options to maintain the Windmill Inn as a public house should be fully explored before any change of use is considered, it should also be noted that the Badby Parish Neighbourhood Plan specifies that any new housing should respond to the</i></p>
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		<i>identified local need for affordable, smaller properties, and a six-bedroomed property would not meet these criteria."</i>
Local Councillor		Email received from a local councillor, who is also a local business person, to say that he has been trying to buy the public house since January 2017. The Councillor has concerns about the claims made that there are no options other than to apply for residential planning permission.
WNC Local Highway Authority		Does not have any comments or requests to make.
WNC Archaeological Advisor		Recommends that building recording works be carried out, given the special historic interest of the building (see recommendations in main report). The relevant building recording works were carried out and the findings have been documented in a Heritage Impact Statement dated May 2021. The Archaeological Advisor is satisfied with the work carried out and recommends that a copy of the report be sent to the Historic Environmental Records (HER).
WNC Conservation Officer		Has been consulted on this proposal. Comments from Conservation will be reported in the late representations.
WNC Environmental Health Officer		Recommends that conditions and informative notes be imposed to advise the applicant/ developer of unexpected contamination, the potential for radon and of construction working times.
WNC Local Strategy Team/ Planning Policy		Supports the application, as the proposal is in conformity with the development plan. " <i>Policy CW3 protects existing local retail services and public houses. Proposals that would involve a loss are required to meet one of two requirements under part A to be permitted. In terms of Ai), the applicant should provide evidence that marketing has have been active and continuous for a minimum of 12 months. The applicant has submitted various details of the</i>

		<p><i>marketing campaign which has been undertaken since late 2019, throughout the pandemic and also the level of interest in terms of number of physical viewings. There was initially concern that the pandemic would have impacted marketing and the attractiveness of hospitality premises, however, an independent opinion that has been submitted that states that this is not the case. Aii) requires that there are alternative equivalent services available in the village. There is a second pub in the form of the Maltsters which can be considered an equivalent facility and as noted under policy RA2, the loss of one of the two pubs is not considered to impact on the sustainability of Badby as a SSV. The applicant is therefore able to satisfy both criteria, although there is only a need to satisfy one of them."</i></p>
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## **RESPONSE TO PUBLICITY**

Below is a summary of the other third party and neighbour responses received at the time of writing this report.

There have been 7 letters of objection and the contents have been summarised/ set out below:

- The proposal would lead to the loss of a community facility as defined in the Badby NDP,
- *Loss of local history, "the WPH, which has served Badby for in excess of 200 years has a distinct character which goes beyond a mere facility and leaves a large gap in the community life, as like many village pubs it provides a meeting point for both informal and formal socialising."*,
- Policy B4 of the Badby NDP requires evidence of active marketing of the premises for 12 months. *"While this application for change of use has technically been marketed since 30th September 2019, it has to be noted that within less than 6 months of 30th September we were in a Covid-19 lockdown which was clearly going to be huge problem for the hospitality industry making it virtually impossible to lease a pub in such an environment. These are exceptional times and clearly it requires that further active marketing of these premises should be carried out in normal times before any Change of Use should be considered"*,

- There is the contention that the WPH is no longer a viable business for both the lessor and lessee; however, no evidence has been provided and the applicant has not provided a business plan,
- *"The current Owners have not made any logical attempt to demonstrate why this property could not be a sound and profitable business. Instead what they appear to concede is that they have made a substantial loss on their own business I.e. that of Property Management which could easily be attributable to their own lack of management skills which is not the fault of the Pub",*
- *"Also the contention that Airbnb has reduced the potential hospitality market for the WHP is simply not supported by any evidence. Indeed one could equally argue that Airbnb tenants in the village (if they are a reality), could provide a ready market for evening meals. However without real evidence it's impossible to quantify the impact of Airbnb type letting."*
- *"There are also a number of possible routes for the business not discussed. For example, if the market for room letting is diminished why not use the rooms as tenant accommodation which could in some circumstances make the business more viable. Secondly, if the lessor is not prepared to invest the sum to make the business viable why to not offer the building for sale as a public house to someone (or an organisation) who is prepared to make the investment",*
- Effect on vitality of the village, *"the Windmill has been the hub of our village and it has been for over 200 years",*
- The pub provides accommodation for local events, including the Silverstone Racing Circuit,
- Loss of employment for the village,
- The pub also brings in employment for the local village shop and other local services,
- The village needs more affordable homes and does not need another six bedroom house.
- The Windmill Inn has historically provided a significantly different ambience from the Malsters and that both have contributed to the village in their own way. *"the letting of rooms is not critical to the business case for the Windmill and indeed the immediate previous landlord did not do so. Also, the Hotels mentioned as competition have been there for many years and make a completely different accommodation offer; so, if the Windmill were to make an accommodation offer it would be the relaxed country pub environment which many business-people seek after a hard day's work. Incidentally, the Malsters Public House does not provide accommodation and has certainly not done so since the current landlord*

*took over 4 years ago. So, the Assessment Report is simply totally inaccurate in this respect. Yes, there is a small amount of AirB&B in the village, but it could not be argued they merely generate potential restaurant and bar business for the Windmill and add to the business case for its continued operation."*

- *"The re-opening and success of the Red Lion at Hellidon merely demonstrates what can be achieved with a good product and sound marketing. No village pub can now expect more than a fraction of its business from the immediate village and the Red Lion achieves success by recognising that."*
- *"The report concludes with a point not in doubt, that is, that the Malsters can provide a good service to the village. However, that is an irrelevance in determining the financial viability of the Windmill".*

## **APPRAISAL**

### Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004, replacing Section 54A of the Town and Country Planning Act 1990, requires that decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of listed buildings and conservation areas.

The Windmill Inn Public House is identified as a 'Community Facility' in the Badby Neighbourhood Plan (NDP) and Policy B4 (1) states that:

*"There is a presumption in favour of the protection of existing facilities and that change of use will only be supported where:*

- *Satisfactory evidence is produced that the site has been actively marketed for a prolonged period of 12 months or more without securing a viable community use for the facility or*
- *The proposal includes alternative provision on a site within the locality, of equivalent or enhanced facilities".*

In order to ensure economic and social sustainability of existing communities Policy CW3 of the Part 2 Local Plan seeks to protect local retail services and public houses, consistent with Paragraph 93 a) d) of the NPPF. Specifically, Criteria A of Policy CW3 states that *"development that results in their loss will only be permitted where:*

- i. The site is no longer attractive to the market for its existing permitted*

*use as demonstrated by evidence that it has been actively marketed for a period of 12 months; or*

- i. *There are sufficient alternative equivalent services accessible in the village or immediate locality having regard to its contribution to the settlement's role in the settlement hierarchy'.*

Therefore, prior to considering whether the change of use to residential would be acceptable, it would firstly need to be demonstrated that at least one of the criteria set out in Policy CW3 and B4 (1) could be satisfied. The supporting text notes 10.2.02 in the Part 2 Local Plan is of relevance to Policy CW3 as this states:

*"Proposals that result in a loss of a local service or public house would need to demonstrate why the use is no longer considered to be viable to be retained in its current form. This should include evidence that it has been actively marketed for a period of at least 12 months for its existing use, supported by an independent assessment of the viability of the business, a market view of the site, and details of the marketing and evidence that the site was fit for purpose at the time of marketing. In considering such proposals regard will also be had to the availability of other businesses performing a similar function in close proximity'.*

The application is accompanied by a Planning Statement and this advises that the public house was last occupied on 13 September 2019 *"when the lease was forfeited by O'Mahoney Hospitality Ltd. O'Mahoney Hospitality had a lease from November 22nd 2017 until 13 September 2019. Prior to that my clients had appointed a bar management company in 2017 after the premises was repossessed in December 2016"* (Addendum to Planning Statement dated December 2020). *"Attached at Appendix 1 is an email from Fleurets, the client's agents setting out the date that they were instructed and a list of mail shots, downloads, and individual viewing parties. The site has been marketed by Fleurets as nationally recognised experts in the field of marketing public houses since 2019"* (Addendum to Planning Statement dated December 2020).

The following marketing strategies have been set out within the latest Marketing Report accompanying the application (dated 20 September 2021):

### ***"Background***

*Warr Investments Ltd approached Fleurets in September 2019 with a view to marketing a new lease at the Windmill in Badby following a forfeiture procedure with the previous tenant due to non-payment of rent. Fleurets accepted instructions on 17th September 2019.*

*Fleurets have had involvement with this property on several occasions dating back to the early 1990's.*

*Whilst there has been some disruption due to recent effects of Covid-19 the property has been continuously marketed throughout and access has been available to all who have enquired and requested.*

*The property has been maintained to a high standard throughout the marketing period and has been consistently well presented.*

*The rental figure quoted was arrived at via the use of comparable lettings in the area, it has been regularly reviewed and incentives have been offered in line with market conditions.*

### **Marketing Summary**

*Fleurets is a firm of Chartered Surveyors which is dedicated to the specialist leisure property sector and as such we are ideally placed to market this trade related property.*

- Erection of a to let board on a prominent position at the front of the building;*
- Production of particulars (copy attached);*
- Emailing to registered enquiries through our in-house database;*
- Initial Mail shot sent to –9,155 applicants*
- Total update emails sent to –52,850 applicants*
- Direct emails to applicants who recently enquired on similar properties –178*
- Parties who have downloaded details –1,538*
- Targeted mailing, hard copy sales particulars were sent to nearby similar properties;*
- The property and business has been featured since 30.09.19 on our website, [www.fleurets.com](http://www.fleurets.com), visited by in excess of 34,000 individuals per month.*
- The property has also been advertised on third party websites including Right Move, Businesses For Sale and the Morning Advertiser.*
- We advertised and conducted two 'Open Viewing' sessions along with several single appointments with parties who could not attend."*

There has been some 11 viewings since the property has been on the market and the Agent/ Applicant was requested to provide information on the feedback received via their marketing agent. The Agent provided the following response to this in an email dated 20.04.2021:

*"- Those who have viewed the property to trade as a public house are concerned about a similar business in the village as it is seen as a contested business.*

- Concerns have been made about the business rates and insurance*
- Concerns over maintaining the thatch and the grounds*
- Those interested in converting to bed and breakfast with no public bar or restaurant are concerned about the low cost hotels and Airbnb within the area due to economies of scale and Airbnb not having to conform to the same regulations, pay business rates or VAT and can/have substantially undercut The Windmill.*
- There is also the cost of fitting out the ground floor to letting rooms and acquiring planning consent."*

In addition, the Agent/ Applicant has provided an assessment report from Richard Greener Estate Agents dated 7th October 2021 advising the following:

*"...Windmill Inn in Badby has ceased trading and has been available on the open market for a period of 2 years with agents specialising in finding a new tenant but none have been forthcoming. The sustainability of the business became precarious with the advent of Air B&B where local accommodation is available in the village in competition with the letting rooms available in the Windmill Inn. In primary income in the running of an establishment of this type is not from the sale of food and drink and whilst there used to be a strong market from local businesses including Cummings Engineering and Ford UK the occupants who would formerly have used the facilities at the Windmill Inn are now known to be finding alternative facilities particularly at the Daventry Hotel where there is an indoor pool and spa facilities and at Staverton Park Golf Club.*

*The business was at one time supported by overspill bookings from Fawsley Hall however Fawsley have extended their accommodation facilities within The Granary at Fawsley and the refurbishment and provision of letting rooms at the Red Lion public house in nearby Hellidon have both served to increase local competition. The running of the Windmill Inn is no longer a sustainable business activity and it is clear that The Malsters Public House close by provides an equivalent facility to that of The Windmill Inn.*

*Turning to Section 2 of Policy CW3 I have looked at The Malsters Public House also located in the village and have read many positive reviews posted on social media from customers who have used the facilities which include lettable rooms. The Malsters Public House not only provides overnight accommodation but also provides bar and restaurant facilities and has an attractive pub garden and facilities for local functions.*

*I have consulted the Badby Parish neighbourhood plan 2018-2029 made version January 2019, Section B4 under Local Community Facilities notes in paragraph 5.4.6 there are two village pubs, both of which are Freehouses. Both offer accommodation and meals and have significant onsite parking which is of benefit to a village where parking space is at a premium. A number of village facilities use the pubs for their regular meetings.*

### *Conclusions*

*Badby is a parish of some 600 parishioners and has been without the facilities of The Windmill Inn now for some 2 years. The facilities of the Malsters Public House have been maintained and other local hostelries including Fawsley Hall and The Red Lion at Hellidon nearby have been redeveloped, extended, and increased their capacity to provide the services formerly provided by The Windmill Inn. It is in my opinion that the Malsters is more than capable of servicing the needs of a village of this size in all respects and it should be noted that the Malsters used to host the location of a small village shop which was a community facility recognised as missing in Section 5.4.9 of the Badby Parish Neighbourhood Plan. The pub does however sell a range of products previously on sale in the shop. The Malsters provides a public house service and lists on its website dining and takeaway services as well together with the availability of overnight accommodation. The village of Badby is also well served by the availability of Air B&B accommodation as evidenced by the advertisements taken from the internet...*

*It is worth noting that Badby neighbourhood plan confirms that the Parish Council have said that both establishments offer a mirror service to each other and it is also worth noting that the Windmill Inn and The Malsters Public House stand on the same side of the Main Street in Badby less than 270 yards apart.*

*Under the circumstances the evidence suggests that the Malsters provides a sustainable community facility to the village of Badby with ample capacity to continue to do so for many years to come and the variety of the facilities available is more wide-ranging and multi-functional than facilities that are available at Windmill Inn."*

Officers consider that there is sufficient information to demonstrate that the proposal satisfies Policy B4 (1) of the Badby NDP and criterion i) of Policy CW3 in terms of the site no longer being attractive to the market for its existing permitted use as a public house and sufficient evidence has been provided to demonstrate that the property has been actively marketed by a suitable

commercial estate agent for its current use for a period in excess of 12 months. Officers initially had concerns that the Corona-virus pandemic would have had an impact on the hospitality industry and the marketing success of the public house, however, the Agent has supplied a letter from an estate agent which provides an overview of the business's experience of the property market in the hospitality sector where exchanges were still taking place. With respect to the Windmill Inn, it should be noted that the public house has been vacant from September 2019 to date - for a period in excess of 26 months. The property has been actively marketed 6 months prior to and throughout the pandemic, and the property is still currently on the market following the up-lift of the national lock-down back in April 2021. As the protracted marketing would adequately demonstrate that the site is no longer attractive to the market for its existing permitted use, it would be extremely difficult for the Council to resist considering an alternative use for the building. Furthermore, as the application premises is not the only public house serving the village of Badby, where there is a second pub known as 'The Maltsters' which offers a similar public house facility, Officers are satisfied that the proposal would also meet criterion ii) of Policy CW3. The loss of the existing public house facility would normally be permitted/ supported by the aforementioned development plan policy as the proposal would satisfy at least one of the exceptions set out by Policy CW3 of the Part 2 Local Plan. As pointed out by the Council's Local Strategy Team, the Applicant is only required to satisfy one out of the two criteria in Policy CW3 and both criteria have been met in this case. Moreover, owing to the proximity of Badby village to the main urban area of Daventry Town (being situated only 1 mile away) and the availability of other venues i.e. Fawsley Hall and Hellidon Red Lion Pub offering accommodation, restaurant and public house facilities, Officers do not feel that the loss of one out of the two pubs would have an adverse impact on the role and sustainability of Badby village itself. Therefore, Officers are reasonably satisfied that there *are "sufficient alternative equivalent services accessible in the village or immediate locality having regard to its contribution to the settlement's role in the settlement hierarchy"*, and the proposal also satisfies criterion ii) of Policy CW3.

As the submission demonstrates that Policy CW3 and the accompanying text notes have been met, then the principle of changing the use of the building would be supported in this location, providing Policies RC2 and R1 of the Joint Core Strategy together with the other relevant policies in development plan, and other material planning considerations are satisfied.

Policy RC2 of the Joint Core Strategy seeks to resist the loss of existing community facilities unless it can be demonstrated that "*there is evidence that improvements can be made through the provision of a replacement facility of*

*equal or better quality taking into account accessibility' or "the proposal would bring about community benefits that outweigh the loss of the facility". As the proposed change of use to residential would lead to the loss of the existing public house facility and would not lead to improvements or the provision of a replacement facility, the proposal would not comply with the first part of Policy RC2. Nevertheless, as the existing public house has been vacant for more than 2 years, the view could be taken that the proposal would bring a vacant building/ Building of Local Interest located towards the centre of the village back into use and by doing so would bring about some benefits for the local community/ area. Therefore, the proposal complies with the second part of Policy RC2.*

In respect of Policy R1, once the housing requirement for rural areas has been met for rural areas (the 2,360 dwellings set out by Policy S3 of the JCS), Policy R1 states that further housing development will only be permitted provided certain criteria be met. This includes where it can be demonstrated that the proposal i) *"would result in environmental improvements on a site including for example the re-use of previously developed land and best practice design"* and iii) if the proposal *"has been informed by an effective community involvement exercise"* or v) *"has been agreed through an adopted neighbourhood plan"*.

The proposal would satisfy criterion i) of Policy R1 as the proposal seeks to re-use previously developed land and the proposed creation of a new parking area with outdoor gardens within the existing tarmac car park area would lead to environmental improvements for the site. The proposal could also be considered to comply with criterion v) as the principle of residential development within the village confines is supported by the Badby Neighbourhood Plan. The application site and buildings lie inside the village confines, as defined by the Made Badby NDP and Part 2 Local Plan. Policy B2 of the Badby NDP states that proposals for housing will be supported provided that (1) they are within the built confines. Criteria (3) of Policy B2 requires proposals for new housing to *"demonstrate how they would maintain a mix of tenure, type and size of dwelling in the Parish in general and how they respond to the identified local need for affordable properties, smaller properties, bungalows and those suitable for retired residents, in particular; (4) They are of a scale that retains and enhances the rural form and character of the Parish"*. Policy B3 (1) states that development will be supported provided that: *"It preserves or enhances the character or appearance of the conservation area and is in keeping with adjacent buildings and spaces"*. Policy B9 supports developments providing that they have *"a satisfactory means of access and adequate parking provision using the NCC Parking Standards and Standing Advice as a guide"*.

In respect of the other relevant development plan policies, Criterion H of Policy SP1 of the Part 2 Local Plan encourages *"the efficient use of previously developed land, including ensuring that unused and vacant buildings are brought back into use appropriate to their location"*. Policy RA5 supports the renovation and conversion of existing buildings within settlements where

regards has been given to i) the character and appearance of the original buildings and ii) this be retained and enhanced through sensitive design and the use of appropriate materials; and where appropriate, adequate parking provision be provided.

Furthermore, Badby is identified as a 'Secondary Service Village' in the Part 2 Local Plan by which development proposals will be located within the confines of the village (A) and to ensure that the role of the villages be maintained, development should be of an appropriate scale (C i); protect the form, character and setting of the village and areas of historic or environmental importance including those identified in conservation area appraisals and village design statements (C iii); protect the integrity of garden or open land that makes an important contribution to the form, character and setting of the settlement (C iv) and protect the amenity of existing residents (C vi).

Each of the material planning considerations relevant to the consideration of this proposal are set out and discussed in turn below:

#### Character and Appearance/ Impact on Heritage Assets (Including Conservation Area & Listed Buildings)

The existing building is recognised as a Building of Local Interest. Policy SP1 G) of the Part 2 Local Plan seeks to ensure that development protects and enhances the built and natural environment and the District's heritage assets. Policy BN5 seeks to ensure that "*Designated and non-designated heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative significance and contribution to West Northamptonshire's local distinctiveness and sense of place*" and "*Demonstrate an appreciation and understanding of the impact of development on surrounding heritage assets and their setting in order to minimise harm to these assets*". Policy S10 i) seeks to "*protect, conserve and enhance the natural and built environment and heritage assets and their settings*".

Policy ENV7 requires A) "*Proposals affecting the historic environment must demonstrate a clear understanding of any potential impact on the significance of heritage assets and their setting; any description of significance and the contribution of setting should be proportionate to the asset's importance*"; B) "*In decision making, great weight should be given to the conservation of heritage assets irrespective of the level harm. The more important the asset, the greater the weight will be*"; D The Council will seek to sustain and enhance the historic environment by supporting vii) "*Proposals that are sympathetic to non-designated heritage assets (identified through a conservation area appraisal or other method) and their setting including their retention and re-use. In doing so, the impact of the scale of any harm or loss on the significance of the assets will be taken into consideration*".

Paragraphs 196, 197, 199, 200, 202, 205 of the NPPF requires consideration to be given to the impact of a proposed development on the significance of a

heritage asset and their setting, where any harm to the significance of the asset(s) should require clear and convincing justification and the harm should be weighed against the public benefits of the proposal.

The proposed dwelling would re-use the existing layout and rooms within the building and on the basis that no external alterations are being proposed to the building itself, the proposals are unlikely to impact on the external appearance of the building and its immediate surroundings. The change of use and other works proposed to the grounds of the existing car park would not harm the character, layout and appearance of the building and the contribution that the building makes to the conservation area and the relationship with the adjacent listed buildings and other heritage assets. Any harm arising from this proposal on the character and appearance of the conservation area is likely to fall under the category of 'less than substantial harm' according to the terminology used in the NPPF and would be outweighed by the benefits of bringing a vacant building back into use.

The Council's Archaeological Advisor has made the following comments:

*"The proposals involve the change of use of a stone-built, part thatched public house and hotel. The building is not listed but is located within the Badby Conservation Area. The Windmill Inn was shown on the Ordnance Survey of 1883 indicating a substantial history as an inn under the same name, probably derived from the windmill shown in 1883 a short distance to the west of the inn. The windmill was disused by 1900 according to the historic map evidence. The significance of the inn lies in its role in village life as well as its historic fabric. It may also be possible to establish if it was purpose built or converted from an earlier structure. The NPPF, paragraph 199 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 Historic England: Understanding Historic Buildings (2016) would be recommended. Evidence for the development and use of the building will be altered, concealed or lost due to conversion. This does not however represent an overriding constraint on development provided that adequate provision is made for the investigation and recording of any remains that are 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."* The Advisor has advised that it would be necessary for building recording works be carried out of the existing building owing to the history of the building and in an email dated 02.02.2021 the Advisor has provided the following additional comments: *"The condition I have requested is to allow for a record of the*

*building itself – a photographic survey and written description in its present condition and a certain amount of historical research to place it in its context in the life of the village. I am happy that there is no need for work on below ground archaeology, and am only interested in recording the building.”*

The relevant building recording works have since been carried out and the findings have been documented in a Heritage Impact Statement dated May 2021. The Archaeological Advisor is satisfied with the work carried out and recommends that a copy of the report be sent to the Historic Environmental Records (HER).

### Impact on Residential and Local Amenity

All other neighbouring properties would be sufficiently positioned away to not be adversely affected by the proposal. The proposed re-use of the premises as a single residential dwelling and car park alterations would have no more impact on the residential amenities of the surrounding occupiers than the current use of the building and would lead to no more overlooking issues than when the site was used as a public house with associated commercial car park.

As a single residence, the existing building would provide ample internal living accommodation areas and outdoor amenity areas for the future occupiers.

### Effect on the Highway

The proposal seeks to re-use the vehicular entrance and car parking areas which formerly served the public house to serve the proposed new dwelling. The proposal would lead to a significant reduction in traffic movements in comparison with the previous/ last commercial use of the building. Adequate off-road car parking would be provided within the grounds of the car park and the proposed parking facilities would be positioned back from the public highway.

### Other Matters

***“The village does not need another six bedroom property”*** – Criteria (3) of Policy B2 requires proposals for new housing to *“demonstrate how they would maintain a mix of tenure, type and size of dwelling in the Parish in general and how they respond to the identified local need for affordable properties, smaller properties, bungalows and those suitable for retired residents”*. The proposal for a six bedroom property would be extremely difficult to refuse on grounds of the size of the property/ number of bedrooms or type of property, as the proposal seeks to re-use an existing building and is for a single residential unit only. Furthermore, the proposal would help to secure a viable use for the non-designated heritage asset, which would also be in-line with the conservation of the building.

***Loss of Employment Land Use for the Village*** – Development plan policies do not safeguard against the loss of small-scale employment uses such as local pubs or employment land uses located beyond defined Strategic Employment Areas.

***"The applicant has not provided a business plan"*** – National and local development plan policies do not require proposals for change of use of public houses to be supported by a business plan.

***"Why not use the rooms as tenant accommodation which could in some circumstances make the business more viable"*** – The Local Planning Authority is required to consider the proposal as submitted.

***"The point surely is a consistent approach by your Council taking into account an independent Inspectors view on a recent application at appeal (Red Lion Brixworth) and your Council's decision on a second application which was accepted without a survey on availability and/or equivalent services"*** – The Council and Planning Inspector did not object to the loss of the Red Lion pub or request for further information on the viability and alternative facilities which would remain available at the other pubs in Brixworth village, as the Red Lion pub had already ceased to operate for some time and there were two other pubs immediately nearby which appeared to be viable, healthy and clearly provided better services at the time than the Red Lion (back in 2019 and pre-Covid).

The situation is different for Badby, due to there being fewer pubs (two) and we have also had the Covid Pandemic, so it would be necessary to at least set out the facilities/ services which the other pub would have on offer. This is to help the Council decide whether The Malsters would offer a 'sufficient alternative equivalent' facility in-line with the relevant development plan policies.

Therefore, the Red Lion decision would not set a precedent for the current planning application in terms of the level of information which should be provided and each planning application will need to be considered on its individual planning merits.

***Agent/ Applicant*** – Has made the following comments in response to the local objections (Email from Agent dated 16.02.2021):

*"In conclusion we would submit that:*

- 1. All reasonable efforts have been made to preserve the facility including exploring diversification options but tat it would not be economically viable to retain the existing use of the building*

1. *The use of the building has been proactively marketed at a reasonable price for a period of 17 months and there has been no definite interest in it.*

*My clients have always intended to retain the freehold to enable the building to return to its current use should that be economically viable. Nothing proposed in this application would cause any difficulties in such a reversion”.*

In response to the points made by the Councillor, the Agent/ Applicant contends that the property was not being marketed for sale but as a rental property. Furthermore, the Marketing Agent has confirmed in a letter dated 26.07.2021 that *“Fleurets commenced advertising for a tenant at The Windmill Inn and were further instructed, if we received any enquiries for the freehold interest, to tell the enquirer you may consider an offer for the freehold although your (the Owner’s) priority remains to retain and let the pub”.*

*Response to Badby Parish Council Objections:*

### ***1. Exploring Alternative Uses for The Windmill***

*The feedback we have received suggests that people are very interested in the property but not as a public house. The pub trade has been slowly dying for a number of years, since 1980 around 21,000 pubs have disappeared, largely due to inflation busting tax rises on the sector, the smoking ban and cultural changes leading to more people either not drinking or drinking significantly cheaper products at home.*

*The Parish Council fail to appreciate is that if they insist on two pubs in the village, fighting over a diminishing market which cannot support them, they will end up with none, a pragmatic approach is to close one, thus allowing the other stand a chance of remaining open.*

*Since September 2019 our agent has received the following offers for The Windmill Inn to be used as alternatives to a public house:*

- *A property of multiple occupation, up to 20 units (1.)\*^*
- *eight bedrooms on the first floor*
- *conversion of the ground floor to similar units*
- *Shared work space suites (2.)\*^*
- *Unspecified number of workstations on the ground floor*
- *meeting rooms and private workspaces on the first floor*
- *A wedding venue, no public bar or restaurant (3.)\*\**

- *To increase viability additional accommodation and/or entertainment (disco and/or marquee bar) in the woodland via Tepees, Yurts and fire pits\*\*\**

*Prior to the single dwelling application, we considered:*

- *Four letting apartments (4.).*
- *Approved accommodation for (5.):*
- *emergency short term housing for homeless families or single adults*

*Throughout the change of use application it has been our intention to minimise any disruption to The Windmill Inn's neighbours or the wider community.*

*Our chief concern with each of the proposed alternative uses is that there would be a significant increase in vehicle traffic, noise and other nuisances caused by users of the property to our neighbours.*

*The proposed works as set out in our application are basically removing two non-load bearing walls in the modern extension to reduce the number of bedrooms by two. If, at a later date, it would be straight forward and inexpensive to replace these and restore the building back to a pub; likewise the works to the car park can also be easily reverted.*

*\* These proposal would require changes of use and substantial alterations internally making reversion very expensive.*

*\*\* This proposal would require consent to extend accommodation to the woodland, change in licence to allow late night entertainment in the Windmill Inn and the site to the rear and impact neighbouring properties.*

*\*\*\* The woodland would be leased separately and would provide an additional income stream.*

*\*\*\*\* It should be noted that our forecasts suggest that the level of rental income for options 4 and 5 would be significantly greater than converting the property to a single residential dwelling.*

## ***2. Loss of Local Employment Opportunities***

*With due respect to the commenter, we believe this is a rather simplistic point. Our intention is to convert and lease the property, and in order to ensure that it and the grounds are maintained to a high standard, we would employ local gardening and maintenance services as we do with other properties in our portfolio.*

*Our experience over the years has shown, that when the woodland is leased as part of The Windmill Inn, it is not maintained; therefore we would expect the same if it was a residential property, it is a large area and requires a lot of work to keep it tidy.*

*It is also likely that the tenant of such a property would be likely to hire a local cleaner and other such services*

### **3. Marketing Period:**

*It is commented 'Policy B4 of the Badby NDP requires evidence of active marketing of the premises for 12 months'.*

*We have been actively marketing the property for more than sixteen months, from September 2019.*

*I will provide a copy of Fleurets marketing report for your information and a summary of offers received to date, I will need to remove the names of the parties to comply with GDPR but I am happy to share the originals with Ms. Lee is data protection regulations can be satisfied (please advise).*

### **COVID-19**

*NB: Please note that we have been unable to secure any assistance from HMRC or the Local Authority (Daventry District Council) during the COVID-19 lockdown, and that we are still considered liable for business rates which is making the current situation less sustainable.*

*The commenter makes reference to disregarding the periods of lockdown as a result of COVID-19.*

*We have continued to actively market the property during this period, we have shown potential tenants around the property and the property was used for an open evening for the parish council and local community to view our plans, during which time details of the lease and our agents were provided, and a discussion regarding the sale of the Freehold was undertaken with two attendees.*

### **Policy B4 of the Badby NDP**

*We have reviewed Policy B4 of the Badby Neighbourhood Development Plan, nowhere within the document does it refer to exceptional circumstances being applied, there are no details of what constitutes an exceptional circumstance or provides guidance as to how long an exception can be applied for.*

*Regarding comment "While this application for change of use has technically been marketed since 30th September 2019", I would point out that the property has not "technically been marketed", it has been actively marketed for sixteen months, and we believe the commenter is shamefully attempting to use the current unfortunate circumstances to their advantage.*

*An email has been supplied from the estate agent to confirm that there have been 11 property viewings in total, carried out on the following dates:*

- – 02/02/2021
- – 08/01/2021
- – 03/10/2020
- – 24/09/2020
- – 22/09/2020
- – 20/08/2020
- – 22/02/2020
- – 14/01/2020
- – 14/01/2020
- – 14/01/2020
- – 14/01/2020

#### **4. On Site Accommodation:**

*It was proposed that the property is converted to provide accommodation for tenants.*

*In order for part of property to be converted planning consent and alterations would be required.*

*The business model around which The Windmill Inn was designed in the 1980s was if the rooms were let, this would cover the rates and rent, effectively subsidising the bar and restaurant which due to the small local market made a loss.*

*The loss of bedrooms if converted would greatly impact the viability of the business as a whole this will reduce the property's letting income.*

*In the late 1980s, Warr Investments Ltd. applied to build a manager's bungalow in the woodland at the rear of the property, this was rejected by Daventry District Council.*

*Our previous tenants have always had (as set out in their lease) the option of staying on site if they needed to for the security of guests, or wished to do so. Our stipulation was that they could not use the property as their principal address as this could make evicting them from the property more time consuming and expensive, also it would put the property at risk, and our insurance coverage status regarding a tenant in breach of their lease and refusing to leave the site was also very nebulous.*

*It should be noted that previous tenants have always been able to find property in or around Badby to rent or buy, as such there is no need for residential accommodation to be supplied by the landlord.*

*Furthermore this matter has not been raised by our letting agents as a reason why the Windmill Inn is no longer viable as a public house.*

#### **5. Too Many Bedrooms:**

*Firstly I think it should be noted that we are not proposing to build a new property, the building already exists and we are reducing the number of bedrooms from eight to six, we can reduce the number of bedrooms to five or even four easily by the removal of additional non-load bearing walls or re-designation of rooms.*

*We would certainly be prepared to consider changing the application to convert the property into four letting apartments, either leased directly by ourselves to tenants or to a housing association via the Public Sector Leasing Scheme.*

*The reason why we did not pursue this option was that we believe a single dwelling would have a smaller impact on the neighbouring properties and community.*

*If you recall this was part of the original pre application consultation with the District Council, to which they expressed no preference so we chose the path of least impact on the community.*

*We appreciate the community's wish for affordable local homes for local people, this would be an excellent opportunity for four such apartments in The Windmill Inn, however the cost of reverting back to a public house if that was ever viable would be prohibitive.*

*To assist with the provision of affordable housing, at the rear of the property (and outside the village's current conservation area) is a patch of commercial woodland.*

*This land has sewerage pipes already laid and is adjacent to an electricity supply; this site would be ideal for development of complimentary properties to the apartments, the number and design would need to be driven by a landscape lead scheme.*

*There is access to the land, a large parking area already in place, we are more than happy to utilise this land for such a purpose if the parish council would support it.*

## **6. Viability as a Business:**

*Warr Investments Ltd. purchased The Windmill Inn in 1986 for £400,000; the property was in a very poor state and needed extensive repairs and was extended to the west by roughly 200%.*

*The lease is a full repair and insure lease and from memory the rent was set at £40,000.00 p/a at this time, I can locate a copy of the original lease if so required as evidence, but I recall the return was based at 10%.*

*Prior to 2007 the pub traded well, it was looked after and rent was paid.*

*In 2009 our tenant went into liquidation owing considerable rental arrears and other debts and causing a lot of damage as they stripped the property out. I can locate the winding up petition if required, but I think it will be available via Companies House.*

*A lease to The Windmill at Badby Ltd. (08115905) was granted in October 2010, this company was dissolved in 2015 after running up considerable debts and re-emerged as The Windmill Inn Badby Ltd. (09839613).*

*We worked with our tenant (writing off some debts and paying for emergency repairs); however in December 2016, after a period of no rent being received and the property being considered at risk as the electric meter had been removed, we obtained a Court Order to repossess the property (Case No. C01NN278).*

*The Windmill Inn Badby Ltd. was dissolved in March 2017 with considerable monies owed to us which we are still pursuing via the High Court.*

*A breakdown of the rental arrears and our costs incurred in repairing the property can be provided, but I would insist that they are treated as commercially confidential (please advise if required).*

*In November 2018 the property was let to O'Mahoney Hospitality Ltd., with a rent free period and low starting rent.*

*In September 2019 O'Mahoney Hospitality Ltd. stopped paying rent and the lease was forfeited.*

*In addition to the loss of rental income, several thousands of pounds were spent cleaning the property and making good damage, again a breakdown of these costs can be provided but I would insist that they are treated as commercially confidential (please advise if required).*

*Each time the property is leased there are agent's fees (currently (£8,000.00), solicitor's fees (approximately £4,000.00 – £6,000.00 (this varies depending on the amount of work involved in preparing the new lease)).*

*The last interested party cost us £4,687.20 in legal costs before withdrawing their interest.*

*We ran The Windmill Inn ourselves via a pub management company between the tenancies of The Windmill Inn Badby Ltd. and O'Mahoney Hospitality Ltd.,*

*in order to provide a facility for the community, the level of local support was practically non-existent and each month we were covering thousands of pounds in trading losses.*

*I have most of the profit and loss accounts for this period and a record of the management company's invoices, these can be provided but again I would insist that they are treated as commercially confidential (please advise if required).*

*I would respectfully ask you to note the following points:*

- All three previous tenants, and the pub management company, were experienced in either running public houses or small hotels.*
- The £50,000.00 start-up cost is not needed on the building, the building itself is in excellent condition, the last major refurbishment only being done in 2017 at the cost of £70,000.00 to us as the landlord, the sum suggested is to decorate and stock the premises to the tastes of an incoming tenant.*

*Our agents have advised that we should not decorate the property ourselves as it is likely that if any new tenant was found they would have different tastes. Comments have been made regarding the current rent being too high and that it is our greed which is making the property unmarketable:*

- Warr Investments Ltd. has not increased the rent since The Windmill Inn was purchased in twenty years.*
- The full rent (end of year 5 on a stepped rent lease) has been achieved, this level is set by our agents and is the correct market rent for such a property*
- We have always advertised stepped rents and rent free periods to help tenants get established, we are not unrealistic in our marketing*
- Our agent advised if we were to reduce the rent further we are likely to attract the wrong sort of tenant for the location*
- We have requested no premium for the lease*
- We have offered the current fixtures and fittings at a token cost of £1.00 to incoming tenants, their assessed value is £7,000.00*

*Last July we sought to appoint a pub manager to keep the place open for the locals, the most reasonable fee was £300.00 per week and that we would be underwriting all costs, this would be unaffordable and as the village has another pub unnecessary."*

## **FINANCIAL CONSIDERATIONS**

The relevant CIL forms have been received. CIL is not chargeable on this development, as there is no net increase in floor area.

## **PLANNING BALANCE AND CONCLUSION**

It is considered that the proposal accords with the aforementioned policies in the Joint Core Strategy, Part 2 Local Plan and Badby Neighbourhood Plan, which are supported by the relevant chapters of the NPPF. The proposal would not be in conflict with the CAAMP. The principle of changing the use of the existing premises and site from a public house to a single residential dwelling has been demonstrated to be acceptable in this instance. The application site is located within the village confines and would enable the re-use of an existing non-designated heritage asset. The design and appearance of the proposed car park alterations and outdoor amenity areas are regarded to be acceptable in relation to the site, immediate locality and would conserve and enhance the conservation area and setting of nearby listed buildings. There will be no loss of amenity to immediate neighbours or the locality and no significant highway issues or other issues have been identified from this residential proposal that would justify refusal of the application.

## **RECOMMENDATION / CONDITIONS AND REASONS**

That the application be **APPROVED** subject to the following conditions:-

### **CONDITIONS**

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. Except where expressly stated by other conditions on this planning permission, the development shall be carried out strictly in accordance with the details shown on drawing numbers: W54-2C 'Site Plans As Proposed' and W54-1A 'Floor Plans As Existing & As Proposed' deposited with the Local Planning Authority and registered valid on 11 December 2020.**
- 3. The vehicular access, parking, turning and outdoor garden areas identified on drawing number: WS4-2C shall be provided for the dwelling hereby permitted before the dwelling is first brought into occupation and these facilities shall thereafter be retained in perpetuity for such purposes for the dwelling hereby permitted.**
- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as Amended (or any Order amending or re-enacting that Order with or without modification), there shall be no development within Classes A, AA, B, C, D, E, F, of Part 1 of Schedule 2 to that Order (relating to development within the curtilage of a dwellinghouse), Class A Part 2 of Schedule 2 (relating to gates, walls and fences) and Classes A & B of Part 14 of Schedule 2 (relating to installation of solar equipment).**
- 5. If during development, contamination not previously considered is identified, then the Local Planning Authority**

**shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the Local Planning Authority, and the implementation of any necessary remediation works has taken place and a verification report has been approved by the Local Planning Authority.**

- 6. Notwithstanding the submitted details, full details of the proposed new frontage stone wall and side gates shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved.**
- 7. The existing Windmill Inn public house signs at the front of the site shall be thereafter retained in perpetuity of the site and building**

#### **REASONS**

- 1. To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).**
- 2. To ensure that the development is carried out as permitted and would not detract from the character and appearance of the application building, conservation area, setting of nearby listed buildings and to allow the Local Planning Authority to consider the effect of any changes.**
- 3. To ensure a suitable means of access and satisfactory off-road parking be provided for the development, in the interest of highway safety and residential amenity and to ensure the proposal complies with Policy R1 of the Joint Core Strategy by delivering environmental improvements for the site.**
- 4. In the interest of safeguarding the character and appearance of the premises, conservation area, visual and residential amenity and highway safety.**
- 5. To ensure any contamination present on site is mitigated and to secure a safe development in respect of contamination in accordance with the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.**
- 6. In the interest of preserving and enhancing the character and appearance of the Conservation Area.**
- 7. In recognition and to allow commemoration of the history of the non-designated heritage asset/ locally listed building.**