



## Appeal Decision

Site visit made on 10 April 2024

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 May 2024

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**Appeal Ref: APP/M2840/W/23/3329781**

**Old Working Men's Club, 1 Scarborough Street, Irthlingborough NN9 5TT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Fortress Eight Limited against the decision of North Northamptonshire Council.
  - The application Ref is NE/23/00321/FUL.
  - The development proposed is change of use from Sui Generis (formally A4) drinking establishment to (C3) residential. Conversion of the former men's club into eight 2-bedroom apartments and five 1-bedroom apartments .
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use from Sui Generis (formally A4) drinking establishment to (C3) residential. Conversion of the former men's club into eight 2-bedroom apartments and five 1-bedroom apartments at Old Working Men's Club, 1 Scarborough Street, Irthlingborough NN9 5TT in accordance with the terms of the application, Ref NE/23/00321/FUL, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The appeal was made following the Council's failure to reach a decision in the prescribed timescale. The Council have since confirmed that had they been able to determine the application, they would have granted permission. This would have been subject to conditions and a S106 agreement. On this basis, they have not sought to defend the appeal.
3. Although the Council's correspondence refers to a S106 Agreement being prepared, this has not been provided. However, a Unilateral Undertaking (UU) from the appellant has been submitted. This includes financial contributions toward libraries and mitigation relating to the Upper Nene Valley Gravel Pits Special Protection Area (SPA). I shall return to this matter below.
4. Given the Council's position, there are no putative reasons for refusal for me to consider. However, there have been a substantial number of representations from interested parties raising concerns, particularly about highway safety.
5. I saw that the boundary wall to the site may have recently been rebuilt. The development therefore appears to have started.

### Main Issue

6. Having regard to the above, I consider the main issue in this case is the effect of the development on pedestrian and highway safety and the efficient operation of the highway network.

## Reasons

7. The appeal relates to a vacant former working men's club. The site is on a prominent corner plot. While the area is predominantly residential, the site is opposite a school and church. The development would provide no off-street parking.
8. My site visit can only represent a snapshot of normal conditions. However, it was clear that there a significant amount of on-street parking takes place in the area. While some spaces were available, particularly on College Street, it is reasonable to assume that pressure for parking spaces would increase during evenings and at weekends. This appears to be confirmed by the appellant's own 'parking beat' survey which indicated that the observed stress of the area was between 86% and 89%. This suggests that while there may be some additional capacity, it would be limited. I also saw that there are restrictions on parking. This is particularly the case around the school and along parts of College Street.
9. The addition of 13 apartments is likely to lead to an increase in current demand for on-street parking. However, any use of the building, including its former use as a working men's club, would generate some potential demand for parking. The Council and Highway Authority have both accepted that the development would result in less parking demand than the existing permitted use. As a vacant property, it may not currently be creating any demand, but it cannot be assumed that this situation would continue indefinitely. Similarly, it cannot be assumed that if it were to reopen it would operate in the same manner as before. I consider these factors, and the lack of objection from the Highway Authority, to be very significant material considerations.
10. I have regard to the comments and evidence submitted by interested parties. However, any existing issues in the area caused by parents picking up and dropping off at the school, or those associated with refuse and emergency vehicles, would continue with or without the development in place. This includes any risks associated with the existing behaviour of drivers entering the area in relation to the school. Cars would still be parked in the same locations regardless of where the owners may actually live. If cars are parked in the on-street spaces provided, there should be no additional risk to safety to what exists now. It cannot be assumed that residents, whether from the development or in existing dwellings, would deliberately park dangerously or in restricted areas. If drivers park in restricted areas or obstructively, then there are actions that can be taken by the authorities outside of the planning process to address this. I am therefore not persuaded that the development would necessarily cause or exacerbate any problems associated with the school.
11. I acknowledge that any increase in demand may mean that people can no longer guarantee parking outside their own home. As far as I have been made aware, there are no residents' parking schemes in place in the area and so there would be no guarantee of this in any case. Whatever the source of the vehicles, cars continuing to park in the on-street spaces provided would not cause any additional safety risks or affect the operation of the road network. Moreover, as noted above, there are other controls and powers in place to deal with such issues. While there may be some potential displacement of parking to other nearby streets, the same would controls and consequences of non-

compliance would apply. This may result in some potential inconvenience for some, but I do not consider this would justify withholding permission.

12. For the same reasons, there would be no harm to the operation or users of the nearby church or fire station. The development is also not so large that it would generate significant amounts of additional traffic in the area. There should therefore be no effect on general road safety issues associated with the bend on College Street.
13. My attention has been drawn to the proximity of nearby bus stops that would provide opportunities for travel other than by the car. The development would also provide cycle parking and storage facilities. The site is therefore in an accessible and sustainable location which may also help to minimise any additional parking demand created.
14. I therefore find that the development would not result in an unacceptable impact on highway or pedestrian safety or the efficient operation of the highway network. I therefore concur with the conclusions of the Council and Highway Authority. There would be no conflict with Policy 8(b) of the North Northamptonshire Joint Core Strategy 2011-2031 (JCS) (2016). This seeks to resist development that would prejudice highway safety. There would also be no conflict with paragraph 115 of the National Planning Policy Framework which states that development should only be refused if there would be an unacceptable impact on highway safety.

### **Other Matters**

15. The site is located within 3km of the Upper Nene Valley Gravel Pits SPA. The Council's SPA Supplementary Planning Document and JCS Policy 4 indicate that recreational activity associated with residential development has the potential to impact on protected bird populations. There is no evidence to suggest the development would not have such an impact in this case. The Council have identified that appropriate financial contributions can be directed toward their Strategic Access Management and Monitoring strategy. The UU includes such provision. I am content that the financial contribution meets the statutory tests and would serve to mitigate the potential harm to the SPA.
16. The development would lead to an increase in demand for library services. As such, I also consider the financial contribution within the UU would meet the statutory tests.
17. The site is within the Irthlingborough Conservation Area. The development would involve minimal external alterations to the building itself. Any changes to the character of the building resulting from the change of use are also unlikely to have any harmful effects. The external boundary wall has already been rebuilt. The Council raised no concerns about the appearance of this or any other boundary treatment. The photographic evidence I have suggests that the replacement wall does not differ significantly from what was previously in place. As such, I am content the development would preserve the character and appearance of the conservation area.
18. The Council's Housing Officer concluded that 1 affordable dwelling should be provided. However, I note that the Council's officer report concludes that this would not be necessary following receipt of a Vacant Building Credit report. I

have no reason to come to a different conclusion and so the lack of an affordable dwelling does not weigh against the development.

19. There is no substantive information to suggest the settlement has insufficient infrastructure to accommodate 13 additional dwellings. Similarly, the development would provide a satisfactory living environment for future residents in terms of internal space. There would be no external amenity space, but this can often be the case for changes of use such as this and some compromise to ensure a beneficial use may be justified. Due to the distances involved and relationship with other properties, there would be no undue harm to the living conditions of existing residents by means of overlooking, noise or disturbance. As the area is predominantly residential already, I can see no reason why the introduction of additional dwellings should result in any other harms to the operation of the school or nearby church. Matters relating to biodiversity can be adequately addressed by suitable planning conditions.
20. Suggestions have been made relating to the acceptability of alternative proposals, including the partial demolition of the building. However, I can only consider the proposal before me. Comments have also been received relating to building work having commenced in advance of any permission being granted. This does not have any bearing on my decision. I have considered the development based on the plans before me and its own merits. None of the matters raised above are sufficient to override my conclusions.

### **Conditions**

21. I have considered the suggested conditions from the Council in accordance with the Planning Practice Guidance (PPG). As it appears works have already started, it is not necessary to impose the standard condition limiting the lifespan of the planning permission. I have imposed a condition specifying the relevant drawings as this provides certainty. This remains important to ensure any works that have taken place accord with the approved plans. I have however made some amendments to the suggested condition to ensure accuracy.
22. In the interests of biodiversity, a condition is necessary to require the implementation of mitigation measures set out in the appellant's Ecology Report. I have amended the suggested condition to ensure the mitigation implemented prior to occupation and retained thereafter. I have imposed conditions stipulating there will be no burning of materials on site and limiting hours of construction work. These are necessary in the interests of the living conditions of nearby residents. I have made a minor amendment to the latter of these conditions to ensure effectiveness.
23. A condition requiring a surface water drainage scheme is necessary to address any risk of flooding. I have amended the Council's condition to require this to be implemented prior to occupation. To encourage more sustainable modes of travel, a condition is necessary to secure cycle storage.
24. The Council suggested a condition requiring the approval of materials. Notwithstanding that the boundary wall has already been rebuilt, the appellant's evidence contains information about the proposed bricks that were to be used. These appear appropriate and in-keeping with the character of the area. If any further works or alterations are needed to the wall to ensure compliance with the approved plans, then a condition reflecting this document

would be sufficient. The other alterations proposed are minor in nature and I do not consider a pre-commencement condition would be justified in these circumstances.

**Conclusion**

25. The development complies with the development plan and there are material considerations, as set out above, that would justify a decision other than in accordance with it. For the reasons given above the appeal should be allowed.

*S J Lee*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans as listed below:  
Block Plan and Location– Drawing No A00216 001D  
Proposed Boundary Treatment – Drawing No A00216 050-  
Proposed Lower Ground Floor Plan – Drawing No A00216 012I  
Proposed Upper Ground Floor Plan – Drawing No A00216 013H  
Proposed First Floor Plan – Drawing No A00216 14I  
Proposed Roof Space Floor Plan – Drawing No A00216 015E  
Proposed North East Elevation – Drawing No A00216 17E  
Proposed North West Elevation – Drawing No A00216 18D  
Proposed South West Elevation – Drawing No A00216 19D  
Proposed South East Elevation – Drawing No A00216 20D  
Preliminary Bat Roost Assessment by Allied Ecology dated March 2023
- 2) Notwithstanding condition 2 any external alterations to brickwork, including boundary treatments, shall be consistent with the details set out in the submitted 'Proposed Bricks to retaining wall along College Street' document dated 15 June 2023.
- 3) The precautionary mitigation measures set out in the submitted and hereby approved Ecology report by Allied Ecology dated March 2023 shall be implemented prior to the occupation of any dwelling hereby approved and retained thereafter.
- 4) No demolition or construction work (including deliveries to or from the site) shall take place outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays and at no times on Sundays, Bank Holidays or Public Holidays.
- 5) There shall be no burning of any material during construction, demolition or site preparation works.
- 6) Prior to the occupation of the development hereby approved, full details of a scheme for cycle storage shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to first use of the development and thereafter retained in perpetuity.
- 7) None of the dwellings hereby permitted shall be occupied until a surface water drainage scheme has been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full and thereafter retained in perpetuity.