

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT  
THE GUILDHALL ON TUESDAY, 17 NOVEMBER 2009 AT 6:00 PM.

**D. KENNEDY**  
**CHIEF EXECUTIVE**

**AGENDA**

1. APOLOGIES
2. MINUTES
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
- .... 6. LIST OF CURRENT APPEALS AND INQUIRIES  
Report of Head of Planning (copy herewith) A.  
HOLDEN  
X 8466
7. OTHER REPORTS
8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS  
None.
9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS  
None.
10. ITEMS FOR DETERMINATION  
An Addendum of further information considered by the Committee is attached.  
  
(A) N/2009/0536 - APPLICATION TO PERMANENTLY DIVERT PUBLIC FOOTPATH KL10 (PART) AT THE FORMER BRITISH TIMKEN WORKS (MEETING LANE)  
Report of the Head of Planning (copy herewith)  
  
**Ward: Old Duston**  
  
(B) N/2009/0800 - PROPOSED TWO STOREY SIDE EXTENSION AT 28 BARLEY HILL ROAD.  
Report of Head of Planning (copy herewith)  
  
**Ward: Thorplands**
11. ENFORCEMENT MATTERS  
  
(A) E/2009/449 - BREACH OF PLANNING CONTROL AT 55 KINGSLEY ROAD.

Report of Head of Planning (copy herewith)

**Ward: Kingsley**

- (B) E/2007/697 - BREACH OF PLANNING CONTROL AT 7 AUGUSTA AVENUE.

Report of Head of Planning (copy herewith)

**Ward: East Hunsbury**

- (C) E/2009/699 - BREACH OF PLANNING CONTROL AT 59 HOLLY ROAD.

Report of Head of Planning (copy herewith)

**Ward: Kinglsey**

12. APPLICATIONS FOR CONSULTATION

- (A) N/2009/0731 - ERECTION OF CLASS A1 FOOD RETAIL STORE AND ASSOCIATED PARKING AT 582 – 592 WELLINGBOROUGH ROAD.

Report of Head of Planning (copy herewith)

**Ward: Weston**

- (B) N/2009/0813 - CONSTRUCTION OF 82 BERTH MARINA (SUI GENERIS) FOR MIXED LEISURE USE (76 BERTHS) AND RESIDENTIAL USE (6 BERTHS) AND ASSOCIATED WORKS AT MARINA SITE BECKETS PARK, BEDFORD ROAD.

Report of Head of Planning (copy herewith)

**Ward: St Crispin**

13. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

## **SUPPLEMENTARY AGENDA**

**Exempted Under Schedule  
12A of L.Govt Act 1972  
Para No:-**

<TRAILER\_SECTION>  
A6146

# Agenda Item 2

## NORTHAMPTON BOROUGH COUNCIL

### PLANNING COMMITTEE

Tuesday, 27 October 2009

**PRESENT:** Councillor B. Markham (Chair); Councillor Meredith (Deputy Chair);  
Councillors Church, Conroy, Golby, Lane, Mason and Matthews

#### 1. APOLOGIES

Apologies were received from Councillors De Cruz, M Hoare, Malpas and Meredith.

#### 2. MINUTES

The minutes of the meeting of the Committee held on 22 September 2009 were signed by the Chair.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

The Chair noted that Item 12b N/2009/0744 – Reserved Matters Application Including Appearance, Landscaping, Layout and Scale, Pursuant to Outline Consent WN/2006/0013 dated 19.04.07 – Erection of 231 Dwellings, Roads and Sewers and Public Open Space at Former British Timken Site, Main Road, Duston, was to be deferred.

- RESOLVED:**
- (1) That Mr Stirling be granted leave to address the Committee in respect of Application No N/2009/0610 – Erection of 4no Detached Houses With Associated Garages, Access and Parking on Building Plot to the Rear of 76 Church Way.
  - (2) That Messrs Holmes and Taylor, Mrs Jackson and Councillor Davies be granted leave to address the Committee in respect of Application No N2009/0644 – First Floor Extension Above Annex (as amended by revised plans received on 11 September 2009) at 21 Huntsmead.
  - (3) That Messrs Button and Clarke and Councillors Perkins and Simpson be granted leave to address the Committee in respect of Application No N/2009/0765 – Part Retrospective Three Storey Side Extension, Single Storey Extensions, Dormer Window and Velux Windows to Existing Building, Front and Boundary Fence at 2 The Drive/3 The Crescent.

#### 4. DECLARATIONS OF INTEREST

1. Councillor Church declared a personal interest but not prejudicial in Item 10e N/2009/0765 – Part Retrospective Three Storey Side Extension, Single Storey Extensions, Dormer Window and Velux Windows to Existing Building, Front and Boundary Fence at 2 The Drive/3 The Crescent as being the County Councillor for Kingsley Ward and being known to one of the objectors.

2. Councillor Church declared a personal interest but not prejudicial in Item 12a N/2009/0720 – Change of Use of Ground Floor From a Bank (Class A”) to a Bingo Hall (Class D2) and Formation of New Access Door on to Abington Street at 33 Abington Street and N/2009/0772 – Change of Use to Amusement Centre at 31-33 Abington Street as being a Member of the WNDC Board.
3. Councillor Matthews declared a personal interest but not prejudicial in respect of Item 9a N/2009/0685 – Construction of Multi Use Games Area on Land at Dayrell Road, Camp Hill as having had previous dealings with a proposal to locate a MUGA in this area.
4. Councillor Simpson declared a personal interest in Item 12e N/2009/0765 –Part Retrospective three storey side extension, single storey extensions, Dormer Window and Velux Windows to existing building, Front and Boundary Fence at 2 The Drive/ 3 The Crescent, as being known to one of the objectors.

**5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED**

The Chair was of the opinion that the following item be considered as a Matter of Urgency due to the undue delay if consideration of it were deferred:

RTPI Councillor Summer School

Councillors Golby and Matthews made a presentation on their attendance at the RTPI Summer School, which had taken place in Exeter during August 2009. They elaborated upon the lectures that they had attended and the study tours to Crediton and Tiverton and a visit to the Exeter waterfront.

**RESOLVED:** That the presentation be noted and that Councillors Golby and Matthews be thanked for their presentation.

**6. LIST OF CURRENT APPEALS AND INQUIRIES**

The Head of Planning submitted a report and elaborated thereon. Concern was expressed in respect of an Inspector’s decision to allow an appeal in respect of Application No N/2009/0288 – Proposed Change of Use of Part of the Car Park to Accommodate Car Wash Area at the Romany Public House, Kingsley Road.

**RESOLVED:** That the report be noted.

**7. OTHER REPORTS**

None.

**8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None.

## **9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

### **(A) N/2009/0685- CONSTRUCTION OF MULTI USE GAMES AREA ON LAND AT DAYRELL ROAD, CAMP HILL.**

The Head of Planning submitted a report and elaborated thereon.

The Committee discussed the Application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the proposed multi use games area would provide a useful local community facility without being detrimental to residential amenity in accordance with PPS23 (Planning and Pollution) and PPG24 (Planning and Noise) and have no significant impact on the site of acknowledged nature conservation value in accordance with Policy E18 of the Northampton Local Plan.

## **10. ITEMS FOR DETERMINATION**

### **(A) N/2009/0028LB- PROPOSED DEMOLITION OF INFIRMARY BUILDING AND PROPOSED ALTERATIONS AND EXTENSION TO REMAINING BUILDINGS AT FORMER ST EDMUNDS HOSPITAL SITE, WELLINGBOROUGH ROAD.**

The Head of Planning submit a report in respect of Application No N/2009/0028LB and elaborated thereon and referred to the Addendum, which set out amendments to Condition 4 following further discussions with the Conservation Officers; and a request to seek a delegation to the Head of Planning to agree any further minor changes to the wording of the conditions.

The Committee discussed the application.

**RESOLVED:** (1) That the application be approved subject to the conditions set out in section 6 of the report, as amended by the Addendum, subject to the completion of the Section 106 Agreement to the satisfaction of the Borough Council in respect of the associated planning permission as the proposal would ensure the redevelopment of this prominent semi-derelict site, which would enhance the character of the area and assist in the regeneration of the town overall. The proposal would also ensure the retention of the majority of the listed buildings on the site that formed an important part of the town's heritage in accordance with Policy 26 of the Regional Plan and the aims and objectives of PPG15.

(2) That the Head of Planning be given authority to agree any further minor changes to the wording of the conditions applying to this planning permission.

### **(B) N/2009/0606- SUBDIVISION OF INDUSTRIAL UNIT AND PART USE AS BUILDERS MERCHANT (SUI GENERIS). EXTERNAL CHANGES INCLUDING AND ALTERING AND CREATING OPENINGS AND ERECTION OF 2M HIGH FENCE AROUND YARD AT UNIT 5 MINTON BUSINESS**

## **CENTRE, MAIN ROAD FAR COTTON.**

The Head of Planning submitted a report in respect of Application No N2009/0606 and elaborated thereon and referred to the Addendum which noted the receipt of corrected drawings submitted by the agent and that the Environment Agency had not raised no substantive objections.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the change of use to a builders merchants and external changes to the building and forecourt were acceptable by virtue of maintaining the business characteristics of Minton Business Centre, utilising suitable highway access and enhanced the appearance of the building and the site. For these reasons the changes accord with Saved Policies B2, B3, B14 and E20 of the Northampton Local Plan and no other material considerations indicated otherwise.

### **(C) N/2009/0610- ERECTION OF 4NO DETACHED HOUSES WITH ASSOCIATED GARAGES, ACCESS AND PARKING ON BUILDING PLOT TO THE REAR OF 76 CHURCH WAY.**

The Head of Planning submitted a report in respect of Application No N/2009/0610 and reminded the Committee that consideration of this application had been deferred at the previous meeting of the Committee so as to allow further comments from the Highways Authority in respect of the access and for a site visit to take place. The Head of Planning referred to the Addendum, which set out a proposed additional condition in respect of the storage of refuse and materials for recycling.

Mr Stirling noted that the Committee had visited the site on the afternoon of 26 October and he confirmed that the developer had e-mailed him confirming the suggestions now reported by the Head of Planning. He acknowledged that the developer had tried to meet the concerns of neighbours and Mr Stirling was happy with the proposed conditions. Mr Stirling made a general comment about incremental infill developments on what was originally a country lane and queried at what point would the planning authority decide that enough development had taken place.

The Head of Planning commented that each application needed to be considered on its merits and that the Highways Authority would be mindful of other developments that had taken place in the vicinity and their impact on the road network.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report and Addendum as the proposed development would have no undue detrimental impact upon the visual amenity of the locality and residential amenity of nearby occupiers or highway safety and therefore accords with Policies E20, H6 and H10 of the Northampton Local Plan and Planning Policy Statement 3 – Housing.

### **(D) N/ 2009/0644- FIRST FLOOR EXTENSION ABOVE ANNEX (AS AMENDED**

**BY REVISED PLANS RECEIVED ON 11 SEPTEMBER 2009) AT 21 HUNTSMEAD.**

The Head of Planning submitted a report in respect of Application No N/2009/0644 and elaborated thereon.

Mr Holmes, the owner of 16 Botmead Road, expressed concerns that the proposed extension would have an overbearing and dominating effect on his property and garden. He acknowledged that the scheme had been revised but felt the proposal was still intrusive. He noted that the gap between the wall of the annex and his boundary fence would only be two or three metres. Mr Holmes stated that he and his wife made much use of their rear garden and felt that their enjoyment of it would be affected. He believed that the proposal was contrary to Policy H18 and believed that the applicant's revisions to the scheme did not go far enough.

Mrs Jackson, a resident of 19 Huntsmead opposite the application site, believed that the proposal would have a severe impact on the street scene. She believed that the proposal would not be in keeping with the other houses and that the proposed dormer window would look odd, particularly with the building that it was attached to. She felt that the overall impression would be one of being cramped. She hoped that the annex would not be used as a dwelling, as it looked as if it could be. She also noted the very limited parking in the area.

Councillor Davies, as Ward Councillor, stated that the estate had been laid out with a mixture of house types, without overlooking and limited vehicle access to the properties. Parking was mainly off-street. He noted that this property had a double garage with a small drive. Councillor Davies supported the comments made by Mr Holmes and noted that velux windows in the roof would overlook 16 Botmead Road. He also concurred that the overall impression would be of a cramped development.

Mr Taylor, the applicant, commented that he lived at 21 Huntsmead with his wife, two sons and his mother lived in the annex. His family did not wish to move and he apologised for any distress that had been caused to his neighbours. He believed that the Head of Planning's report was accurate and that the development was in keeping with the area. In respect of the concerns expressed in relation to parking, he noted that there would be no more cars using the property. He noted that the annex was currently used by his mother and that planning conditions would prevent its use as a separate dwelling unit. In respect of concerns of overshadowing he noted that, because of the orientation of the properties, any overshadowing would be into his garden.

The Head of Planning noted that in respect of Mr Holmes comment, the distance between his boundary fence and the existing garage annex was some four metres and some twelve metres to his bungalow. The original submission had been for a full length extension but the present proposal was a little over half of that scheme. The Head of Planning noted that overshadowing would not be a reasonable ground on which to resist the proposal because of the orientation of the buildings and the velux windows could be conditioned to have obscured glass in order to protect amenity. He confirmed that a separate dwelling unit would require a new planning application and as such the current proposal should be viewed as an extension to the existing house. The Head of Planning also noted that the separation distance from the proposed dormer window to the neighbour opposite at 19 Huntsmead was some twenty four



metres and was acceptable by any recognised standard; privacy was not considered an issue but could be conditioned; overshadowing and light was not an issue because of the orientation of the buildings; the drive was considered adequate space for four vehicles. The mass of the extension could be considered a material issue.

The Committee discussed the application and having visited the site as a Committee expressed concern about the scale and mass of the development creating a sense of enclosure to neighbouring properties, particularly 19 Huntsmead, due to its siting and proximity would result in loss of outlook. Following debate the Committee concluded that this would harm neighbour amenity in conflict with Development Plan Policy.

**RESOLVED:** The proposed extension, by reason of its siting, scale, and relationship with the surrounding development, would result in loss of outlook and create a sense of enclosure to the detriment of the amenity of neighbouring residents contrary to Policy H18 of the Northampton Local Plan.

**(E) N/2009/ 0765- PART RETROSPECTIVE THREE STOREY SIDE EXTENSION, SINGLE STOREY EXTENSIONS, DORMER WINDOW AND VELUX WINDOWS TO EXISTING BUILDING, FRONT AND BOUNDARY FENCE AT 2 THE DRIVE/ 3 THE CRESCENT**

The Head of Planning submitted a report in respect of Application No N/2009/0765 and noted that Recommendation 2 should be amended to read "That the Borough Solicitor be authorised to issue ...". The Head of Planning referred to the Addendum, which set out additional letters of objection received from residents of The Crescent and The Drive. The Head of Planning noted that the Planning officer's concerns were in respect of the awkward roof form and transition from the existing property to the extension.

Mr Button, a resident of 1 The Crescent, commented that he had lived in the area for thirty five years and there was much local concern about the proposal. He noted that 1 and 2 The Drive were late Victorian houses built as a pair to match each other. He considered that the proposal was out of keeping with the original dwelling and had a dominating affect on the street scene. He noted that the applicant had already submitted two sets of revised plans and also the lack of onsite car parking. He queried why the pavement crossover was to be removed, which appeared to further restrict off street parking. He urged the Committee to refuse the application.

Councillor Simpson, as the Ward Councillor, noted that he appeared to be notified of a planning application for this site nearly every year. He stated that previously boundary walls had collapsed and trees had been removed. He believed that the proposal would make the nursing home dominate the area and he felt that the proposal pushed the boundaries of what should be considered acceptable. He noted that some discussion had taken place about Phippsville either being included within the Racecourse Conservation Area or a new conservation area being created. He urged the Committee to refuse the application.

Mr Clarke, the agent for the applicant, commented that the principle of the extension had been agreed by the Committee in June. The intention was to access rooms on the second floor by lift. Since June, the Community Care Commission had revised standards and required bedrooms to have en-suite bathrooms. That was why the

original application had now been revised to accommodate these changes. The difference was that the roof line would now be some 2.7 metres higher and 0.3 metres wider than the original planning permission. Views would be obscured by existing trees and street scene and he felt that there were no grounds on which the Committee could refuse the application.

Councillor Perkins stated that his mother was a resident of the care home and he had grown up in and around The Crescent and The Drive. He believed that it was in the public interest to allow the application. The home had received a number of awards for the care provided and he confirmed that since June 2009 the County Council had applied new standards, which required the changes to the original planning permission. He also noted the increasing elderly nature of the population and also the fact that one care home had recently closed in the area and he understood that a second might do so soon. He confirmed that the changes the applicant was seeking was merely to meet the new standards.

The Head of Planning noted that it was a material consideration to consider the building's use as a care home and its need to meet national standards. It was acknowledged that the proposal was intended to meet those new standards. The concerns concerned the bulk and mass of the second floor, which accommodated the lift shaft and mechanism and two new bedrooms with en-suite facilities. The Committee needed to balance the needs of the care home against the harm to the street scene and amenity of the proposal.

The Committee discussed the application.

- RESOLVED:** (1) That the application be refused by reason of its design, height and relationship with the existing building, the side extension forms an incongruous and discordant feature, detrimental to the character and appearance of the host building and that of the surrounding street scene contrary to Policy 2 of the Regional Plan and Policy E20 of the Northampton Local Plan and the aims and objective of PPS1.
- (2) That the Borough Solicitor be authorised to issue an Enforcement Notice requiring the demolition of the unauthorised side extension, which forms part of this application, with a compliance period of six months.

## **11. ENFORCEMENT MATTERS**

None.

## **12. APPLICATIONS FOR CONSULTATION**

- (A) N/2009/0720- CHANGE OF USE OF GROUND FLOOR FROM A BANK (CLASS A2) TO A BINGO HALL (CLASS D2) AND FORMATION OF NEW ACCESS DOOR ON TO ABINGTON STREET AT 33 ABINGTON STREET AND N/2009/0772- CHANGE OF USE TO AMUSEMENT CENTRE AT 31 TO 33 ABINGTON STREET**

The Head of Planning submitted a report in respect of Application Nos N/2009/0720 and N/2009/0772 and referred to the Addendum, which noted the Regeneration Team's rejections to the proposals. Members were made aware of the two distinct site areas covered by the two applications.

The Committee discussed the proposal.

**RESOLVED:** That WNDC be informed that the Committee strongly objects to both consultations as the proposal for an amusement centre in this location would reduce the opportunity to bring back retail use to a significant unit in Abington Street, contrary to the advice in PPS6 – Planning For Town Centres and Saved Policies R5 and R6 of the Northampton Local Plan.

**(B) N/2009/0744- RESERVED MATTERS APPLICATION INCLUDING:  
APPEARANCE, LANDSCAPING, LAYOUT AND SCALE, PURSUANT TO  
OUTLINE CONSENT WN/2006/0013 DATED 19.04.07- ERECTION OF 231  
DWELLINGS, ROADS AND SEWERS AND PUBLIC OPEN SPACE AT  
FORMER BRITISH TIMKEN SITE, MAIN ROAD, DUSTON**

The Head of Planning commented that issues as set out in the Addendum had recently arisen between the applicants and WNDC in respect of the number of dwellings agreed to in the outline planning permission and this proposal. For this reason it was now proposed that consideration of this application be deferred pending resolution of the situation.

**RESOLVED:** That the application be deferred.

The meeting concluded at 20.50 hours.

**Directorate:** Planning and Regeneration  
**Head of Planning:** Susan Bridge



The Address for Planning Appeals is  
 Mr K Pitchers, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Appeal decisions can be viewed at -  
[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)  
 Local Government (Access to Information) Act 1985  
 Background Papers  
 The Appeal Papers for the appeals listed.

Author and Contact Officer  
 Mr Gareth Jones, Development Control Manager  
 Telephone 01604 838999  
 Planning and Regeneration  
 Cliftonville House, Bedford Road,  
 Northampton, NN4 7NR.

### List of Appeals and Determinations – 17<sup>th</sup> November 2009

#### Written Reps Procedure

Application	Del/PC	Description	Decision
<b>N/2009/0197</b> APP/V2825/A/09/2106367/NWF	DEL	Change of use from Post Office (A1) to Take Away (A5) including extraction flue at Booth Ville Post Office, 3 Booth Lane North.	
<b>N/2009/0202</b> APP/V2825/A/09/2111538/WF	DEL	Proposed extension & conversion of existing garage to create new 1 bed dwelling with associated parking at Land to the rear of 115 Fairway.	
<b>N/2009/0285</b> APP/V2825/A/09/21/0386/NWF	DEL	Change of use of part of car park to accommodate car washing and valeting facility including storage container at Homebase, Weedon Road. (RETROSPECTIVE)	
<b>N/2009/0290</b> APP/V2825/A/09/2113034/NWF	DEL	Proposed two-storey side and rear extensions and change of use to 4no. individual flats at 48 Greenfield Avenue.	

<b>N/2009/0365</b> APP/V2825/A/09/2108648/NWF	DEL	Proposed change of use from laundrette (Sui Generis) to hot food takeaway (A5) including installation of extraction flue at 168 Birchfield Road East.	ALLOWED
<b>NEW IN</b> <b>N/2009/0430</b> APP/V2825/D/09/2114051	DEL	Retention of rear dormer. (as amended by revised plan received on 24th June 2009) at 17 The Fair Oaks.	
<b>Hearing Procedure - NONE</b>			
<b>Inquiry Procedure - NONE</b>			
<b>Enforcement - NONE</b>			



## Addendum to Agenda Items 17<sup>th</sup> November 2009

### APPLICATIONS FOR DETERMINATION

ITEM	
10 A	<p><b>N/2009/0536</b> - Application to permanently divert public footpath KL10 (part) at the Former British Timken Works (Meeting Lane)</p> <p>A plan showing the existing route of the footpath and the proposed route is attached to this addendum.</p> <p>A letter from the owner of 5 Holmleigh Close and 3 Rosevilla Farm supporting the application because the current path, cannot be lit, is slippery as a result of fallen leaves and crosses blind vehicle crossings. Problems have also been experienced as a result of litter being thrown over boundary fences by users of the existing footpath. It is also noted that the original plans for the British Timken development included a revised footpath location.</p> <p>Representations have been received from Northamptonshire Police who support the proposal as the existing footpath would be enclosed by the surrounding residential developments creating a 'tunnel' like affect. This is unlikely to be widely used and would fail to comply with the Supplementary Planning Guidance – Planning Out Crime.</p>

			<p>There are additional concerns that if the footpath is not diverted, it is likely to become a site associated with anti-social behaviour and littering. Furthermore intruders are likely to approach dwellings by this route. The proposed diversion would alleviate these problems.</p>
	B	<p>N/2009/0800 - Proposed two storey side extension at 28 Barley Hill Road.</p>	<p>Revised working for Paragraph 2.2 of the Committee Report. The paragraph should read:</p> <p>This scheme represents the resubmission of an extension refused by the Planning Committee at the September meeting. The proposal has <del>not</del><sup>now</sup> been amended to include a setting back of the front elevation and a reduction in height.</p>
<b>ENFORCEMENT MATTERS</b>			
11	A	<p>E/2009/449 - Breach of planning control at 55 Kingsley Road.</p>	<p><b>Revised Recommendation:</b></p> <p>That the Borough Solicitor be authorised to issue an enforcement notice in respect of the unauthorised change of use of the curtilage at 55 Kingsley Road from ancillary driveway to a vehicle sales forecourt requiring the use to cease with a compliance period of 2 months.</p>
	B	<p>E/2007/697 - Breach of planning control at 7 Augusta Avenue.</p>	<p><b>Revised Recommendation:</b></p> <p>That the Borough Solicitor be authorised to issue a Breach of Condition Enforcement Notice requiring compliance with condition (2) of planning application number N/2008/528 contained within the Inspector's Appeal Decision reference APP/V2825/A/08/2080988 with a compliance period of 2 months.</p>

C	<p><b>E/2009/699</b> - Breach of planning control at 59 Holly Road.</p>	<p><b>Revised Recommendation:</b> That the Borough Solicitor be authorised to issue an enforcement notice in respect of the unauthorised change of use of the domestic garage at 59 Holly Road from an ancillary garage to a vehicle repair centre requiring the use to cease with a compliance period of 2 months.</p> <p><b>Revised Description - Breach of Planning Control:</b> Unauthorised change of use from a dwelling house to a mixed use comprising a dwelling house and a vehicle repair garage not ancillary to the dwelling.</p>
<b>APPLICATIONS FOR CONSULTATION</b>		
12	<p><b>N/2009/0731</b> - Erection of Class A1 Food Retail Store and Associated Parking at 582 – 592 Wellingborough Road.</p>	<p>Further consideration has been given to the retail impact assessment submitted in support of the application and, in particular, to the sequential approach, given the trading patterns and retail offer of an Aldi store.</p> <p><b>Need</b> Further consideration of this indicates that there is a quantitative need, however the demonstrable qualitative need is less apparent (ie there is Lidl nearby), but on balance, the quantitative need for a store overall is accepted.</p> <p><b>Sequential assessment</b> Paragraph 7.14 of the Committee report states that the sequential assessment by Aldi of more preferable sites, in particular at Weston Favell District Centre,</p>



Wellingborough Road Local Centre and other local centres is somewhat superficial. The further work which has been undertaken suggests that the conclusions of the RIA indicating that Northampton Town Centre is too remote from the site to be a viable alternative location, given the proposed market catchment, is, on balance, probably acceptable given the type of retailing from an Aldi store.

However, Aldi has not addressed other sequentially preferable options with sufficient rigour. Not only must it be satisfactorily demonstrated that there are no other preferential sites within the meaning of the sequential test as set out in PPS6, but the applicant must also justify why sites within Northampton Town Centre can be excluded from the sequential test before WNDCC can determine the proposals.

**Impact**

The impact of the proposals on trading at Lidl and Tesco at Weston Favell may be understated in the RIA, however, given the strong trading of Weston Favell District Centre overall and the identified quantitative need it is considered that this impact is acceptable.

In addition further consideration has been given to the comparison goods element proposed by the applicant:

(1) The planning conditions suggested in the committee report restrict comparison (non-food) goods to prevent harm to the Town and District Centre by diverting trade. However given the nature of the operator, comparison goods retailing is limited and is effectively incidental to

the convenience offer. It is therefore considered that a more robust approach to this matter would be to control the use to a 'limited assortment discount' as the overall acceptability of the proposal is predicated by the operator being Aldi or similar ie Lidl, Netto, etc, whose trading model has been critical in assessing this proposal's impact on other shops and the wider town.

(2) Further safeguards should be put in place by controlling the subdivision of the unit to stop smaller stores being created with harmful trading patterns that would not accord with the Council's town centre first policies.

#### **Conclusion**

To conclude, it is recommended that the following additional matters are raised in the consultation response to WNDC in order to make the proposal acceptable:

1. Aldi must carry out a rigorous sequential investigation of District and Local Centre sites. . . Furthermore, Aldi should give further justification as to why Northampton Town Centre should not be part of their sequential investigation.

If minded to approve the proposals, WNDC should impose the following conditions:

- A condition restricting the use of the unit to convenience retail, plus a clearly defined and limited comparison element (15% of sales area). **This is to replace the first bullet point in paragraph 2 of the**

**Committee report.**

The following additional conditions should be imposed in order to make the development acceptable:

- A condition preventing subdivision that would allow smaller units to be accommodated within the unit; and
- A condition or legal agreement to prevent the unit being used other than by a "Limited Assortment Discounter"

These conditions ensure the character and nature of the store is maintained and to ensure that the development is in accordance with PPS6 and the Development Plan policies on retailing and the town centre.

**Other Matters**

Revised wording for Recommendation 2 of the Committee Report. The paragraph should read:

As the principle of the proposed store is acceptable, in part due to it meeting a local need, the level of car parking proposed is considered to be high and as such a reduction in the proposed level of parking should be sought to a maximum of 62 spaces and other measures secured to discourage use of the car and to promote alternative means of access the use as advocated by PPG13, including the provision of a travel plan.

As a point of clarification, NBC Public Protection do not foresee any likely impacts on amenity levels as a result of deliveries taking place between 8:00 and 20:00 Mondays to Saturdays and 10:00 and 16:00 on Sundays and Public

			<p>Holidays.</p> <p>An additional condition is requested, that would require the provision of a pedestrian crossing within the proposed store's car park to enable pedestrians to cross the site from the Wellingborough Road entrance to the proposed store safely.</p>
	B	<p><b>N/2009/0813</b> - Construction of 82-berth marina (sui generis) for mixed leisure use (76 berths) and residential use (6 berths) and associated works at Marina Site Becketts Park, Bedford Road.</p>	<p>Correction – the applicant has confirmed a mistake in the application documents – the lake is to be dug 200mm down and not 1m as stated in para 2.2 of the report.</p>





**NORTHAMPTON**  
B O R O U G H C O U N C I L

**PLANNING COMMITTEE:** 17 November 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP: N/2009/0536** Application to permanently divert public footpath KL10 (part) at the Former British Timken Works (Meeting Lane)

**WARD:** Duston

**APPLICANT:** Bellway Homes and David Wilson Homes  
**AGENT:** N/A

**REFERRED BY:** N/A  
**REASON:** Determination of applications for diversion of a public footpath is not delegated.

**DEPARTURE:** No

**APPLICATION TO PERMANENTLY DIVERT PUBLIC FOOTPATH TO ENABLE DEVELOPMENT TO OCCUR**

**1 RECOMMENDATION**

1.1 That an Order be made pursuant to Section 257 of the Town and Country Planning Act 1990 in respect of a proposal to permanently divert part of the public footpath KL10 at the former British Timken Works (Meeting Lane) as shown for identification purposes on the attached plan.

**2 THE PROPOSAL**

2.1 The applicant has applied under Section 257 of the Town and Country Planning Act 1990 to permanently divert a footpath in order to implement a Planning Permission. A Planning Application was approved in principle by the West Northamptonshire Development Corporation to erect 167 dwellings on the site. Part of the approved plans showed that the existing footpath would be diverted in a northerly direction to take in the amenity areas of the proposed development.

### **3 SITE DESCRIPTION**

- 3.1 The site is the former British Timken works, which is currently being redeveloped to provide residential accommodation. The footpath currently runs from Sycamore Road to Main Road and part of it is adjacent to the Duston Conservation Area. As a result of this the buildings to the south are of a variety of types, some of which are of historical importance.

### **4 PLANNING HISTORY**

- 4.1 WN/2006/0013 – Redevelopment to provide employment (B1 – offices, B2 – General Industry) uses, housing, sports facilities and public open space (outline application) – Approved
- 4.2 08/01112/REMWNN –Reserved matters application including layout, scale, appearance and landscaping pursuant to outline consent WN/2006/0013/ Phase 2 – Erection of 167 dwellings, roads and sewers – Approved

### **5 PLANNING POLICY**

- 5.1 **National Policies:**  
PPS1 – Delivering Sustainable Development  
PPG 13 – Transport
- 5.2 **East Midlands Regional Plan 2009**  
Policy 2 – Promoting Better Design  
Policy 46 - A Regional Approach to Behavioural Change
- 5.3 **Northampton Borough Local Plan**  
H7 & H11 – Housing Development  
E40 – Crime and Vandalism

### **6 CONSULTATIONS / REPRESENTATIONS**

- 6.1 **Ramblers Association** – The footpath is of historic importance and the alterations would remove one exit. The proposal would result in walkers having to divert around the new development.
- 6.2 **Duston Parish Council** – Objecting on the grounds that the footpath is part of the historic part of Duston and cannot be diverted.
- 6.3 Further statutory consultation will be carried out as part of the order making process.

### **7 APPRAISAL**

- 7.1 It is acknowledged that the footpath in its existing location does have some historical significance, however, the section that is to be diverted

is relatively short in length (approximately 132m) and therefore the overall impact on the character of the footpath would be limited. As the application seeks to divert the footpath over a short distance as opposed to closing the existing path, it is considered that there would be a minimal impact on the degree of accessibility of the area to pedestrians and walkers.

- 7.2 The sections of the footpath that deviate away from the original path would be within landscaped areas and as such they are likely to be of a satisfactory level of visual amenity. Although a section of the footpath would utilise part of the proposed estate road, it is considered that its relatively short stretch of part would not overly impinge upon the functioning of the right of way.
- 7.3 The design of the approved residential development would see gardens in close proximity to the existing footpath. It is reasonable to assume that the occupiers of these dwellings would wish to have boundary treatment of reasonable proportions in order to ensure a satisfactory level of privacy. This potential boundary treatment would be combined with that to the south of the site. Such an arrangement would create an unattractive space, which is unlikely to be well used and therefore the relocation of the footpath would enable a more attractive right of way to be created with good quality natural surveillance and an acceptable compromise.
- 7.4 Furthermore, Northampton Borough Council and West Northamptonshire Development Corporation considered the application for Planning Permission in 2008 and the revised position of the footpath was considered acceptable as part of the approved site layout. Given the relatively short period of time between considering the Planning Application and this proposal, it is considered that as circumstances have not changed, then there is insufficient justification for refusing this application.

## **8 CONCLUSION**

- 8.1 The revised alignment of the footpath is considered acceptable as it affects a relatively short length of the greater footpath, has been considered and accepted as the development approved under planning permissions 08/0112/REMWNN and WN/2006/0013 and would provide an appropriate alternative alignment offering good natural surveillance.

## **9. BACKGROUND PAPERS**

- 9.1 British Timken Masterplan and Development Brief and Design Code (DBDC).

## **10. LEGAL IMPLICATIONS**

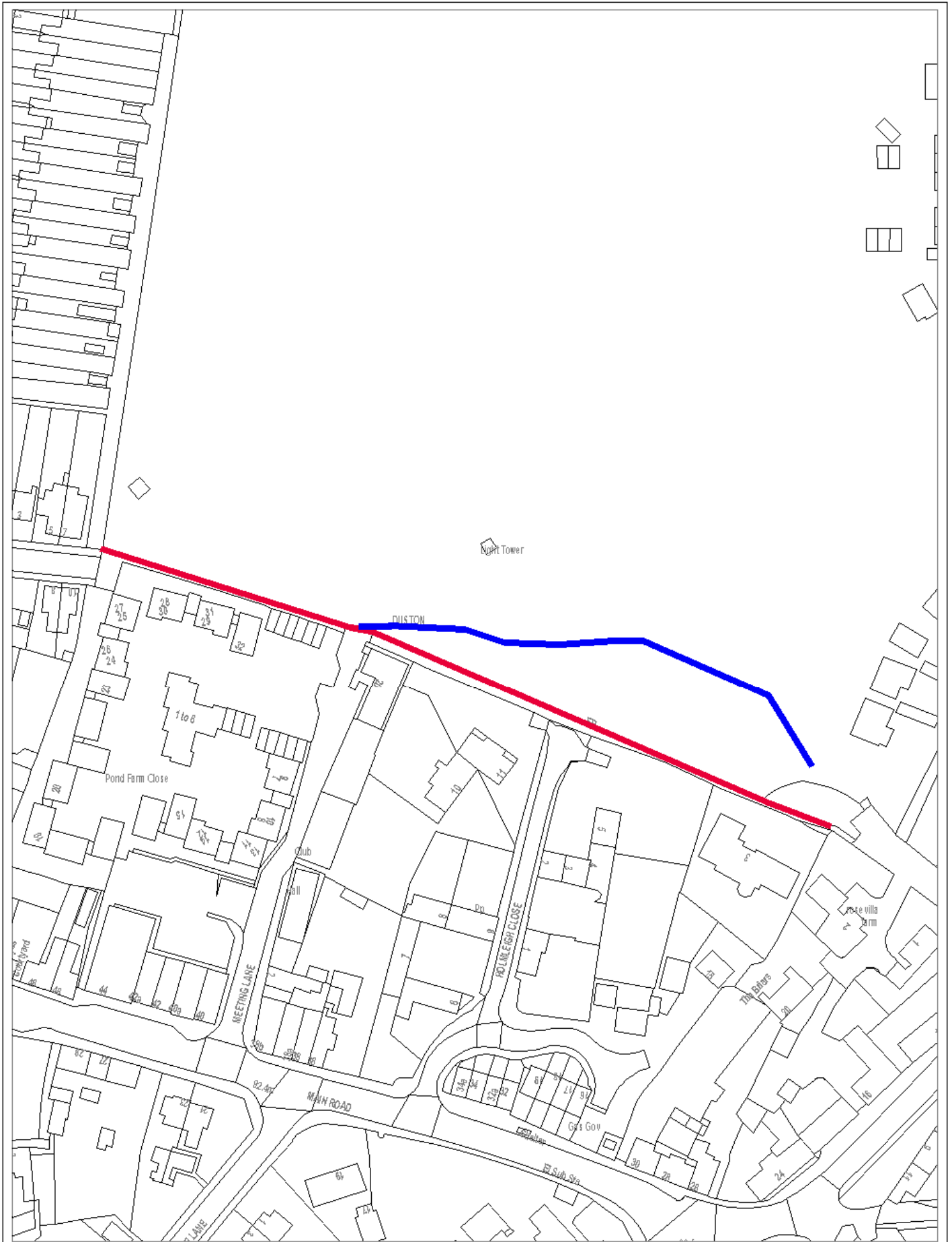
- 10.1 Completion of an Order is required to permanently divert the footpath.



## 11. SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Ben Clarke	05/11/09
<b>Development Control Manager Agreed:</b>	Gareth Jones	05/11/09



Im: Jon Martin  
 dt: 5th November 2009  
 nr: 1:1250  
 s1: Planning  
 s11: Location Plan

**Title**  
**Footpath - Former British Timken**

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**NORTHAMPTON**  
B O R O U G H C O U N C I L

**PLANNING COMMITTEE:** 17<sup>th</sup> November 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2009/0800 – Full**                      **Proposed two storey side extension**  
**28 Barley Hill Road, Southfields,**  
**Northampton**

**WARD:** Thorplands

**APPLICANT:** Mr Darren Clarke  
**AGENT:** Mr Robert Clark

**REFERRED BY:** Head of Planning  
**REASON:** A previous proposal for this site has been considered by the Planning Committee

**DEPARTURE:** No

**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

1.1 Approval subject to conditions and for the following reason:

By reason of its siting, design and scale the proposed extension would maintain the character and appearance of the locality, whilst preserving the level of residential amenity for adjoining residents. The proposal therefore complies with Policies E20 and H18 of the Northampton Local Plan and the Supplementary Planning Guidance – Residential Extension Design Guide.

**2. THE PROPOSAL**

2.1 The proposal is for the erection of a two storey side extension, which would be located to the east of the property and extend up to that boundary. The proposed extension would have the lower than the existing dwelling (0.4m) with the front elevation being set 0.9m back from the original front wall.

- 2.2 This scheme represents the resubmission of an extension refused by the Planning Committee at the September meeting. The proposal has not been amended to include a setting back of the front elevation and a reduction in height.

### **3. SITE DESCRIPTION**

- 3.1 The applicant's property contains a semi-detached dwelling constructed to a brick appearance. The two semi-detached dwellings are located adjacent to a corner within Barley Hill Road. The area features a number of different housing types, however, these are arranged in groups and therefore there is a coherent pattern to development within the area.
- 3.2 The property to the east is a bungalow (30 Barley Hill Road) and is unusual in that a conservatory is attached to the side elevation. A wooden fence of approximately 2m in height separates the two dwellings.

### **4. PLANNING HISTORY**

- 4.1 N/2006/0620 – Proposed two storey side extension – Refused for the reason:  
*By reason of its scale and massing, the proposed extension would form an incongruous feature, detrimental to visual amenity and contrary to Policies E20 and H18 of the Northampton Local Plan and the Supplementary Planning Guidance – Residential Extensions Design Guide.*

### **5. PLANNING POLICY**

- 5.1 **Development Plan:**  
Section 38(6) of Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan and unless material consideration indicate otherwise. The current Development Plan comprises the Regional Spatial Strategy, the Northamptonshire County Structure Plan and the Northampton Local Plan.
- 5.2 **Local Plan Policy:**  
E20 – New development  
H18 – Residential Extensions
- 5.3 **National Policies:**  
PPS1 – Delivering Sustainable Development
- 5.4 **Supplementary Planning Guidance**  
Residential Extensions Design Guide (2002)

## **6. CONSULTATIONS / REPRESENTATIONS**

6.1 The application was advertised through nine notification letters being posted.

### **Councillors**

6.2 None

### **Neighbours**

6.3 Letters of objection from the residents of 29, 30 and 34 Barley Hill Road. Comments can be summarised as:

- The proposed extension would have a similar impact on light levels to neighbouring properties as the extension that previously been refused.
- The design of the extension is not appropriate
- Construction work will create significant disturbance.

## **7. APPRAISAL**

7.1 In determining applications of this type, Policy H18 of the Northampton Local Plan states that the design and appearance of an extension is of significant importance. Furthermore, the Supplementary Planning Guidance requires that extensions be reasonably subordinate to the original dwelling. The purpose of this is to ensure that extensions do not form overly dominant features.

7.2 The current application is essentially a revised scheme to the one refused by Committee in September. The reason for refusing this earlier scheme relates to the proposed extension being out of character with and harmful to its context. The current scheme has been reduced in scale by setting the front elevation back 0.9m relative to the existing front elevation of the house. This also has the effect of reducing the height of the roof ridge by narrowing the depth of the extension compared to the depth of the original house. The other all effect of this revision is to render the proposed extension subordinate to the original dwelling resulting in a building that would be in keeping with the host building and the character of the wider area. In order to maintain the visual amenity of the location, a condition is proposed, which would ensure that the extension is constructed from materials that complement the original dwelling.

7.3 Policy H18 of the Northampton Local Plan states that permission for extensions should only be granted in circumstances when there is an acceptable impact upon the amenities of surrounding properties. By reason of the layout of the surrounding area, the most significant property in this regard is 30 Barley Hill Road. It is acknowledged that this property features a conservatory adjacent to the boundary, however, as extension would maintain similar proportions to the

existing dwelling, it is considered that there would be no undue detrimental impact upon the levels of outlook for the residents of the property. By reason of the orientation of the property, there would not be a significant impact on the levels of light. Moreover, when considering the larger extension in September, Committee resolved not to refuse the scheme on grounds relating to impact on neighbour amenity.

## **8. CONCLUSION**

- 8.1 By reason of its revised size and design, the proposed extension would not adversely impact upon the character and appearance of the locality and would represent a subordinate addition to the building without harm to other interests of acknowledged importance.

## **9. CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.  
Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy H18 of the Northampton Local Plan.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be installed in the side elevation of the proposed extension without the prior written consent of the Local Planning Authority.  
Reason: To safeguard the privacy of adjoining properties in accordance with Policy H18 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

- 10.1 None

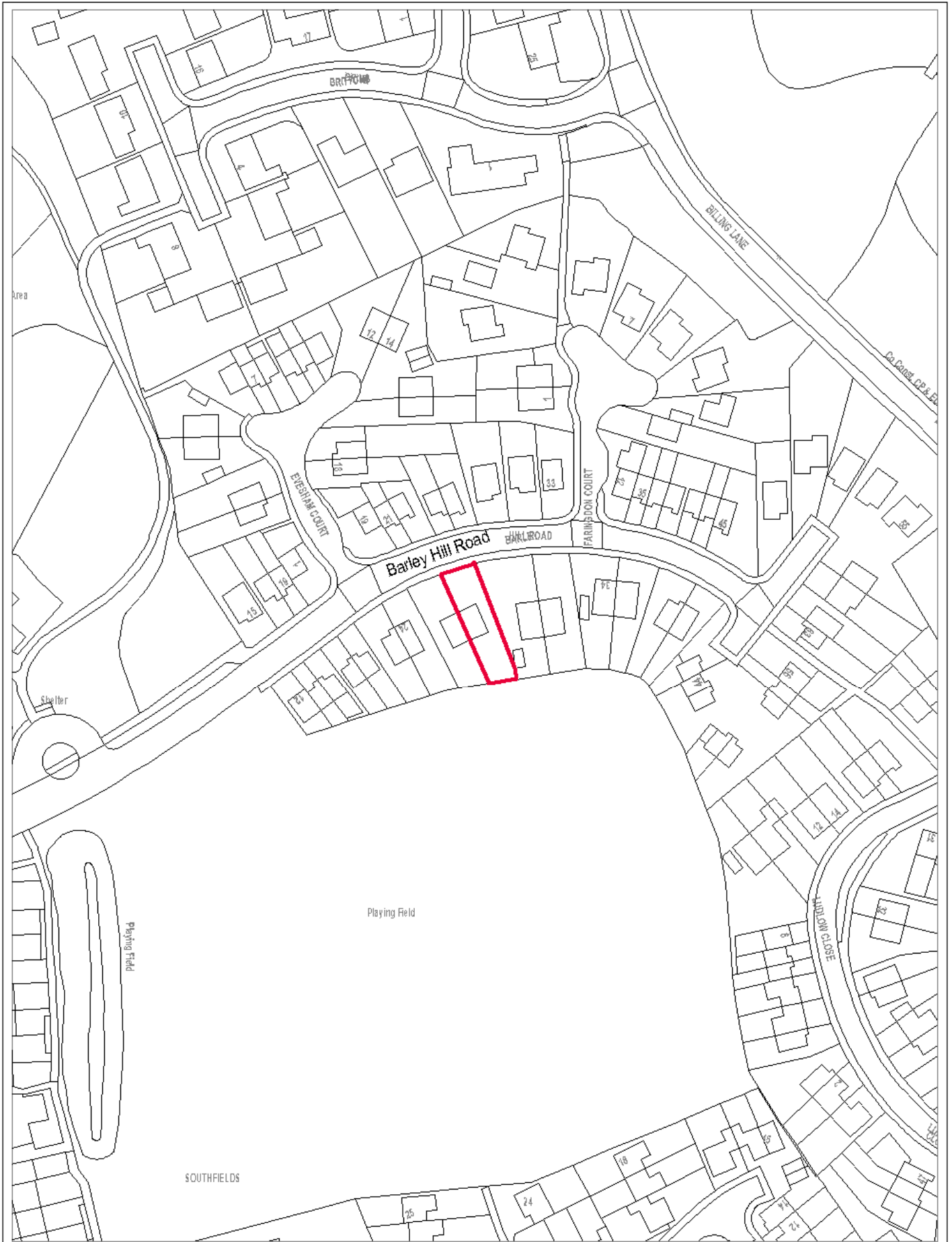
## **11. LEGAL IMPLICATIONS**

- 11.1 None

## **12. SUMMARY AND LINKS TO CORPORATE PLAN**

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Ben Clarke	23/10/09
<b>Development Control Manager Agreed:</b>	Gareth Jones	02/11/09



Im: Jon Martin  
 dt: 4th November 2009  
 nr: 1:1250  
 st: Planning  
 ref: Committee Report Location Plan

**Title**  
**28 Barley Hill Road**

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**NORTHAMPTON**  
B O R O U G H C O U N C I L

**PLANNING COMMITTEE:** 17 November 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP: E/2009/449** 55 Kingsley Road

**WARD:** Kingsley

**APPLICANT:** N/A  
**AGENT:** N/A

**REFERRED BY:** Head of Planning  
**REASON:** Breach of planning control

**DEPARTURE:** N/A

**ENFORCEMENT MATTER:**

**1. RECOMMENDATION**

1.1 That the Solicitor to the Council be authorised to issue an enforcement notice in respect of the unauthorised change of use of the curtilage at 55 Kingsley Road from ancillary driveway to a vehicle sales forecourt requiring the use to cease with a compliance period of 2 months.

**2. THE BREACH OF PLANNING CONTROL**

2.1 That without planning permission a material change of use of the land from ancillary curtilage to a vehicle sales forecourt (sui generis) has taken place.

**3. SITE DESCRIPTION**

3.1 The property is situated at the end of a terrace of properties built in 1926 on the southwest side of Kingsley Road within an area of predominantly residential premises as identified within the Northampton Local Plan.

**4. PLANNING HISTORY**

4.1 On 24 June 2009 the Council were in receipt to a complaint regarding

the change of use of the front driveway to a vehicle sales forecourt at 55 Kingsley Road.

- 4.2 On 30 June 2009 Council Planning Enforcement Officers visited the property and noted that several vehicles were parked on the driveway with illuminated sale prices in their window screens.
- 4.3 Letters were sent to the owner on 30 June and 22 July 2009 advising that the use is unauthorised and requested that the activities cease forthwith.
- 4.4 On 18 August 2009 Council Planning Enforcement Officers met the Owner of the property on site and reiterated the advice given in the previous letters that the use is unauthorised and again requested that the use ceases by 1 September 2009.
- 4.5 Planning Enforcement Officers visited the site on 9 September 2009 and noted that more vehicles were displayed for sale and that the advice given had not been adhered to.
- 4.6 A further letter was sent to the owner on 9 September 2009 and the use has continued. It is apparent that he is unwilling to cease the use of the land and resolve the breach of planning control.

## **5. PLANNING POLICY**

- 5.1 **National Policies:**  
PPG13 – Transport  
PPG24 - Planning and Noise
- 5.2 **Local Plan Policy:**  
E19 – New development

## **6. CONSULTATIONS / REPRESENTATIONS**

- 6.1 **Highway Authority** - The manoeuvring of vehicles on and off the highway is detrimental to highway and pedestrian safety in general' contrary to the aims and objectives of PPG13 (Transport).

## **7. APPRAISAL**

- 7.1 It is considered that the unauthorised change of use of the driveway to vehicle sales forecourt has given rise to increased vehicle movements that are not ancillary to the dwellinghouse and are detrimental to the visual amenity of the occupiers of the dwellinghouse and neighbouring properties.
- 7.2 The unauthorised change of use is considered by reason of the noise and disruption to have a detrimental impact on the character of the property and the surrounding area as a whole. The use is therefore

contrary to Local Plan Policy E19 and the aims and objectives of PPG24 (Planning and Noise).

- 7.3 Further, the manoeuvring of vehicles on and off the highway is detrimental to highway and pedestrian safety in general' contrary to the aims and objectives of PPG13 (Transport

## **8. CONCLUSION**

- 8.1 The unauthorised change of use is considered unacceptable due to a loss of amenity to nearby residents and is contrary to National Guidance and Local Plan Policy. Therefore the Council should seek to rectify the breach of planning control by way of an enforcement notice requiring the use to cease.

## **9. HUMAN RIGHTS IMPLICATIONS**

- 9.1 The Human Rights Act 1998 introduces a number of rights contained in the European Convention on Human Rights. Public bodies such as the Council have to ensure that the rights contained in the Convention are complied with. However, many of the rights are not absolute and can be interfered with if sanctioned by law and the action taken must be proportionate to the intended objective. In this particular case Officers' views are that seeking to take action in respect of a perceived loss of amenity to nearby residents and occupiers is compliant with the Human Rights Act 1998 because the harm to the wider community clearly outweighs the harm (in human rights terms) to the owner or users.

## **10. LEGAL IMPLICATIONS:**

- 10.1 There will be a cost implication in bringing about prosecution proceedings although an application for costs can be made to Magistrate's Court at the conclusion of a successful prosecution.

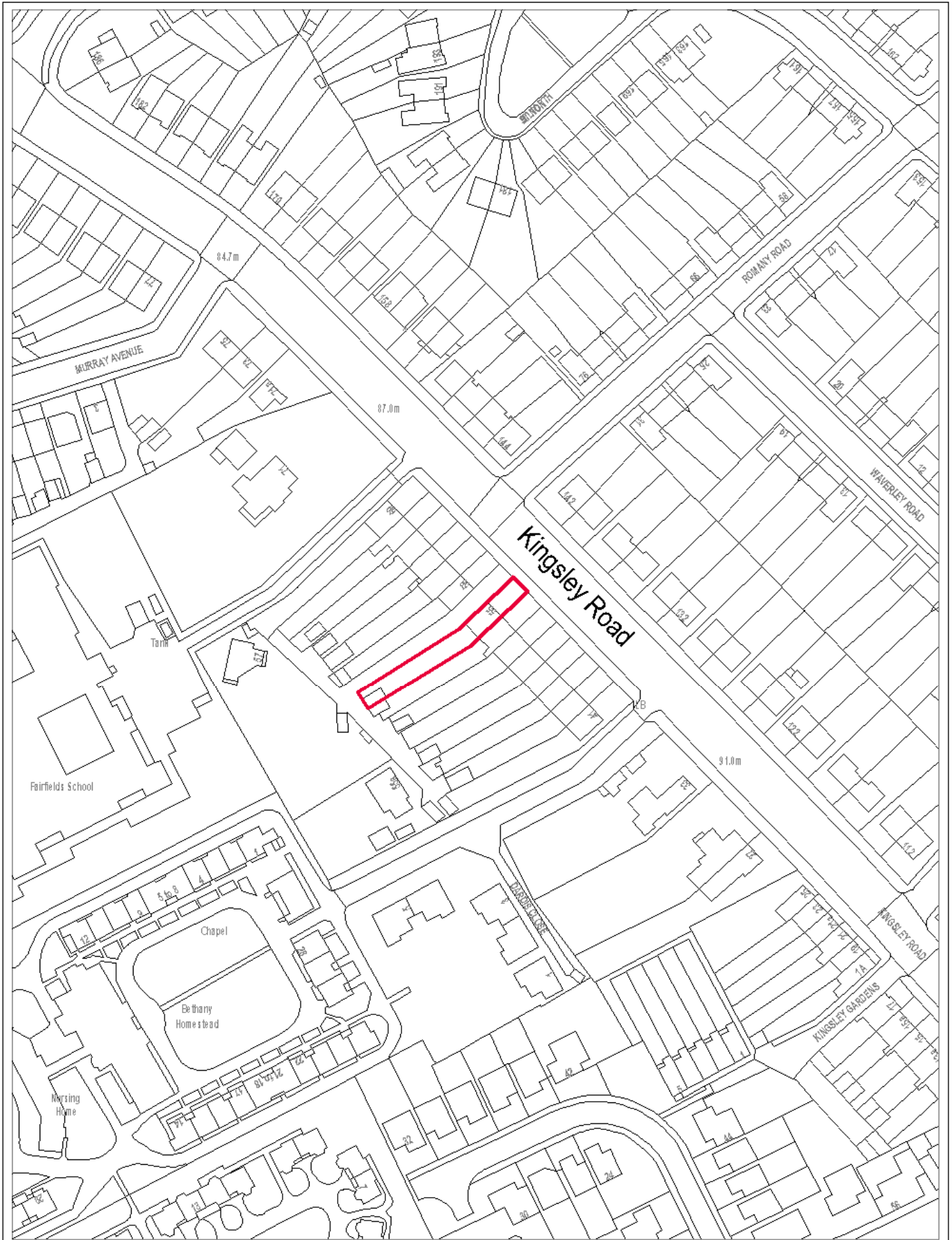
## **11. BACKGROUND PAPERS**

- 11.1 E/2009/449.

## **12. SUMMARY AND LINKS TO CORPORATE PLAN**

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	James Willoughby	22.10.2009
<b>Development Control Manager:</b>	Gareth Jones	02.11.2009



Im: Jon Martin  
 dt: 4th November 2009  
 nr: 1:1250  
 s1: Planning  
 s2: Committee Report Location Plan

**Title**  
**55 Kingsley Road**

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**NORTHAMPTON**  
BOROUGH COUNCIL

**PLANNING COMMITTEE:** 17 November 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP:** E/2007/0697                      7 Augusta Avenue, Collingtree Park

**WARD:** East Hunsbury

**APPLICANT:** N/A  
**AGENT:** N/A

**REFERRED BY:** Head of Planning  
**REASON:** Breach of planning control

**DEPARTURE:** N/A

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**ENFORCEMENT MATTER:**

**1. RECOMMENDATION**

- 1 That the Solicitor to the Council be authorised to issue a Breach of Condition Enforcement Notice requiring compliance with condition (2) of planning application number N/2008/528 contained within the Inspector's Appeal Decision reference APP/V2825/A/08/2080988 with a compliance period of 2 months.
- 2 Further, that in the event that the requirements of the Breach of Condition Enforcement Notice are not met within the prescribed period, the Corporate Manager be authorised to instigate prosecution proceedings or carry out the works in default and the cost be recharged to the owner.

**2. THE BREACH OF PLANNING CONTROL**

- 2.1 Non-compliance with Condition (2) of planning application number N/2008/528 contained within the Inspector's Appeal Decision reference APP/V2825/A/08/2080988 which states: *The first floor window and dormer windows shown in the south eastern side elevation of the dwelling shall be glazed with obscure glass and thereafter retained in that form at all times.*

### **3. SITE DESCRIPTION**

- 3.1 The property is a detached dwellinghouse located on the south side of Augusta Avenue in Collingtree Park. The area is predominantly residential and the properties are all detached and of individual design.

### **4. PLANNING HISTORY**

- 4.1 Planning permission was granted for an extension to the existing dwelling in 2007 (N/2007/0299) and the details of that application were revised twice by further applications in 2007 (N/2007/1036 and N/2007/1555).
- 4.2 During the course of construction the extension was not built in accordance with the approved details and this resulted in a further application in 2008 (N/2008/0528) to change the external appearance of the doors, windows and the garage door. This application was REFUSED.
- 4.3 The refused N/2008/0528 application was the subject of an appeal that was allowed subject to conditions including Condition (2) as cited in paragraph 2.1 above.
- 4.4 Soon after substantial completion of the property the Council was in receipt of a complaint that the windows were not obscure glazed. Planning enforcement officers were unable to rectify the breach of planning control via negotiation and a formal Breach of Condition Notice was served on the owner on 30 June 2009 with a compliance period of 28 days.
- 4.5 The Notice has not been complied with and the house is currently tenanted and the whereabouts of the owner unknown.
- 4.6 Whilst the Council could instigate prosecution proceedings in respect of the non-compliance with the Breach of Condition Notice, this would not bring about the necessary works to appropriately glaze the windows and rectify the breach of planning control.
- 4.7 Issuing of an enforcement notice, in the event that it is not complied with, would allow the Council to carry out the remedial action required and recharge the cost to the owner by way of a registered charge on the land.

### **5. PLANNING POLICY**

- 5.1 **National Policies:**  
PPS1 – Delivering Sustainable Development
- 5.2 **Local Plan Policy:**  
E20 – New development  
H18 – Residential Extensions
- 5.3 **Supplementary Planning Guidance**  
Residential Extensions Design Guide (2002)

## **6. CONSULTATIONS/REPRESENTATIONS**

6.1 Not applicable.

## **7. APPRAISAL**

7.1 It is considered that in imposing the condition the Inspector in his appeal decision sought to protect the amenity of nearby residents by requiring obscure glazing to the four windows on that elevation, two of which are bathrooms and two are within the main bedroom. The recommended action is consistent with the Council's actions so far in attempting to remedy the breach of planning control and remedy the perceived loss of amenity.

## **8. CONCLUSION**

8.1 The issue of an enforcement notice is the only avenue available to the Council to ensure compliance with the condition in question.

## **9. HUMAN RIGHTS IMPLICATIONS**

9.1 The Human Rights Act 1998 introduces a number of rights contained in the European Convention on Human Rights. Public bodies such as the Council have to ensure that the rights contained in the Convention are complied with. However, many of the rights are not absolute and can be interfered with if sanctioned by law and the action taken must be proportionate to the intended objective. In this particular case, Officers' views are that seeking to take action in respect of a perceived loss of amenity to nearby residents and occupiers is compliant with the Human Rights Act 1998 because the harm to the wider community clearly outweighs the harm (in human rights terms) to the owner.

## **10. LEGAL IMPLICATIONS:**

10.1 There will be a cost implication in bringing about prosecution proceedings although an application for costs can be made to Magistrate's Court at the conclusion of a successful prosecution.

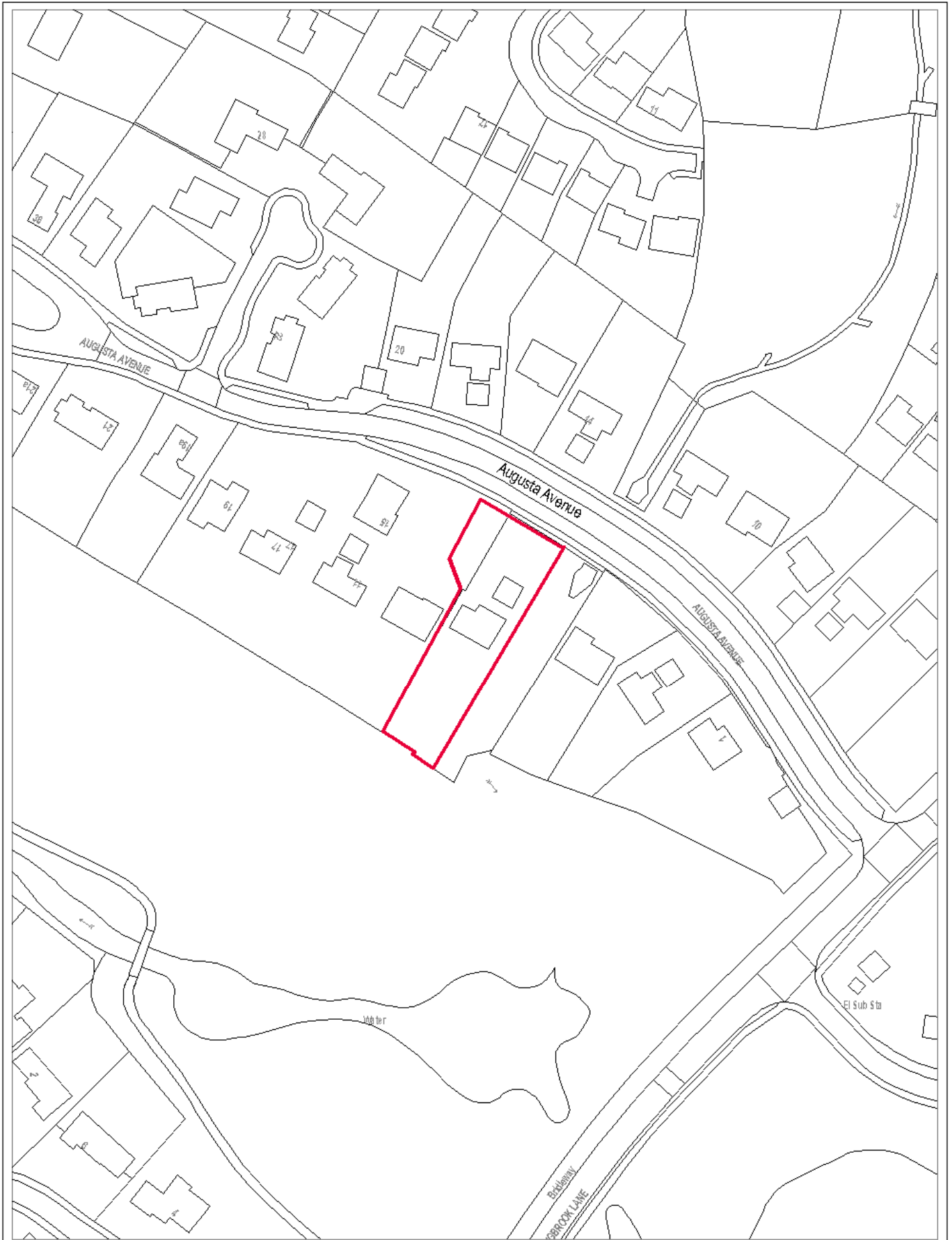
## **11. BACKGROUND PAPERS**

11.1 N/2007/0299, N/2007/1036, N/2007/1555, N/2008/0528, E/2007/0697

## **12. SUMMARY AND LINKS TO CORPORATE PLAN**

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Carol Robinson	02.11.2009
<b>Development Control Manager:</b>	Gareth Jones	02.11.2009



Im: Jon Martin  
dt: 4th November 2009  
nr: 1:1250  
nd: Planning  
mf: Committee Report Location Plan

Title  
**7 Augusta Avenue**

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**NORTHAMPTON**  
BOROUGH COUNCIL

**PLANNING COMMITTEE:** 17 November 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP:** E/2009/699                      59 Holly Road

**WARD:** Kingsley

**APPLICANT:** N/A  
**AGENT:** N/A

**REFERRED BY:** Head of Planning  
**REASON:** Breach of planning control

**DEPARTURE:** N/A

**ENFORCEMENT MATTER:**

**1. RECOMMENDATION**

1.1 That the Solicitor to the Council be authorised to issue an enforcement notice in respect of the unauthorised change of use of the domestic garage at 59 Holly Road from an ancillary garage to a vehicle repair centre requiring the use to cease with a compliance period of 2 months.

**2. THE BREACH OF PLANNING CONTROL**

2.1 The unauthorised change of use of a domestic garage to a vehicle repairs centre (sui generis) has taken place without the benefit of planning permission.

**3. SITE DESCRIPTION**

3.1 The property is located within a terrace of Victorian properties on the southeast side of Holly Road within an area of predominantly residential premises as identified within the Northampton Local Plan.

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

- 4.1 On 30 September 2009 the Council were in receipt of a complaint regarding the change of use of a domestic garage to a vehicle repairs centre at 59 Holly Road, Northampton.
- 4.2 On 6 October 2009 Planning Enforcement Officers visited the site where it was noted that several men were working on two vehicles within the garage, which had the appearance of a vehicle repairs centre.
- 4.3 The Owner was made aware of the unauthorised change of use he advised the Planning Department that a lease management company manages the property. Contact was made with this company who despite being advised that the change of use is unauthorised appear to be unwilling to resolve the breach of planning control.

#### **5. PLANNING POLICY**

- 5.1 **National Policies:**  
PPG13 – Transport  
PPG24 - Planning and Noise
- 5.2 **Local Plan Policy:**  
E19 – New development

#### **6. CONSULTATIONS/REPRESENTATIONS**

- 6.1 **Highway Authority** - The manoeuvring and loading / unloading of vehicles on and off the highway is detrimental to highway and pedestrian safety in general contrary to the aims and objectives of PPG13 (Transport).

#### **7. APPRAISAL**

- 7.1 It is considered that the unauthorised change of use of the driveway to vehicle sales forecourt has given rise to increased vehicle movements that are not ancillary to the dwellinghouse and are detrimental to the visual amenity of the occupiers of the dwellinghouse and neighbouring properties.
- 7.2 The unauthorised change of use of the garage is considered by reason of the noise and disruption to have a detrimental impact on the character of the property and the surrounding area as a whole. The use is therefore contrary to Local Plan Policy E19 and the aims and objectives of PPG24 (Planning and Noise).
- 7.3 Further, the manoeuvring and loading / unloading of vehicles on and off the highway is detrimental to highway and pedestrian safety in general contrary to the aims and objectives of PPG13 (Transport).

## **8. CONCLUSION**

- 8.1 The unauthorised change of use is considered unacceptable due to a loss of amenity to nearby residents and is contrary to National Guidance and Local Plan Policy. Therefore the Council should seek to rectify the breach of planning control by way of an enforcement notice requiring the use to cease.

## **9. HUMAN RIGHTS IMPLICATIONS**

- 9.1 The Human Rights Act 1998 introduces a number of rights contained in the European Convention on Human Rights. Public bodies such as the Council have to ensure that the rights contained in the Convention are complied with. However, many of the rights are not absolute and can be interfered with if sanctioned by law and the action taken must be proportionate to the intended objective. In this particular case Officers' views are that seeking to take action in respect of a perceived loss of amenity to nearby residents and occupiers is compliant with the Human Rights Act 1998 because the harm to the wider community clearly outweighs the harm (in human rights terms) to the owner or users.

## **10. LEGAL IMPLICATIONS:**

- 10.1 There will be a cost implication in bringing about prosecution proceedings although an application for costs can be made to Magistrate's Court at the conclusion of a successful prosecution.

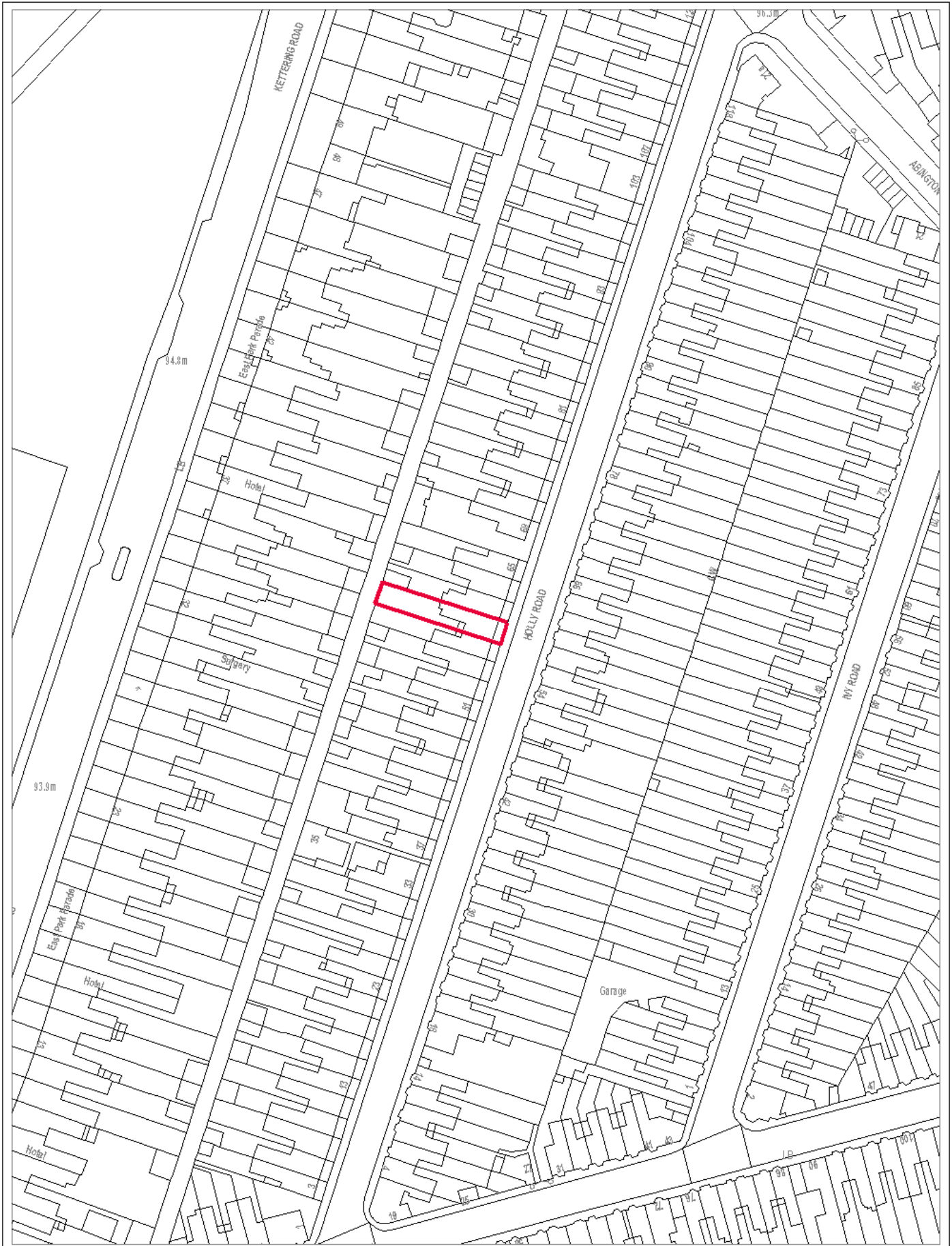
## **11. BACKGROUND PAPERS**

- 11.1 E/2009/699

## **12. SUMMARY AND LINKS TO CORPORATE PLAN**

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	James Willoughby	22.10.2009
<b>Development Control Manager:</b>	Gareth Jones	02.11.2009



im: Jon Martin  
 dt: 4th November 2009  
 nr: 1:1250  
 pl: Planning  
 rpt: Committee Report Location Plan

Title

## 59 Holly Road

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**NORTHAMPTON**  
B O R O U G H C O U N C I L

**PLANNING COMMITTEE:** 17 November 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP: N/2009/0731**                      **Erection of Class A1 Food Retail Store  
1,553sq metres and 95 no Parking Spaces at  
582 – 592 Wellingborough Road**

**WARD:**                                      **Weston**

**APPLICANT:**                              **Aldi Stores Ltd**  
**AGENT:**                                      **Dalkin Scotton Partnership Architects Ltd**

**REFERRED BY:**                              **Head of Planning**  
**REASON:**                                      **Major application**

**DEPARTURE:**                              **No**

APPLICATION FOR CONSULTATION BY WNDC:

**1. RECOMMENDATION**

1. That the Council raise no objections in principle to the proposal for the following reason:

A convenience retail use, by reason of its proposed siting and scale, would not unduly harm the vitality and viability of Northampton's Town Centre whilst providing competition for the existing district centre at Weston Favell. The proposed store responds to an identified need and is of a scale that is appropriate to its location. The proposal therefore complies with the requirements of Policy 22 Regional Plan and PPS6 – Planning for Town Centres.

- 2 However, notwithstanding the principle of the convenience retail use proposed, it is also recommended that the Council express strong concerns regarding the following:

- It has not been demonstrated that 15% of the net retail floorspace for comparison goods is appropriate for this location and such a provision could potentially impact harmfully upon the viability and vitality of other centres. Therefore in line with the aims of PPS6,

WNDC is requested to secure a lower provision of comparison goods retailing, preferably to no more than 5% of net retail floorspace, to be controlled by condition. Should this reduction in floorspace not be forthcoming, then WNDC is advised that this Council would strongly object to this application on the grounds that the proposal would be contrary to PPS6.

- That the design of the proposed store does not fully take into account the high quality of design and general character of development in the vicinity of the site. WNDC is therefore requested to seek amendments to the design of the proposed development to improve the appearance of the proposals in their own right and to better respond to the site's context on what is a prominent and well-used route to and from the town. The setting of the proposed development could also be enhanced through the provision of an improved landscaping scheme. Such an approach is supported through PPS1 and Policy 2 of the Regional Plan and Policy E20 of the Northampton Local Plan.
  - As the principle of the proposed store is acceptable, in part due to it meeting a local need, the level of car parking proposed is considered to be high and as such a reduction in the proposed level of should be sought to a maximum of 62 spaces and other measures secured to discourage use of the car and to promote alternative means of access the use as advocated by PPG13, including the provision of a travel plan.
3. If WNDC is minded to approve this application, it is requested that conditions are attached to any approval requiring that:
- A scheme is submitted to and approved by the Local Planning Authority, which will detail the sources of noise and a means of management. This scheme should include any plant or equipment as well as deliveries to the store in order to ensure compliance with PPG24.
  - There are no deliveries to the premises outside the hours of 9.00am to 8.00pm Monday to Saturday and 10.00am to 4.00pm on Sundays and Bank Holidays including loading and unloading of vehicles in the interests of residential neighbour amenity in accordance with PPG24.
  - Details of all lighting installations are submitted in order to ensure that proposed development is appropriately managed in line with the requirements of PPG23.
  - A study into potential contaminants is carried out in response to the site's former use as required by PPG23.
  - The site's car park shall not be made available to motorists outside of the store's opening hours in order to manage any anti-social behaviour in accordance with Policies E20 and E40 of the Northampton Local Plan.

## **2. THE PROPOSAL**

- 2.1 The application is for full planning permission for the erection of a new supermarket, with a gross internal floorspace of 1,553m<sup>2</sup>, of which 1,125m<sup>2</sup> net would be retail sales area. The majority of the retail floorspace would be for the sale of food goods (i.e. convenience retailing). The remaining sales floorspace (15%) is proposed to be non-food goods / comparison retailing; owing to the trading patterns of the applicant, these goods would generally be only available for short periods of time with no particular type of comparison goods predominating.
- 2.2 The proposed store would have 95 car parking spaces (including 6 for disabled use and 5 designated parent and child spaces), which would be located to the east of the proposed store. This would be accessed via Wellingborough Road to the north. The layout of the proposed store would see the main customer entrance located to the north east of the building. The delivery point would be located towards the rear of the property, adjacent to the southern boundary.

## **3. SITE DESCRIPTION**

- 3.1 The application site is located on the periphery of Weston Favell Village and was previously occupied by a variety of businesses relating to car dealerships and repair. It forms a 0.68ha parcel of land at the western end of the former car dealership site abutting Park Way Local Centre as identified in the Local Plan. The site itself is located within a Primarily Residential Area in the Local Plan. Beyond the site, other commercial uses include a large public house to west of the site and a small convenience store/newsagents, which is located at the junction between Park Way and Church Way.
- 3.2 The main land use to the north and south of the site is residential, with those houses to the south being of a traditional vernacular. Although there is variety in the appearance of the residential dwellings that a front onto Wellingborough Road, long with the Public House adjacent to the application site, they are of a universally high quality design. These make a significant and positive contribution to defining the character of this section of Wellingborough Road.
- 3.3 The site is approximately 1km from the Weston Favell Centre, which is located to the east of the site and approximately 3km from the Town Centre to the west. Aside from the Weston Favell Centre, there are no other major supermarkets within the area. Although not forming part of the current proposals and lying outside application boundary, the applicant's Design and Access Statement indicates housing as a potential future use of the rest of the former car dealership site to the east of the application site.

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

- 4.1 The site was previously occupied for many years by a car dealership, however the use has ceased and the site cleared and levelled.

#### **5. PLANNING POLICY**

##### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

##### **5.2 National Policies:**

PPS1 - Delivering Sustainable Development  
PPG4 – Industrial, Commercial Development and Small Firms  
PPS6 – Planning for Town Centres  
PPG13 – Transport  
PPS23 – Planning and Pollution Control  
PPG24 – Planning and Noise

##### **5.3 Other Relevant National Documents**

Consultation paper on a new PPS4 - Planning for Prosperous Economies

##### **5.4 East Midlands Regional Plan 2009**

Policy 2 – Promoting Better Design  
Policy 22 - Regional Priorities for Town Centres & Retail Development  
Policy MKSM SRS Northamptonshire 3 - Northampton Central Area

##### **5.5 Northampton Borough Local Plan**

E20 – New Development  
E40 – Planning and crime and anti-social behaviour  
T11 – Commercial uses in residential areas  
T12 – Development requiring servicing

##### **5.6 Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003  
Planning Out Crime in Northamptonshire SPG 2004

##### **5.7 Other Relevant Local Documents**

Northampton Town Centre Retail Strategy (May 2008) prepared by CACI Ltd for NBC  
West Northamptonshire Retail Study 2008 to 2026 (February 2009) prepared by CACI Ltd for West Northamptonshire Joint Planning Unit



## 6 CONSULTATIONS / REPRESENTATIONS

### Internal

- 6.1 **NBC Public Protection** - Due to the former uses of the site some contamination remediation is likely to be required. Problems can be encountered from this type of development, particularly at busy times of the year in noise terms. There are concerns regarding the close proximity of the delivery bay to residential properties to the rear and the time used to carry out deliveries. Amenities can be impacted upon through the misuse of the car park outside of store opening hours. The site is adjacent to a busy road and may result in significant traffic generation. It is therefore recommended that an assessment of the impact of the development on air quality in the vicinity and the impact of air quality on the possible new residential development adjacent to the site should be assessed. Details of lighting should be submitted.

### Councillors

- 6.3 None

### Other

- 6.4 Representatives of **Legal and General**, as owners of the Grosvenor Centre have provided copies of representations made to WNDC. Objections are raised on the grounds that the introduction of this new retail unit would harm the vitality and viability of Northampton's Town Centre. By reasons of its location, it would be an out of centre development. It is considered that there is a far greater need for a foodstore within the Town Centre. By reason of the scale and function of the Local Centre, the development would be better suited within a larger centre. A thorough assessment of alternative sites should be undertaken, and by developing this site it would lead to cumulative decline in the viability of the Town Centre. Furthermore, there would be an adverse impact upon the highway system.
- 6.5 Objections have also been received from **Lidl**, who operate a store at the Weston Favell Centre. The development fails to comply with PPS6 as a need has not been demonstrated for the store. Due to the proximity of the application site to the Weston Favell Centre, there is already a provision of discount retailing within the area and the proposed store would not significantly reduce the need or duration of journeys.

## 7 APPRAISAL

### Principle of the Development

- 7.1 The application site lies in an out of centre location. With reference to Development Plan Policies (particularly Policy 22 of the Regional Spatial Strategy) and the guidance contained in PPS6, new retail development should normally be directed to existing centres. Para 3.4 of PPS6 states that in respect of retail uses and other town centre uses “local planning authorities should require applicants to demonstrate”:
- i. The need for the development,
  - ii. That the development is of an appropriate scale,
  - iii. That there are no more central sites for the development,
  - iv. That there are no unacceptable impacts on existing centres, and
  - v. That locations are accessible.
- 7.2 Para 3.23 of PPS6 adds *The level of detail and type of evidence and analysis required should be proportionate to the scale and nature of the proposal and that impact assessments ... should be provided for all retail and leisure developments over 2,500 square metres gross floorspace, but they may occasionally be necessary for smaller developments, such as those likely to have a significant impact on smaller centres, depending on the relative size and nature of the development in relation to the centre.*
- 7.3 The Northampton Town Centre Retail Strategy (May 2008) (NTCRS) concludes *that the town centre is currently in poor retail health, and urgently needs to improve its offering to avoid further decline and identifies an outstanding opportunity to develop the retail economy of Northampton, through improving the retail mix towards a ‘quality’-led offer that will match the consumer needs of the more affluent residents, workers and visitors.*
- 7.4 The West Northamptonshire Retail Study (February 2009) (WNRS) covers the network of town centres / retail network hierarchy of West Northamptonshire. It identifies that *the weak town centre network has been embattled by, and indeed contributed to, a number of successful out-of-town retail locations situated around the urban area of Northampton. In addition to retail parks providing a significant range of comparison goods that compete directly with town centres, the network also faces competition from large format out-of-town supermarkets. It adds that in Northampton there is capacity in the town centre for a new large supermarket store. The Study recommends that local planning authorities work on identifying sites for retail development through the sequential test and impact tests to help implement the “town centres first” strategy by simply following and adhering to government policy on the matter. It recommends that development control generally take a flexible approach to individual applications, and not to be too restrictive, unless the applications are clearly not in the interests of the strategy,*

but adds in the case of Northampton town centre that *out-of-town development would be damaging to the governments objectives and a zero-tolerance to major out-of-town retail development is recommended for the Joint Core Strategy.*

**Convenience Retail Need**

7.5 As the site lies outside an acknowledged centre and is not allocated for retail development in the Development Plan the applicant is required to demonstrate need for the proposed retail floorspace. The WNRS includes an assessment of convenience floorspace capacity for 2008, 2011, 2016, 2021 and 2026. The Study breaks these figures down into seven zones within Northampton, with the application site being located within Zone 1e along with the Weston Favell District Centre. These figures are summarised in the table below.

Year	2008	2011	2016	2021	2026
Convenience retail floorspace capacity (sq m net) in Zone 1e	6,291	919	626	815	1,000

7.6 The WNRS identifies that current balances of trade are unsatisfactory, and therefore the 2008 capacity analysis should not be used as a basis for assessing quantitative need across the planning period; it has instead run capacity assessment scenarios for 2011, 2016, 2021 and 2026 based on future preferred balance of trade scenarios. The impact of the new balance of trade is to drastically reduce the assessment capacity for additional floorspace in Zone 1e from over 6,000m<sup>2</sup> in 2008 to a little over 600m<sup>2</sup> by 2016. This approach is intended to address current trading imbalances that exist throughout Northampton to give greater primacy to the town centre to ensure new development in convenience floorspace benefits the vitality of the primary retail area.

7.7 The proposed net retail floorspace is 1,125m<sup>2</sup> of which some 85% is proposed to be convenience, which equates to 956.3m<sup>2</sup>. As such the proposed floorspace exceeds the capacity figures of 919m<sup>2</sup> for 2011, 626m<sup>2</sup> for 2016 and 815m<sup>2</sup> for 2021 identified in the WNRS, albeit to a relatively small degree.

7.8 In response to the requirements of PPS6 the applicant has submitted a Retail Assessment in support of the application. In respect of need, the Assessment contends that in quantitative terms, the proposal is justified on the grounds that Aldi’s average sales density (i.e. floorspace productivity) is significantly lower than the average sales density applied in the WNRS for Northampton. Using its own sales density figure of £4,203m<sup>2</sup>, rather than the WNRS figure of £7,500m<sup>2</sup>, the applicant concludes “there would be more than sufficient floorspace

headroom (capacity) to support the proposed Aldi store". Applying Aldi's own sales density figure to the 2016 figures in the WNRS gives a capacity of 5,293m<sup>2</sup>. This figure seems excessively high and cannot be said to be reflective of average convenience supermarket retailers, however it does help to illustrate the applicant's contention that its trading model differs from other retailers.

- 7.9 In respect of need although the proposed retail floorspace exceeds future need capacity predicted in the WNRS, given the character of applicant's retail offer combined with the fact that the proposed floorspace exceeds the future need capacity predicted in the WNRS for the years 2011-26 by a range of only 125 to 499 sq metres, it is not considered that the proposed additional retail floorspace would cause harm to the viability and vitality of an existing recognised centre such as Northampton town centre or Weston Favell district centre. It is however also necessary to consider the potential impact a store of this size and in this location would have if it were to be occupied by a more mainstream retailer. It is considered that as the WNRS has identified that there is capacity in this area for additional convenience retailing that the store could be accommodated within the parameters of the study and in accordance with PPS6.

#### ***Scale and Location***

- 7.10 The site is located outside but adjacent to the Parkway Local Centre. Paragraph 2.24 of PPS6 advises that *given their characteristics, local centres will generally be inappropriate locations for large-scale new development, even when a flexible approach is adopted*. The existing Local Centre is relatively small comprising The Trumpet pub, a newsagents and a hairdressers. The site is previously developed land and has a history of use for commercial purposes.
- 7.11 The WNRS concludes that current trading patterns in Northampton are too heavily biased to Weston Favell district centre at the expense of the town centre and recommends that the identified capacity is not translated into a need to expand Weston Favell district centre.
- 7.12 The applicant has submitted information which indicates that 90% of the proposed store's projected turnover would emanate from the store's projected catchment area (a 10 minute drive) and would respond to local need as there is a limited representation of discount food retailers within the likely catchment area of the store, with the only other example being the Lidl store within the Weston Favell Centre. It is also contended that this proposal would reduce the number of journeys to the Weston Favell Centre and provide additional competition. In addition, the applicant puts forward the view that existing and future residents are unlikely to make longer journeys into the town centre if convenience goods are made available in the locality, as the Weston Favell Centre fulfils current demand.

- 7.13 The applicant has also submitted that it has considered other sites, including Octagon Way, adjacent to the Weston Favell Centre. This site has been discounted on the grounds that the unit size is too small to meet the needs of the applicant; furthermore, the centre is already well served by convenience retailing. They also contended that there are no sites within the Town Centre that are suitable for the proposed development.
- 7.14 The applicant's assessment of alternative sites appears somewhat superficial particularly in respect of the town centre. Nonetheless, the contention that the site would respond to a local needs seems reasonable bearing in mind the large residential areas to the north and south of Wellingborough Road in the vicinity of the site combined with proximity of the existing local centre, albeit that it would represent a significant addition to the existing offer provided by the local centre and that it remains likely that some customers would be attracted to the store from further afield.
- 7.15 It is considered that on the basis that Weston Favell District Centre is over-dominant, the proposed use would respond to a local market in a location adjacent to a local centre which is relatively well served by public transport, it is also considered that the scale (albeit that it is a little large) and location of the development are acceptable on the basis that the use would serve a local population and offer some (albeit limited) opportunity for linked trips to the centre. In order to limit the attraction of the use to a wider non-localised market it is also recommended that on-site car parking be controlled and use of alternative modes of accessing the site promoted. Parking, access and highways matters are considered later in the report.

### ***Comparison Retailing***

- 7.16 For the foregoing reasons the proposal is considered acceptable as a destination for convenience shopping. However, as expressed in the both the NTCRS and the WNRS there are very strong concerns regarding the impact of new out-of-town comparison retail floorspace on the vitality and viability of Northampton town centre. The applicant has indicated that 15% of the proposed floorspace would be given over to comparison goods. At this level the proposed store has greater potential to function as a destination for shopping trips and to undermine the Council's strategy to reinvigorate and enhance Northampton's Town Centre. This issue may be overcome through the provision of a significantly lower comparison goods offer, such as in the region of 5% of net retail floorspace and therefore it is recommended that WNDC undertake negotiations to secure such a reduction. If such a reduction cannot be negotiated, this Council's stance on this application would change.

## Highways Considerations

- 7.17 The proposal would be located on Wellingborough Road, which serves as one of the main routes into Northampton's Town Centre and the Weston Favell Centre. Given the nature of the use is likely that it would lead an increase in traffic to the site, albeit that the previous commercial use of the site would have generated significant vehicle movements. It is noted that the Highways Agency has not raised any objections to the proposal and therefore it is considered that the proposal would not have any significant impact upon the wider, strategic road network.
- 7.18 PPG13 states that for food retailing outlets, a maximum provision of one parking space for each 14m<sup>2</sup> of gross floorspace should be provided. This therefore means that the proposed 89 car parking spaces (exclusive of disable parking spaces in line with PPG13) complies with the broad requirements of this national policy as the provision does not exceed the maximum threshold.
- 7.19 However, one of the reasons for the principle of this store being acceptable rests upon it serving a specific local community. Therefore, concerns are expressed that the proposal does not seek a lower provision of car parking that could serve as a stimulus for encouraging more sustainable means of travel. To this end it is recommended that WNDP seek to secure a reduction on the amount of car parking (exclusive of disable parking) in line with the current County Council parking guidance.
- 7.20 The location of the site is in close proximity to the residential areas of Weston Favell and the Headlands / Cottarville. It is noted that the proposal contains the provision of cycle storage in line with the requirements of PPG13. The site is also in close proximity to a number of bus stops, with the closest bus stop for buses travelling in a westerly direction being approximately 40m away from the application site. In terms of bus stops for buses travelling in an easterly direction, the nearest bus stop is within 55m of the site, although this would necessitate crossing Wellingborough Road and therefore it is likely that customers would elect to use the pedestrian crossing adjacent to The Trumpet public house. This would entail a walk of approximately 135m from the application site. As a result, it is considered that the proposal is located within a relatively sustainable location and offer potential to reduce the dominance of private cars as means for undertaking journeys. It is recognised that car parking in Wellingborough Road and on the approaches to Weston Favell Village may not be desirable in highway safety terms if too little car parking is provided. Therefore, it is recommended that WNDP obtain from the applicant an assessment as to the rationale behind the proposed car parking provision and seek amendments if necessary and to adopt measures to encourage use of alternative modes of transport, including a green travel plan.

## **Design**

- 7.21 As discussed previously in Section 3, those existing buildings that front onto Wellingborough Road are of a high quality design. By reason of the significant proportions of the proposed building, combined with a number of relatively featureless elevations, the proposal would represent an incongruous addition to the streetscene in design terms. Although it is recognised that the proposed retail unit would be set back from the established building line, the area to the front of the site would be used for car parking and therefore the northern and eastern elevations in particular would be overly prominent within the streetscene.
- 7.22 In addition to this, the limited landscaping scheme proposed would not provide a suitable setting for the proposed building and therefore the incongruous nature of its design would be emphasised to a greater degree. This is therefore contrary to Policy E20 of the Northampton Local Plan and Policy 2 of the Regional Plan, which requires that new development proposals should have an acceptable design. In addition, PPS1 states that proposals should have designs, which reflect the character and context of their location. By reason of the high quality design of residential and commercial buildings, the proposal fails to comply with this requirement. WNDC should therefore be seeking improvements in the design of the development before planning permission is granted

## **Impact on neighbouring properties**

- 7.23 Policy E20 of the Northampton Local Plan requires that new developments have a neutral impact on the levels of light, outlook and privacy available to the occupiers of neighbouring properties. By reason of the scale of the proposed building, it is unlikely that there would be a significant detrimental impact upon the amenities of surrounding properties as a result of these considerations.
- 7.24 There may be the possibility of noise from deliveries having a detrimental impact upon the occupiers of residential properties. However, it is noted that from the application that it is likely that, owing to the applicant's business model, deliveries are centralised. As a result of this, it is unlikely that there would be sustained periods of noise to the detriment of residential amenity. In addition, there is likely to be a necessity for certain types of equipment to be installed at the premises, that have the potential to generate noise which could, if unregulated have an adverse impact upon residential amenity.
- 7.25 It is recommended that if WNDC is minded to approve this application, it be subject to a condition, which would require a scheme to be submitted that would agree the likely sources of noise and the means for their control. Such an approach would ensure that the development complies with the requirements of PPG24 – Planning and Noise.

- 7.26 The design of the proposed store could be amended to relocate the delivery area to the front of the site to completely alleviate this issue. However, the increased prominence of the delivering bay would create an incongruous feature within the streetscene. Nonetheless, in the interests of neighbour amenity it is also recommended that a condition be imposed to control / limit delivery hours.
- 7.27 It is noted that concerns have been raised regarding the car park being used for anti-social activities outside of store opening hours. However, the Design and Access Statement states that barriers would be installed to prevent this activity from taking place. Therefore, it is requested that if WNDG are minded to approve this application, it be subjected to a condition, which would require that these barriers are installed prior to the store being brought into use and are in use during periods where the store is closed to members of the public. Such a condition would also ensure that the proposal complies with Policy E40 of the Northampton Local Plan.

## **8. CONCLUSION**

- 8.1 It is considered that the provision of a modest supermarket within this location would predominantly address an identified local need and would not unduly impact upon the vitality and viability of other centres within Northampton. However, there are significant concerns regarding the potential scale of comparison goods retailing and therefore amendments to this level should be sought in order to enhance those centres of greater hierarchical importance. Furthermore, there are concerns regarding the level of car parking, which does not seek to support moves to encourage more sustainable transport and the design of the building.
- 8.2 Subject to appropriate conditions, it is considered that the proposed development would not unduly impact upon the amenities of the occupiers of neighbouring properties.

## **9. BACKGROUND PAPERS**

- 9.1 None

## **10. LEGAL IMPLICATIONS**

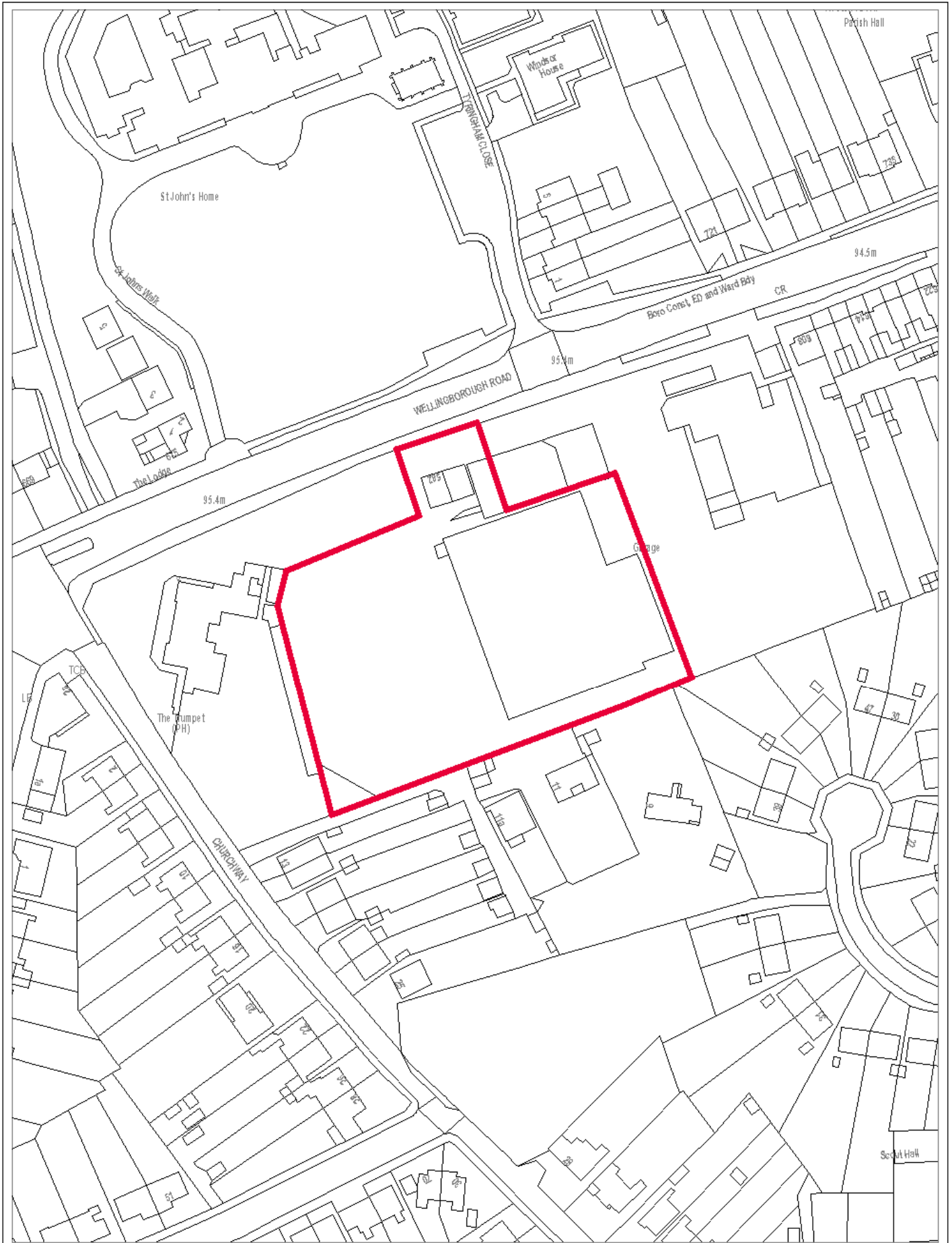
- 10.1 None

## **11. SUMMARY AND LINKS TO CORPORATE PLAN**

- 11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies



<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Ben Clarke	23/10/09
<b>Development Control Manager Agreed:</b>	Gareth Jones	03/11/09



Im: Jon Martin  
 dt: 5th November 2009  
 nr: 1:1250  
 s: Planning  
 t: Location Plan

Title  
**590-592 Wellingborough Road**

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**NORTHAMPTON**  
BOROUGH COUNCIL

**PLANNING COMMITTEE:** 17 November 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP: N/2009/0813** Construction of 82 Berth Marina for Mixed Leisure (76 Berths) and Residential Use (6 Berth) and Associated Works

**WARD:** St Crispins

**APPLICANT:** Environment Agency  
**AGENT:** N/A

**REFERRED BY:** Head of Planning  
**REASON:** Major Development on NBC owned land

**DEPARTURE:** No

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**APPLICATION FOR CONSULTATION BY WNDC:**

**1. RECOMMENDATION**

1.1 The Council supports the proposed development subject to the following conditions:

- That suitable tree and tree root protection condition/s be applied to ensure the appropriate safeguards for existing trees on the site for the reasons of conserving ecology and the visual appearance of the area.
- An appropriate planning condition be applied following on from the initial desktop archaeology statement in the application submission to ensure finds are identified and recorded correctly.
- Conditions controlling environmental factors including the requirement for a noise assessment, lighting details and refuse storage proposals should be applied to any approval.
- Natural England and the Local Wildlife Trust must be satisfied with the ecological impacts of development and be content that the mitigation strategy of improving Abington Local Wildlife Site

as compensation is a proportionate and acceptable method of overcoming the loss of habitats proposed.

## **2. THE PROPOSAL**

- 2.1 The application has been made by the Environment Agency for an 82-berth marina with three separate pontoons within an area essentially the same as the present boating lake. Six of the berths will be residential moorings.
- 2.2 To create the marina, a breach in the lake wall is required to the River Nene to the south and a dig down of approximately one metre is required across the entire lake. To achieve this, the lake will be drained before being dug and the spoil removed by barge to be deposited further down the Nene. The trees on the islands will be felled before the islands are removed with the resultant spoil used in bunding around the lake periphery to serve as flood defences. The three large pontoons will then be secured in the marina and facilities building erected, although this building is not included in this application.
- 2.3 Ecological mitigation works are proposed at Abington Local Wildlife Site further down the Nene to compensate for the loss of habitat resources resulting from these proposals.
- 2.4 The application was screened by WNDC under the Environmental Impact Assessment (EIA) Regulations and it was determined that there was no requirement for a full EIA in this instance. Notwithstanding this, the application includes various supporting information including a flood risk assessment, ecology, archaeology and transport statements.

## **3. SITE DESCRIPTION**

- 3.1 The Boating Lake is located on the middle one of three islands in the River Nene on the southern part of Becket's Park. The islands were created in the 18<sup>th</sup> Century when the Nene navigation and lock were created to the north of the natural course of the river. The resulting island was dug out in the early 20<sup>th</sup> Century to create a pleasure boating lake and it ran as such until recent years.
- 3.2 The Boating Lake is approximately 500 metres south east of the centre of town. Being on an island, it is isolated by the River Nene to the south and the navigation to the north, with Becket's Park to the entire northern side, the Cattle Market (Morrisons, et al) to the west, Avon to the south and south east and beyond Nunn Mills Road, Midsummer Meadows to the east.
- 3.3 The island is an irregular oval layout broadly 250 metres east to west at its furthest and 100 metres north to south at its furthest. Within the island, the boating lake is approximately 140 metres east to west and

100 metres north to south, with two tree-covered islands in the centre of the lake. The application site (red line) encloses the western part of the island and excludes the sea cadets' clubhouse.

- 3.4 There is no present use of the boating lake beyond an ornamental part of Becket's Park with a footpath encircling it. Access is only available to pedestrians and only from a single footbridge from the park to the north. The island and inner islands are slightly overgrown and the boating lake is both shallow and appears to have heavy silt deposits.

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

- 4.1 1960/70/80s – Park and boating lake approvals.
- 4.2 1990s – Cultural programme development – withdrawn  
- Rapid transit route – no decision given
- 4.3 N/2005/1575 and N/2006/0188 – Landing stage in river by lock – both approved.

#### **5. PLANNING POLICY**

##### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

##### **5.2 National Policies:**

PPS1 – Delivering sustainable development  
PPS9 – Biodiversity and geological conservation  
PPG13 – Transport  
PPG16 – Archaeology and planning  
PPS17 – Planning for open space and recreation  
PPS25 – Flooding

##### **5.3 East Midlands Regional Plan 2009**

Policy 2 – Promoting Better Design  
Policy 11 – Development in the Southern Sub-area  
Policy 33 – Strategic river corridors  
Policy 42 – Tourism  
MKSM SRS Policy 3 – Northampton Central Area

##### **5.4 Northampton Borough Local Plan**

E1 – Landscape and open space  
E2 – Riverside landscape  
E4 – Water environment  
E9 – Locally important landscape areas

E11 – Trees, hedges and woodland  
E17 and 18 – Nature conservation  
E20 – Design  
E38 – Historic landscape  
L1 – Existing recreation facilities  
L17 – Use of river and canal  
T12 – Vehicle servicing

#### 5.5 **Other Local Documents**

Central Area Action Plan (emerging CAAP): There is broad support for town centre regeneration including identifying a new marina at this location on the Northampton Spatial Plan and proposing the same in sections 4.25 to 4.27 of the document.

#### 5.6 **Supplementary Planning Guidance**

Planning out Crime in Northamptonshire SPG 2004

### 6. **CONSULTATIONS/REPRESENTATIONS**

#### Internal

6.1 **Tree Officer** – finds proposals acceptable, but asks that a planning condition for the appropriate protection of trees to be retained be imposed during construction.

6.2 **Town Centre Manager** – no objections

6.3 **Conservation Officer** – no objections but notes the need for archaeology conditions.

6.4 **Environmental Health Officer** – No objections subject to planning conditions controlling noise, lighting, refuse storage and construction management.

### 7. **APPRAISAL**

#### **Principle of development**

7.1 This application ensures that the present leisure use of the land (and water) is carried on into the future. Saved Policy L1 of the Northampton Local Plan seeks to ensure leisure spaces around the town are retained and the Council audits the open spaces of the town to encourage the best use and supply of such spaces in accordance with PPS17 – Planning for Open Space and Recreation. Given that the proposals preserve and enhance the quality of the leisure characteristics of this part of Becket's Park, the scheme is considered to accord with the aims of the Development Plan and PPS17.

7.2 The proposed redevelopment is clearly a large investment in Northampton's leisure and tourism market that will create a central and

thus accessible destination in its own right. Regional and local planning policies, adopted and emerging, seek to improve Northampton town centre and use the river corridors as a resource to achieve other aims such as promoting the local tourism economy. It is considered that this type of investment in tourism infrastructure is likely to be a catalyst for further economic activity in and around the centre of Northampton and may encourage regenerating development elsewhere. On this basis the proposals are likely to make up part of the larger regeneration of Northampton supported by such policies as MKSM SRS Policy 3 that seeks to encourage a stronger and more diverse town centre.

### **Visual impact**

- 7.3 The development includes the removal of the inner islands, the creation of a boat inlet, a future facilities building, the felling of trees and the installation of pontoons with attendant boats. This is a significant change of appearance from the unused and overgrown boating lake that will alter the character of the River Nene and Becket's Park. Nonetheless, a marina is considered in keeping with the character of this location and although the boating lake island is over 200 years old, this proposal will not adversely change the historic landscape. Indeed, it is likely that it will encourage greater numbers of people to enter and enjoy this part of the town and Nene Valley and may amount to a visual attraction in its own right.
- 7.4 The proposals are therefore considered to accord with Development Plan policies such as Policy E20 of the Local Plan and Policy 2 of the Regional Plan.

### **Ecology**

- 7.5 Whilst the marina has considerable benefits in principle, the boating lake is long established, and by default or otherwise has developed significant ecological assets. The supporting information with the application shows that there is a range of protected species temporarily and permanently resident including bats, otters, reptiles, birds and potentially water voles. The ecology statement submitted applies values to the habitats and impact of the marina proposals. In order to suitably overcome the significant loss of habitats such as bat roosts and otter holts, the applicant is proposing mitigation in the form of improvements to the Abington Local Wildlife Site further down the River Nene.
- 7.6 The loss of habitats on site is clearly at odds with some Development Plan policies and PPS9, however there is latitude and allowance in planning policy for mitigating actions to be taken to overcome such impacts. Given that Natural England and the Wildlife Trust will have been consulted by WNDG in the course of this application, it is considered sufficient enough to encourage their advice to be followed

by WNDG on the level and type of mitigation required in this case, particularly at Abington Local Wildlife Site.

### **Pollution**

- 7.7 The principal polluting impact of the marina development appears to be in the construction and maintenance of the scheme. It is considered that careful management of construction, as one might expect of the Environment Agency as developer, is required to avoid silt infiltration of the main river or pollution of the watercourse from such sources as fuel or chemical spills. The same rationale should apply to the management and control of boats using the marina facilities once the development is brought into use. For that reason, it is considered that the risk of pollution of the river environment would be adequately controlled by the Agency in the future.

### **Engineering and waste**

- 7.8 To construct the marina, the lake will be drained and dug out to approximately 20-centimetre depth and the islands removed to ensure a suitable water depth for mooring and manoeuvring boats. The applicant states that 3,000 cubic metres of silt and spoil will be taken down the Nene by barge for disposal. The removal of the islands and the creation of a breach for boats to enter from the river will be used to bund the perimeter of the marina / island for flood defence purposes.
- 7.9 The sustainable and waterborne transit and disposal for related projects is supported and it avoids highway impacts.

### **Archaeology**

- 7.10 The desktop archaeology analysis of potential finds concludes that few recorded discoveries at or around the boating lake have been made (probably due to the lack of recent development on the island), but there is significant potential for finds due to the application site's central, waterside location. It is considered that standard archaeological conditional control will ensure that finds are identified and recorded in accordance with PPG16 – Archaeology and planning.

### **Transport and access**

- 7.11 With such a town centre location, this leisure activity is highly accessible being so close to public transport and radial transport routes. Obviously, there are no car-based elements to the marina proposals and on-site servicing will be carried out by a single electric buggy.
- 7.12 Public car parking options are available nearby, including St Johns and Midsummer Meadow, for special events should they be organised at the marina as suggested. As the site's locality is close to the centre of



town, on-street parking restrictions prevail on most of the surrounding roads and prevent any hazardous on-street parking activity as a result of the development.

- 7.13 Pedestrian access to the town is short and legible, but in part somewhat unattractive and potentially unappealing at night. The greater plans for the regeneration of Becket's Park during the next phase of the wider scheme should improve these elements of the footpaths to town.

### **Other issues**

- 7.14 The proposals include 6 residential moorings that have the use-characteristics of new dwellings as opposed to the overriding leisure nature of the marina. There are no proposals for parking or other facilities for these residential units, but the permanence of these residents will assist in providing on-site security and surveillance reducing the likelihood of crime / anti-social behaviour. There is no overriding need for car parking for these residential moorings in such a central location which is highly accessible with public parking options if needed.
- 7.15 The marina will be served by mains sewerage that will be a pumped system connecting to the main sewer running through Becket's Park. This arrangement is considered acceptable, subject to the approval of the appropriate undertakers.

## **8. CONCLUSION**

- 8.1 This proposal ensures the improvement of an under-utilised town centre leisure space that enhances Becket's Park that could act as a catalyst to town centre regeneration and the wider riverside strategy. The marina proposals accord with saved Northampton Local Plan leisure policies and newer policies in the Regional Plan and emerging Central Area Action Plan that seek a radical improvement in stand alone destinations and facilities in the centre of Northampton.
- 8.2 The visual impact will be significant but is considered acceptable and whilst the loss of some trees is regrettable, adequate replacement planting is possible as part of the overall scheme.
- 8.3 The ecological impact and habitat harm is adverse, but providing Natural England and the Wildlife Trust are satisfied with the Abington Local Wildlife Site improvements as mitigation then this change to the local environment is considered acceptable.
- 8.4 Pollution and construction impacts can be controlled by conditions, resulting waste will be sustainably disposed of and observance to protect potential archaeological finds can be applied and controlled. The site is accessible, central and should not harm local highway

conditions. Car parking for events can be handled by existing public car parks in the area.

- 8.5 In summary, the marina proposals should be supported subject suitable conditions accompanying any approval.

**9. BACKGROUND PAPERS**

- 9.1 None

**10. LEGAL IMPLICATIONS**

- 10.1 None

**11. SUMMARY AND LINKS TO CORPORATE PLAN**

- 11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Richard Boyt	5/11/09
<b>Development Control Manager Agreed:</b>	Gareth Jones	5/11/09



The **Beckett's Park Marina Site**

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Date: 6th November 2008  
 No: 11024  
 Planning  
 Location Plan

