

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT
THE GUILDHALL ON TUESDAY, 8 MARCH 2011 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 G. JONES
X 8999
Report of Head of Planning (copy herewith)
 7. OTHER REPORTS
 8. ST CRISPIN DEED OF VARIATION TO SECTION 106 AGREEMENT
Report of Head of Planning
(copy herewith)
- Ward: West Hunsbury**
9. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS
None.
 10. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS
None.
 11. ITEMS FOR DETERMINATION
An Addendum of further information considered by the Committee is attached.
 - (A) N/2010/1037- CHANGE OF USE FROM A PUBLIC HOUSE (USE CLASS A4) TO A MUSLIM COMMUNITY AND EDUCATION CENTRE (USE CLASS D1)- THE CLICKER PUB, 1 COLLINGDALE ROAD B.
CLARKE
X 8916
Report of Head of Planning
(copy herewith)

Ward: Headlands

- (B) N/2010/1092- ERECTION OF 40 DWELLINGS WITH ASSOCIATED PARKING AND PLAY AREA (AS AMENDED BY REVISED PLANS RECEIVED ON 9TH FEBRUARY 2011) LAND ADJACENT TO COVERED RESERVOIRS, BOUGHTON GREEN ROAD

R. BOYT
X 8724

Report of Head of Planning
(copy herewith)

Ward: Boughton Green

- (C) N/2010/0785- OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING B8 BUSINESS UNITS AND ERECTION OF 14 TWO BEDROOM AND 8 ONE BEDROOM APARTMENTS, FORMATION OF NEW ACCESS PARKING AREAS- 172-174 ST ANDREWS ROAD

G. WYATT
X 8912

Report of Head of Planning
(copy herewith)

Ward: Castle

- (D) N/2010/0906 & N/2010/0320- ERECTION OF TWO STOREY VISITORS CENTRE AT BASE OF TOWER (AS AMENDED BY REVISED PLANS RECEIVED 6TH DECEMBER 2010)- THE NATIONAL LIFT TOWER, TOWER SQUARE

J. MOORE
X 8345

Report of Head of Planning
(copy herewith)

Ward: St James

- (E) N/2011/0047- SINGLE STOREY FRONT EXTENSION AND CONVERSION OF GARAGE TO LIVING ACCOMMODATION- 34 VIENNE CLOSE, DUSTON

A. WEIR
X 7574

Report of Head of Planning
(copy herewith)

Ward: New Duston

12. ENFORCEMENT MATTERS

- (A) E/2011/0100- UNAUTHORISED ADVERTISEMENTS- CORNER OF TANNER STREET AND ST PETERS WAY

C.
TUCKLEY
X 8914

Report of Head of Planning
(copy herewith)

Ward: Castle

- (B) E/2010/0689- UNAUTHORISED CHANGE OF USE AND DEVELOPMENT- THE MILL WHEEL PUBLIC HOUSE, BILLING BROOK ROAD

C.
TUCKLEY
X 8914

Report of Head of Planning
(copy herewith)

Ward: Lumbertubs

- (C) E/2011/0034- NON COMPLIANCE WITH CONDITIONS PURSUANT TO PLANNING PERMISSION N/2008/0811- 42- 46 KINGSTHORPE GROVE

C.
TUCKLEY
X 8914

Report of Head of Planning
(copy herewith)

Ward: Kingsthorpe

- (D) E/2011/0054- UNAUTHORISED CHANGE OF USE TO CAR REPAIRS- 10 PEVERELS WAY C.
TUCKLEY
X 8914

Report of Head of Planning
(copy herewith)

Ward: St James

13. APPLICATIONS FOR CONSULTATION

- (A) N/2010/0653- EXTENSION TO EXISTING FOOD STORE, RELOCATION OF TWO SHOP UNITS, ERECTION OF A COMMUNITY BUILDING, NEW BUS WAITING FACILITY, PROVISION OF NEW PEDESTRIAN FOOTPATHS, LANDSCAPE WORKS, LIGHTING WORKS AND REVISIONS TO THE CAR PARK LAYOUT- TESCO SUPERSTORE, HUNSBURY CENTRE, CLANNELL ROAD R. BOYT
X 8724

Report of Head of Planning
(copy herewith)

Ward: East Hunsbury

14. 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>
A6450

Agenda Item 2

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 8 February 2011

PRESENT: Councillor Collins (Chair); Councillor Meredith (Deputy Chair);
Councillors Church, J. Conroy, Davies, Golby, Hawkins, Hill, Lane,
Matthews and Woods

1. APOLOGIES

Apologies for absence were received from Councillor Malpas.

2. MINUTES

The minutes of the meeting held on 11 January 2011 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

- RESOLVED:** (1) That Philip Smith be granted leave to address the Committee in respect of item 10A- N/2009/0762.
- (2) That Catherine Ventham be granted leave to address the Committee in respect of item 10B- N/2010/0470.
- (3) That Councillor Matthews be granted leave to address the Committee in respect of item 12A- N/2010/1064.

4. DECLARATIONS OF INTEREST

Councillor Matthews declared a Personal and Prejudicial interest in Item 12A-N/2010/1064 as having submitted a letter of objection to the proposal.

Councillor Church declared a Personal and Prejudicial interest in Item 12A-N/2010/1064 as a Board Member of WNDC and member of WNDC's Northampton Planning Committee.

Councillor Woods declared a Personal and Prejudicial interest in Item 12A-N/2010/1064 as a Board Member of WNDC and substitute member of WNDC's Northampton Planning Committee.

Councillor Meredith declared a Personal and Prejudicial interest in Item 12A-N/2010/1064 as a substitute member of WNDC's Northampton Planning Committee.

Councillor Church declared a Personal and Prejudicial interest in Item 9A-N/2010/0904 as being the Portfolio Holder for Planning and Regeneration and having been closely involved with the Market Square Project.

Councillor Hawkins declared a Personal Interest in all the development control items on the agenda as a member of the Council for British Archaeology.

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

None.

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Head of Planning submitted a List of Current Appeals and Inquiries and reported that since publication of the agenda the Council had received notice that the appeal in respect of N/2010/0528 had been allowed by an Inspector. Furthermore, notice had been received of Public Enquiries to be held for an appeal against the refusal of a grant of a Certificate of Lawfulness at Nene Valley Retail Park and objections to a Footpath Diversion Order at the former British Timken Site: the latter Public Enquiry to be held on 12 July.

RESOLVED: That the report be noted.

7. OTHER REPORTS

(A) DEVELOPMENT CONTROL PERFORMANCE; QUARTERS 1,2 AND 3 (2010-11)

The Head of Planning submitted a report that set out Development Control and Enforcement performance for the first three quarters of 2010-11 and elaborated thereon. In answer to a question the Head of Planning commented that the rise in enforcement cases had been partly due to a period of sickness and partly due to the volume and complexity of them. Future reports would include a breakdown of enforcement cases by priority.

RESOLVED: That the report be noted and that the Planning Officers be congratulated upon the performance achieved.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

(A) N/2010/0904- 9 BANNERS TO REPLACE EXISTING (REVISED SCHEME FOR N/2009/0499)- OPEN MARKET, MARKET SQUARE

Councillor Church left the meeting in accordance with his earlier declaration of interest.

The Head of Planning submitted a report in respect of application number N/2010/0904 elaborated thereon, and referred to the Addendum that set out an amended reason for approving the application should the Committee be minded to do so. In answer to a question, the Head of Planning stated that English Heritage had not been consulted on this application and had not asked to be so.

The Committee discussed the application.

RESOLVED: That the application be approved subject to conditions (including limiting the permission to a period of 9 months) as by reason of their siting and design, the proposed banners would not have a significant impact on amenity or public safety and would preserve the character and appearance of the All Saints Conservation Area, would comply with Policy E26 of the Northampton Local Plan and advice in PPS 5 and PPG19.

10. ITEMS FOR DETERMINATION

(A) N/2009/0762- RESIDENTIAL DEVELOPMENT INCLUDING THE DEMOLITION OF 55 BERRY LANE, OUTLINE APPLICATION- LAND TO REAR OF 51-65 BERRY LANE WOOTTON

The Head of Planning submitted a report in respect of application number N/2009/0762 and elaborated thereon. In answer to questions the Head of Planning commented that should bats be found at 55 Berry Lane specialist advice and help would be sought in respect of their removal to a suitable alternative habitat, proposed condition 4 related to this; Environmental Health had had made no comments on this application; that although the density requirements of PPS3 had been rescinded Councils were still required to consider the “efficient and effective” use of land; and the County Archaeology Service had not expressed an interest in the application site either previously or currently.

Philip Smith, the Agent on behalf of the Applicant, supported the Head of Planning’s report. He noted that the application was similar to the application submitted in 2007, the main difference being the acquisition of a further strip of land. The site was not publically accessible, it was unused and separated from other areas of green space. Many of the issues had been resolved in the context of the previous application; flood mitigation had been agreed with the Environment Agency and noise, pollution and environmental impact studies all undertaken. Highways had approved the access to the site there being no viable alternative.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to the following:

- (1) Environmental Health being reconsulted upon the application and, if necessary, the Head of Planning be delegated authority to add any further appropriate conditions.
- (2) Prior finalisation of a S106 agreement to secure:-
 - The provision of a minimum of 35% affordable housing within the site.

- 10% of the total units on the site to be mobility units.
- A contribution towards education provision.
- A payment for the necessary administrative, legal and works costs for the changes to the Traffic Regulation Order adjacent to the site.
- A management plan, including management responsibilities and maintenance schedules, for the public open space and all external and shared/common areas of the development.

(3) The planning conditions set out in the report;

As the proposed development would have no undue detrimental impact on the amenities of neighbouring occupiers as adequate separation can be provided to prevent any overlooking and overshadowing and would be in keeping with the character and appearance of the area due to the density of development proposed. The proposal complies with Policy E6 in that the development would not unacceptably prejudice the function of the wider area of green space in providing green space around the built up area of Northampton. The proposal would also help in meeting the requirement of housing provision as identified in the Regional Spatial Strategy and in line with the growth agenda for West Northamptonshire. The development would therefore be in line with the Policies H6, H17, H32, E20, E40 of the Northampton Local Plan and the advice contained in PPS1 (Delivering Sustainable Development), PPS3 (Housing) and PPG13 (Transport) and PPS 25 (Development and Flood Risk).

(B) N/2010/0470- ERECTION OF 8 APARTMENTS AND 21 HOUSES AND ASSOCIATED ROADS, CAR PARKING, OPEN SPACE AND LANDSCAPING AND ENABLING ANCILLARY WORKS- LAND AT WOOTTON TRADING ESTATE OFF NEWPORT PAGNELL ROAD

The Head of Planning submitted a report in respect of application number N/2010/0470 elaborated thereon, and referred to the Addendum that set out an additional condition in respect of plots 22 to 25. In answer to a question, the Head of Planning noted that any archaeological interest was conditioned.

Catherine Ventham, Agent for the Applicant, Orbit Homes, commented that the development would provide 100% social housing and would therefore have a beneficial effect upon the Council's housing waiting list and would provide local people with local homes. The scheme would be funded by DCLG. In answer to a question Catherine Ventham stated that the legal agreement had not yet been completed but she believed that Orbit Homes would not have an objection in principle to the Council having nomination rights beyond the initial allocation of homes.

The Head of Planning noted that the general principles of development, had been established through a previous planning application which had a similar layout and relationship with neighbours.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to:

- (1) The prior finalisation of a Section 106 Agreement to secure:
 - The provision of 100% affordable housing
 - The long term maintenance of on site open space
 - The long term maintenance of the access roads and their availability for general use
- (2) The planning conditions set out in the report;

As the proposal would represent the efficient use of land and due to its siting, layout and design would provide a satisfactory standard of residential amenity. As the proposal would have no significant undue detrimental impact upon the amenities of surrounding residents, it therefore complies with the requirements of PPS1 - Delivering Sustainable Development, PPS3 – Housing, PPS23- Pollution Control, PPG13 - Transport, PPG24 - Noise and Policies E20, E40 and H6 of the Northampton Local Plan.

11. ENFORCEMENT MATTERS

None.

12. APPLICATIONS FOR CONSULTATION

(A) N/2010/1064- ERECTION OF 176 DWELLINGS, ROADS AND SEWERS AND ASSOCIATED OPEN SPACE- LAND OFF BANBURY LANE, PINEHAM

Councillors Church, Meredith and Woods left the meeting in accordance with their earlier declarations of interest.

The Head of Planning submitted in respect of application number N/2010/1064 elaborated thereon, and referred to the Addendum which noted that air quality and updated noise reports had now been received and set out WNDC's informal response to the Committee's proposed decision. In answer to a question the Head of Planning commented that as the proposal was for a full planning permission the design features of the scheme had been agreed by negotiation between the applicant and WNDC Planning Officers.

Councillor Matthews as Ward Councillor commented that the scheme had raised many concerns with residents. There was poor provision for young people; facilities for older children were needed. The proposed play area was bounded by Wootton Brook with a sharp fall to it. The Brook was already prone to flooding and if all the planning permissions in the vicinity were enacted then the flooding characteristics of the Brook could be changed. He noted that development of plots 100 and 150 at Swan Valley had been overturned on appeal. He also commented that the road layout did not allow for a bus terminus and as the development was for affordable housing better bus services were required.

Councillor Matthews left the meeting in accordance with his earlier declaration of

interest.

The Head of Planning reminded the Committee that some planning powers would revert to the Council from WNDC as from 6 April 2011, although the details had yet to be confirmed by DCLG. It was possible that the Committee would determine the application and therefore members needed to be aware that any following discussion of the application did not fetter their ability to determine it in the future.

RESOLVED: That although the Council supports the principle of the residential development of the site, there remained a number of outstanding issues. Therefore the Council raise a holding objection until the following matters are resolved/ secured:

- Conditions relating to contamination are applied.
- Concerns relating to air quality and noise are fully resolved.
- Concerns relating to tree protection are resolved.
- 10% of all dwelling units are to be constructed to NBC's mobility standard. 35% of all dwellings to be affordable with 70% committed for social rented housing and 30% for Low Cost Home Ownership.
- The future maintenance of open space must be agreed with NBC and secured by legal agreement.
- Opportunities to improve bus, cycle and pedestrian links are fully investigated and secured as appropriate.

The meeting concluded at 20.05 hours.

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



List of Appeals and Determinations – 8th March 2011			
Written Reps Procedure			
Application	Del/PC	Description	Decision
N/2010/0761 APP/V2825/A/10/2140544/NWF	DEL	Retention of hot food catering van in car park of the public house at The Romany Public House, Kingsley Road, Northampton.	DISMISSED
N/2010/0794 APP/V2825/A/10/2141378/NWF	DEL	Single and two storey side and rear extensions to form an off-licence (use class A1) on ground floor and bedrooms on first floor (use class C3) (resubmission of planning application N/2010/0393) at 25 Pleydell Road, Northampton.	AWAITED
N/2010/0597 APP/V2825/H/10/2138945	DEL	3 x illuminated fascia signs at Plot 2 Zone A, Pineham Barns Area, Northampton.	AWAITED
N/2010/0944 APP/V2825/X/11/2144946	DEL	Application for a Lawful Development Certificate for proposed retail sale of food goods at Nene Valley Retail Park	AWAITED
N/2009/0566 APP/V2825/A/10/2123568	DEL	Change of Use to 4no. bedsits at 1 Humber Close, Northampton – Retrospective.	AWAITED
N/2010/0528 APP/V2825/A/10/2134872	DEL	Erection of detached 3 bed dwelling on land adjacent to 1 Central Avenue, Northampton. (revision of planning permission N/2010/0302)	AWAITED
Local Hearing			
N/2009/0974 APP/V2825/E/10/2131445/NWF	DEL	Replacement windows to front elevation at 155 Harborough Road, Northampton.	ALLOWED

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
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.

Agenda Item 8



PLANNING COMMITTEE: 8th March 2011

DIRECTORATE: Planning and Regeneration

HEAD OF PLANNING: Susan Bridge

REPORT TITLE: St Crispins: Deed of Variation to S106 Agreement

1. RECOMMENDATION

1.1 That the Committee agree to the variations to the Section 106 Agreement as set out in this report.

2. BACKGROUND

2.1 Under the terms of a Section 106 Agreement dated 12th November 2002 the developer is required to transfer to the Council eight areas of open space within the St Crispin development.

2.2 On September 23rd 2009 and February 9th 2011 Cabinet agreed to accept the transfer of these areas (Areas 1 to 6, 8 and 10, Appendix 1). On February 9th Cabinet also agreed to the transfer of additional small areas of open spaces for the benefit of the community (as shown in Appendix 2).

2.3 As the boundaries of the open spaces which are now be transferred to the Council differ slightly from those shown in the original Section 106 Agreement and subsequent Deeds of Variation, it will be necessary for the Section 106 Agreement to be varied to reflect the revised boundaries and to provide for the transfer of the additional areas.

2.4 Additionally, amendments to the Section 106 Agreement are necessary to confer rights on the Drainage Authority in respect of the balancing lagoon.

3. LAND TO BE TRANSFERRED

3.1 The land which will now be transferred includes small additional areas of land which represent a logical extension and rationalisation of the areas of open space, in the light of differences to the boundaries of

these areas which have resulted during the development of the surrounding estate. If this land was not added to the land to be transferred to the Council it would remain in the ownership of the developer of the estate who would have on going maintenance responsibilities.

- 3.2 In order to provide for the long term maintenance of these areas by the Council, an additional sum for maintenance is being negotiated with the developer. The exact figure for this is under negotiation between the parties but will reflect the true costs of ongoing maintenance.

4. BALANCING LAGOON

- 4.1 It should be noted that a balancing lagoon is situated within one of the additional areas of open space to be transferred to the Council and according the Council will take a transfer of that land subject to rights in favour of the Drainage Authority

5. COMMUTED SUMS / MAINTENANCE CONTRIBUTIONS

- 5.1 The developer has agreed that the Council may have a wider discretion in applying the Section 106 commuted sums/maintenance contributions within the St Crispins development and this needs to be reflected in the Deed of Variation also.

6. OTHER MATTERS

- 6.1 Negotiations are ongoing in respect of other outstanding matters in respect of St Crispins, specifically the need for a link road either across the proposed playing fields or in the form of an upgrade of the existing Kent Road, and the provision of a community centre and changing facilities in association with the proposed playing fields.
- 6.2 Following on from these negotiations further variations to the Section 106 Agreement will be necessary and a further report to Planning Committee will be made at that time.

7. BACKGROUND PAPERS

- 7.1 Cabinet Report 9th February 2011.

8. LEGAL IMPLICATIONS

- 8.1 As set out in the report.

9. SUMMARY AND LINKS TO CORPORATE PLAN

- 9.1 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.

Position:	Name/Signature:	Date:
Author:	A Holden	24/02/11
Head of Planning Agreed:	S Bridge	25/02/11



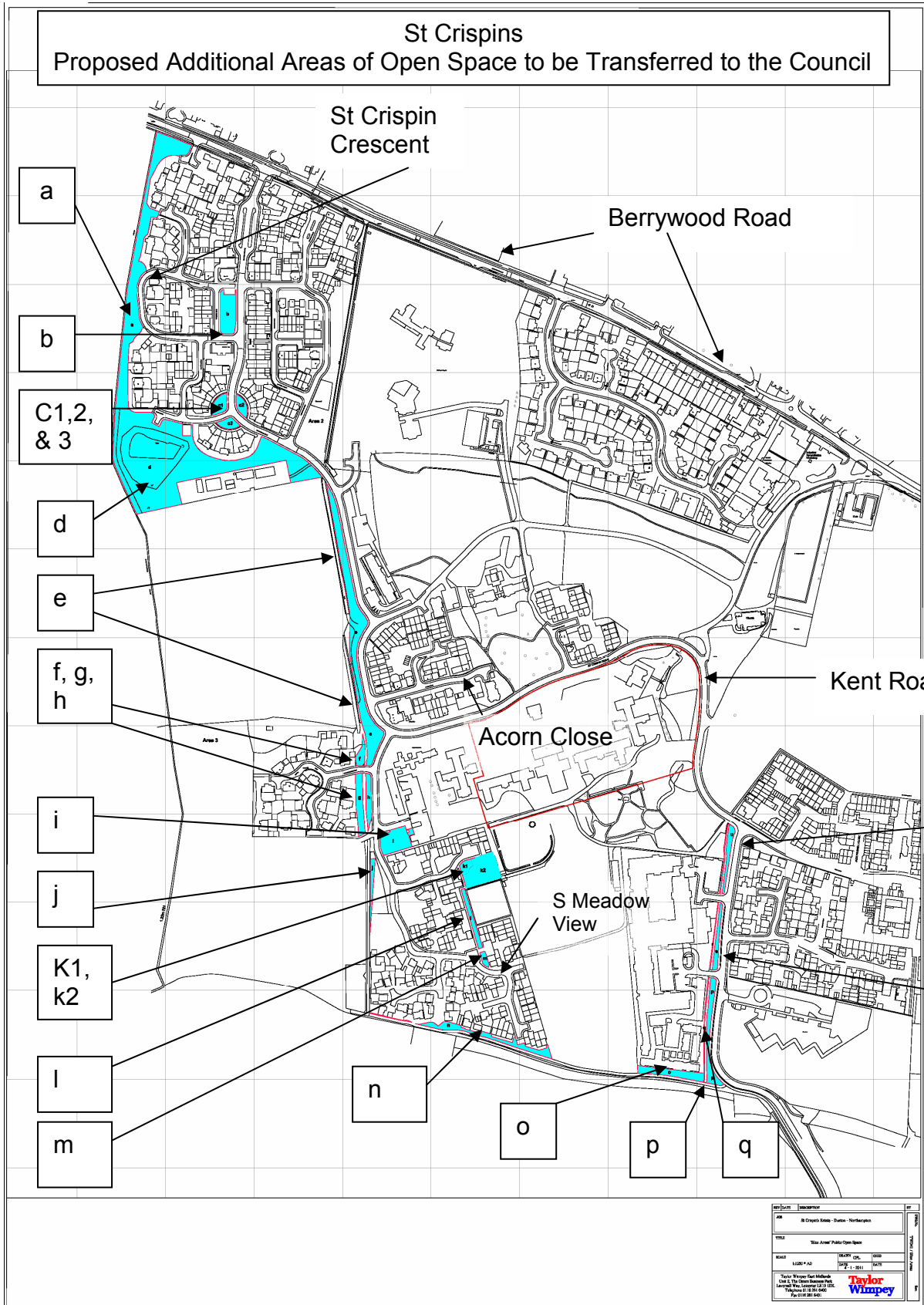
Name: M.Dunne
Date: 24th January 2011
Scale: 1:5,000 @ A3
Dept: GIS Development Unit
Project:

Title
Land at St. Crispins

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Key to Land Transfers to be Completed

Site 1	Church Gardens
Site 2	Wood to East of Phase 1A
Site 3	Green/Wood area to West edge
Site 4	Village Green
Site 5 a,b,c,d	Various Open spaces - Substituted for the Green at Southern edge
Site 6	Green to SE of Proposed Hotel – includes Cricket Club, Bowls Club & possible Allotment Land
Site 7	Void - Originally green to west of school site but has been removed/substituted
Site 8	St Crispin Park
Site 10	Berry Wood



Ref	Description	M ²
a	Grass swave + public footpath	4,046
b	Centre grass and small trees Area A	814
c1	Grass and planting round-about Area A	302
c2	Grass and planting round-about Area A	213
c3	Grass and planting round-about Area A	218
d	Area A POS and overspill pond	11,172
e	Grass area along spine road	3185
f	At Entrance to area F	212
g	At Entrance to area F	554
h	At Entrance to area F	337
i	Green area into area E	847
j	Fillet by area 5	238
k1	Tree to car park of Bowling Green	201
k2	Car park and Bowling Green pavilion	1,051
l	Grass swave to side of bowling green	323
m	Grass area in area E	108
n1	Grass swave to side of bridle path area E	813
n2	Grass swave to side of bridle path area E	32
o	Grass swave to side of bridle path area E	623
p	Grass swave to side of bridle main spine road	698
q	Grass swave to side of bridle main spine road	122
r	Grass swave to side of bridle main spine road	57
s	Grass swave to side of bridle main spine road	303
t	Grass swave to side of bridle main spine road	91
u	Grass swave to side of bridle main spine road	326
	Total	26,886



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

Addendum to Agenda Items Tuesday 8th March 2011

Other Reports

ITEM 8

St Crispins

Deed of Variation to S106 Agreement

Items for Determination

ITEM 11A

N/2010/1037

Change of use from a Public House (Use Class A4) to a Muslim Community & Education Centre (Use Class D1)

The Clicker Pub, 1 Collingdale Road

Representations received from Mr H. Shah acting on behalf of the applicant commenting on the lack of such facilities and this proposal represents the provision of a self financing and self sufficient scheme that will also provide employment opportunities. A number of services are proposed that include clubs for the elderly; social activities for women and children; charity fund raising events; welfare services; assistance for bereaved families; advice and counselling and language classes.

The applicant has monitored usage at the existing facility over the last six weeks at the busiest period of use (Fridays between 12pm and 2pm) and this has averaged at 52 attendees. Many visitors share cars and this will be continue to be encouraged. The application site includes cycle storage and can also be developed to provide additional parking space if demand requires it. A satisfactory noise assessment has been provided and other legislation also covers noise levels.

The signatories to the petition may also have written letters of objection and so are counted twice. Of the 106 houses within Debdale Road, Silverdale Road and Collingdale Road, only 22 have raised objections. Leafleting of the area has also been carried out. Letters from a wide cross section of the community have also been received in support.

The building has been vacant since March 2010 and no other groups or organisations have attempted to purchase and use it. Community and education centres belong at the heart of communities and all members of the community will be permitted to use the centre for meetings and events.

A letter of objection has been received from the occupiers of 45 Coaching Walk as it is considered that the proposed use is not suitable in this location, given the area's character and the site could be better used for alternative uses. The proposal will also create additional congestion.

An objection from a Mr Alex Graves (address unknown) has been submitted, commenting on the potential availability of the centre to all groups.

Correspondence has been received from the occupiers of 6 Silverdale Road commenting upon recent examples of congestion within the vicinity, which has resulted in damage to the pavement by delivery vehicles. The car park of the Clicker Public House is used by a number of people to park when visiting the nearby school. Photographs of the parking situation within Silverdale Road, Debdale Road and the application site have been provided and a selection of which are included in the Committee presentation.

ITEM 11B

N/2010/1092

Erection of 40 dwellings with associated parking and play area (as amended by revised plans received on 9th February 2011)

Land adjacent to covered reservoirs, Boughton Green Road

Revised plans were submitted on 28th February 2011 showing minor alterations to parking court gates and fenestration of houses to improve surveillance after discussions with the case officer and Police liaison officer.

Cllr Perkins – comments that he is broadly supportive of the scheme but has concerns about parking on the University side of Boughton Green Road south of the mini roundabout opposite the water tower. He requests that further double lines be placed along this stretch of road. Officer response – there are no adverse comments from the County Highway Authority to support this request and the case officer is concerned that such action is not directly related to the development proposed. A 'Grampian' condition would not meet the planning conditions circular tests and would therefore be unjustified. This request can be passed to the County Council to consider for general highway improvements.

NCC Highways – have submitted no objections subject to conditions for creating a footway next to Boughton Green Road prior to construction and highway layout. It is requested that the Committee delegate the wording of these conditions to the Head of Planning.

ITEM 11C

N/2009/0785

Outline application for the demolition of existing B8 business units and erection of 14 two bedroom and 8 one bedroom apartments, formation of new access parking areas

172-174 St Andrews Road

ITEM 11D**N/2010/0906 & N/2010/0320**

Erection of two storey visitors centre at base of tower. (As amended by revised plans received 06th December 2010)

The National Lift Tower, Tower Square

Letters in support of the applications have been submitted by the applicant (1 February 2011) and agent (8 February 2011). These are appended to the Addendum for Committee's consideration.

An additional **letter of objection received from 34 Tower Square**: Committee should be aware that if permission is granted this will make it easier for the owners to apply for a future freefall experience which local residents are opposed to. This would significantly increase noise in a quiet residential area. There is no objection to a smaller scale of development but residents fear that in its current form the proposal would be highly obtrusive in their daily lives.

ITEM 11E**N/2011/047**

Single storey front extension and conversion of garage to living accommodation

34 Vienne Close, Duston**Enforcement Matters****ITEM 12A****E/2011/0100**

Unauthorised advertisements

Corner of Tanner Street and St Peters Way

Correction:

"That the Borough Solicitor be authorised to instigate prosecution proceedings in respect of the unauthorised advertisements pursuant to Section 224a of the Town and Country Planning Act 1990 (as amended) and to take any other necessary, appropriate and proportionate enforcement action pursuant to this provision within the Act in order to bring about the proper planning control of the land".

ITEM 12B**E/2010/0689**

Unauthorised change of use and development

The Mill Wheel Public House, Billing Brook Road

ITEM 12C**E/2011/0034**

Non compliance with conditions pursuant to Planning Permission
N/2008/0811

42-46 Kingsthorpe Grove**ITEM 12D****E/2011/0054**

Unauthorised change of use to car repairs

10 Peverels Way**Applications For Consultation****ITEM 13****N/2010/0653**

Extension to existing food store, relocation of two shop units, erection of a community building, new bus waiting facility, provision of new pedestrian footpaths, landscape works, lighting works and revisions to the car park layout (WNDC Consultation)

Tesco Superstore Hunsbury Centre, Clannell Road

Sainsbury's object on the following grounds:

- There should be an overarching requirement to apply a fair and consistent approach to the consideration of corresponding foodstore applications in the Northampton area. Should the Tesco proposal be supported in its current form, this would represent a clear conflict from the approach adopted to the Sainsbury's extension proposals;
- The lack of any proper assessment of the proposals against the relevant PPS4 tests means that the principle of development cannot be supported at this stage. This is true even if Members decide to overturn the recommendation by Officers that Mereway should not be afforded designated shopping centre status;
- The scale of comparison goods floorspace within the store as proposed (3,470 sqm) exceeds that which Members imposed an absolute limit on within the extended Sainsbury's store (1,512 sqm) by some 1,958 sqm. The impacts of the additional floorspace combined with existing must be far greater (if properly assessed) than that found by Members to be the maximum level acceptable at the Sainsbury's store. If Members were minded to

support Tesco, this must be on the basis of a much reduced allowance (if any) of additional comparison goods floorspace; and

- Given the above, the potential lack of opportunity that NBC Members have been afforded to consider and assess the full implications of the proposals prior to determination by WNDC is a concern. This was considered to be an essential stage of the process as part of the Sainsbury's application.

Tesco, through their agents have submitted three sets of information:

1. 41 pro forma letters of support from members of public.
2. A retail study report by Peter Shearman Associates looking at the current retail profile of Northampton and the Tesco Mereway extension's influence over this.
3. A legal opinion from William Hicks QC that contradicts the conclusions of the report before members and argues that Mereway Centre is a District Centre in the Development Plan and thus PPS4 does not require an impact assessment in this case.

It is understood that the Peter Shearman Associates report and Counsel opinion has been sent to all members of the Committee.

The letters of support and retail study are duly noted, but neither directly relate to the content of the report before members.

The legal opinion raises matters that require further analysis and consideration by NBC officers and their advisors to ensure advice to members is robust.

Under these circumstances officers recommend that members of the committee defer the application to allow further consideration of the information submitted.



Mr Pete Sullivan
National Lift Tower
Northampton
NN5 5FH

Mr Jonathan Moore
Planning Officer
Northampton Borough Council
Planning Department
Cliftonville House
Bedford Road
Northampton
NN4 7NR

1st February 2011

Dear Mr Moore

I write in response to your letter dated 24th January 2011 regarding planning application reference N/2010/0906 and listed building application 2010/0320.

Tall buildings such as the tower need infrastructure in the form of outlying or attached buildings in order to support their operation. This was true when the tower was first constructed by Express Lifts and remains true today. At the time of construction, long before the site was given over to housing, operations at the tower were supported by functions provided in other buildings on the site. These functions include office space, meeting rooms, catering, security, storage and engineering services. In order for us to be able to operate the tower successfully and therefore secure it's future, we need to replace what was taken away when the site was redeveloped for housing. This is the purpose of the new building.

We agree that the new building is disproportionate to the size of the tower - it is tiny by comparison. We believe that the size of the proposed design is the minimum needed to fulfil the above requirements and could justifiably have been a lot bigger. However, inadequate space was set aside when the housing estate was erected. Even with the new building in place, we will need to look for extra storage space at other local sites.

The tower is the focal point for the lift industry in the UK and Europe and it is entirely appropriate that we should provide the necessary level of facilities for it to operate as such.

We will be happy to provide a business plan to demonstrate the necessity of a building of the scale proposed in order to secure the future of the tower. In summary, the running costs of the tower exceed £120,000 per year. In order to cover these costs and to recoup the large sums already invested in the project, the tower site needs to be run as a profitable and sustainable business. We do not believe that this is possible with the site as it is, or with a building any smaller than the one proposed.

Furthermore, we believe that this enhancement to the site will benefit the local economy with job creation, training opportunities, inward investment from Europe and knock on effects to other local businesses in the accommodation, entertainment, transport and engineering industries.

Regarding the visibility of the base of the tower from The Approach, I would argue that a large part of what defines the building as a landmark and worth conserving is its impact on the skyline of Northampton. The historic setting of the tower has already been destroyed and an inappropriately intensive housing development put in its place.

We see surrounding part of the base of the tower with a walkway as necessary in order to be able to secure all three existing entrances. As previously discussed, we are happy to incorporate transparent walls into the design. Also, surrounding the building protects it from attack by graffiti, the removal of which would permanently scar the building.

Regarding the comments on the quality of the design, we consider that the build quality of the tower itself is of a low standard and our design for the new building will add to the overall quality of the site. We are happy to look again at the design of the building and welcome suggestions to address specific concerns. However, we are not willing to spend more money on redesign only to have planning refused on the grounds that the building is too large.

We are happy to submit a Travel Plan as suggested by the Highways Authority, and will do so prior to the application being determined. In summary, our proposal is to provide a shuttle service to offsite parking owned by the council on Edgar Mobbs Way. The shuttle service will also run to the train and bus stations. This service will be operated whenever there are events on the site justifying such measures (conferences, workshops, training days etc).

We appreciate that there may be conflict over car parking spaces and would point out that the parking at the base of the tower is made available to local residents in the evenings and weekends. The arrangement is reciprocal and we have had no issue or complaints regarding traffic, parking

or any adverse impact on residents when hosting events at the tower for upwards of 50 people, all arriving by car.

We would also cite the example of McDonalds on Sixfields which has a relatively small number of parking spaces (34) to support a turnover approximately £600,000 per month whilst rarely overflowing into the cinema parking area.

In conclusion, whilst I am perfectly happy to develop the tower project and support it, it must ultimately be economically viable. I believe that the facilities which we have planned are the absolute minimum required to ensure the long term survival of the tower. Therefore if we cannot realise the full extent of the project, I will withdraw my support and concentrate my efforts on business development plans in Milton Keynes.

Yours sincerely

Pete Sullivan, Owner, National Lift Tower

0820H8Feb11
8th February 2011.

**SANSOME
HALL
ARCHITECTS**

Jonathan Moore
Planning Department
Northampton Borough Council
Cliffonville House
Bedford Road
Northampton
NN4 7NR

Northampton Borough Council Planning	
Date	09 FEB 2011
File Number	236462

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Dear Mr Moore

VISITOR CENTRE, NATIONAL LIFT TOWER, NORTHAMPTON
Ref: N/2010/0906 and N/2010/0320 (LBC)

We are in receipt of your letter dated 24th January in which you list a number of matters that need addressing. I understand that our Client, Mr Sullivan, has had a meeting to discuss your objections to the scheme as a result of which the agreed action is that the Application goes forward to Committee, possibly with a recommendation for refusal, and in the event of being refused, we will lodge an Appeal. With this in mind we would like to address the points raised in your letter as follows:-

Conservation comments:-

The claim that the Visitor Centre will have "*significant detrimental impact on the setting of the building and leads to a loss of significance for the building*" is contested. The tower is 127 metres tall whereas the proposed Visitor Centre is only 10 metres tall leaving 117 metres of the shaft of the tower in clear view. To claim that it represents a "*loss of significance*" is to deny the massive significance of a 400 foot tall concrete structure in the centre of an otherwise totally domestically scaled development.

The comment includes the statement that the Visitor Centre "*engulfs approximately two thirds of the base*". The dictionary defines "*engulf*" as "*swallow up, submerge*" neither of which, we would suggest is relevant in this case. What the new building does is to firmly attach itself in a positive and distinctive manner to a massively dominant structure so that the newly created access to the combined structures has its own identity and is clearly visible to visitors. It should be noted that the original tower has no distinct "*entrance*".

To go on to state that the proposal is "*oversized*" is again misleading – in what context is the building "*oversized*"? Our Client is addressing the commercial justification for the spaces provided as designed but we would like to remind you of the reason for having to accommodate any supporting facilities on such a constrained site. As Mr Sullivan has pointed out in his written submission which accompanied the Planning Application, the original tower was serviced by a whole range of additional accommodation spread over an extensive, surrounding site. Once the site became redundant only the Listed Tower was preserved and NBC permitted a domestically scaled residential development to go ahead while retaining only a *minimal* site for the Tower – no more than

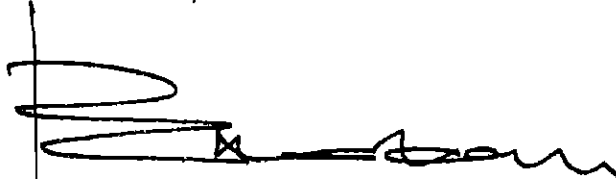
an enlarged traffic island as the centrepiece to a roundabout hemmed in on all sides by two and three storey dwellings in terraces. This short-sighted policy guaranteed that anyone trying to bring the Listed Building back into use would be compelled to accommodate the missing facilities within the irregular shaped site already dominated by the footprint of the tower itself. Given that parking, access, deliveries and new accommodation would have to be housed within this defined space, the only possible option is to concentrate the new accommodation on the widest part of the site – the approach side, thereby fixing its position and defining its relationship with the tower. We would suggest that the single most significant contribution to *"the setting of the building"* is not the proposed Visitor Centre but the previous acceptance of a large housing development allowed to encroach up to the base of the tower. The current proposal is aimed at rescuing the tower from this situation, not creating it.

This leads on to the Conservation comment contained in the last paragraph: *"In this instance it is not considered that the design is of sufficient quality to provide a positive contribution to the character and **local distinctiveness of the historic environment** and the details including scale, height, massing, alignment and materials have been insufficiently considered in relation to the setting of the "heritage asset"*.

"Local distinctiveness" is restricted entirely to the tower itself, the historic environment having been totally destroyed by the wilful act of allowing inappropriate development right up to the foot of the tower. Any subsequent development in support of the activities within the tower is therefore restricted in position and size by the previous decisions. The scale, height, massing and alignment are therefore heavily constrained but have been **carefully** considered to produce a building complex that can sit at the foot of this dominant structure without looking insignificant. The proposal has adopted a series of curves to generate its shape with the "cogs" and materials chosen to impart an industrial rather than a residential character to the building. As there is no way that any relatively small-scale support building can "compete" with the tower, the approach taken has been to give it a precise, polished, "engineered" appearance – the exact opposite of the claim that this has been *"insufficiently considered in relation to the setting"*.

We believe that none of the arguments raised by Conservation can be sustained and we would ask for this response to be added to the Planning file so that the counter arguments can be assessed by the Planning Committee.

Yours sincerely



Peter Hall
SANSOME HALL ARCHITECTS

c.c. Peter Sullivan



PLANNING COMMITTEE: 8th March 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2010/1037: Change of use from Public House (use class A4) to a Muslim Community and Education Centre (use class D1)
The Clicker Public House, 1 Collingdale Road, Northampton

WARD: Headlands

APPLICANT: Mr. A. Abdullah, Gulzar-e-Madina Welfare Trust

AGENT: Mr. L. Beaver, Datum CAD Services Ltd

REFERRED BY: Cllr. B. Markham

REASON: Concerned that the proposal would be detrimental to residential amenity through excessive noise and disturbance and the likely increase in traffic movements and associated noise

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL, subject to conditions and for the following reason:

The proposal is for a community use, compatible with the surrounding predominantly residential area and would operate without detriment to the amenities of that area or highway safety. The proposal is therefore compliant with the requirements of PPS1, PPS23, PPG13 and PPG24 and Policy E20 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 The applicant has applied to change the use of this now vacant public house, which falls under Class A4 of the Town and Country Planning

(Use Classes) Order 1987 (as amended), to form a community and education centre that falls under Class D1 of this Order.

- 2.2 The building has a floor space of 260m², of which 170m² is currently laid out for use as a bar area and function room. The remainder of the building is storage space, kitchen, staff rest area, toilet facilities and circulation space. It is proposed that 107m² of the building be used for a prayer area, 73m² as a community/function area and 17m² be used as a community/meeting room. The remainder of the building would be storage, kitchen, toilet facilities and circulation space. One member of staff would be employed.

3. SITE DESCRIPTION

- 3.1 The application site is located within a primary residential area as identified within the Northampton Local Plan. The surrounding residential properties include bungalows to the north of the site and two storey flats and houses to the south. The building was constructed as a public house during the early 1950s. It also contained an attached small residential unit. A car park, containing 45 spaces is located to the south of the building. This is accessed via entrances in Collingdale Road and Silverdale Road.

- 3.2 The application states that the Public House closed in March 2010 and has remained vacant since this date. An 'indefinite' public house licence remains in place allowing the premises to be open between 10am and 12:30am on Sundays to Thursdays, 10am and 1:30am on Fridays and Saturdays. Exceptions to this are in place for Christmas Eve and New Years Eve. Although this is an 'indefinite' licence, this can be reviewed depending the manner in which the premises are operated and managed. There are no planning restrictions on the existing public house's opening hours.

4. PLANNING HISTORY

- 4.1 NR/50/171 – Proposed outline for a public house – Approved
- 4.2 Additional applications have been submitted to Northampton Rural District Council and, latterly, Northampton Borough Council for various minor alterations to the building and advertisements.

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 unless material considerations indicate otherwise. The current Development Plan comprises the East Midlands Regional Plan, the Northamptonshire County Structure Plan and the Northampton Local Plan.

5.2 **National Policies**

PPS1 – Delivering Sustainable Development
PPS4 – Planning for Sustainable Economic Growth
PPS23 – Planning and Pollution Control
PPG13 – Transport
PPG24 – Planning and Noise

5.3 **Northampton Local Plan**

E40 – Crime and vandalism

5.4 **Supplementary Planning Guidance**

Parking

6. **CONSULTATIONS / REPRESENTATIONS**

6.1 **Public Protection (Environmental Health - NBC)** – A satisfactory noise assessment has been submitted and this should be a condition of any approval. The noise assessment identifies the use of a forced ventilation scheme; however, a detailed scheme should be submitted by condition. It is recommended that conditions are used in relation to the opening hours of the premises, of which 10am to 11pm are satisfactory.

6.2 **Highway Authority (NCC)** – No objections in principle, but due to the potential increase in children walking to the site, a condition is requested that would provide visibility splays to the car park entrance.

6.3 **Northamptonshire Police Crime Prevention Design Advisor** – No objections as the site has sufficient parking, is set back from the road and immediate neighbours and someone would be living on site. Following discussions with officers, it has been agreed that it would not be necessary to gate the entrances to the site. The applicant is a well known group, which has operated from Abington Community Centre with no recent issues.

6.4 **Northamptonshire Fire and Rescue** – Requesting that consideration be given to the positioning and type of refuse storage and would encourage the installation of an internal sprinkler system.

6.5 **Cllr. B. Markham** – Objecting to the proposal as it is likely to generate excessive noise and disturbance as a result of people visiting the property at unsociable hours, which would be detrimental to residential amenity. There is likely to be an increase in traffic movements and noise from people entering and leaving the property.

6.6 **Northamptonshire Rights and Equalities Council** – The area around the site is reflective of Northampton in being socially, racially and religiously diverse. Therefore, this proposal serves both specific elements of the local community as well as the wider community. The proposal would not disrupt the area and would make a greater contribution to the environment than the now disused site. The building has no foreseeable future as a public house and therefore, if this

application were to be refused, it could remain as an eyesore in the local environment. The site benefits from significant car parking.

6.7 **Council for Ethnic Minority Communities** – The proposal is a good opportunity to provide a meeting place that is welcoming to women and children. The building is vacant and is not viable as a public house. Car parking is of a sufficient level. The proposed community centre would be available for all groups, which would be a benefit for good relations in the area.

6.8 Letters of objection have been received from the occupiers of 25 Ashley Way; 39, 58, 63, 70, 79, 81, 119, 123, 125, 127 and 129 Booth Lane South; 170 Broadway East; 68 Bush Hill, 43 Bushland Road; 85 Charnwood Avenue; 57 and 67 Coaching Walk; 3, 6 (two letters), 8, 9, 13, 16, 19, 23, 26, 29, 30, 32, 33 and 38 Collingdale Road; 10 Conifer Rise; 27 Cottarville; 1, 2, 7, 27 and 31 Debdale Road; 3 Dryland Road; 195 Fullingdale Road; 6 Hervey Close; 5 Holman Close; 5 Sandiland Road; 6 and 9 Silverdale Road, 143, 236 and 270 The Headlands; 25 Trooper Road (Albury, Tring), 4 Malcolm Road; 568 Wellingborough Road; 22 (two letters) and 78 Westone Avenue and five unaddressed letters. Comments can be summarised as:

- The area is already well served in the provision of educational establishments and the area already features a number of religious establishments, which are used for a number of functions and groups.
- Other locations are more appropriate and the area does not have a high level of public transport
- There has been no surveying of local needs, interests or beliefs and the proposal may reduce community cohesion
- A public house would benefit the local community and would generate less traffic
- Patrons visiting the public house tended to leave at varying times and many walked. This minimised the impacts on local residents from traffic noise
- Traffic and parking problems could be created. The area already experiences high levels of traffic. The high demand for on-street car parking spaces has created problems with congestion.
- The proposal would create excessive noise and light levels, which was not the case with the public house and many people live nearby. It is not possible to fully assess the scheme's impacts
- The proposed opening hours would have a detrimental impact upon residential amenity and contribute to anti-social behaviour.
- Anti-social behaviour took place at the pub and fly tipping now takes place at the site.
- The building may be inappropriately extended or altered
- The use of the site may change from the Community and Education Centre.

6.9 A petition has been submitted, signed by 112 individuals expressing objections to the proposed development on the grounds that it will

significantly increase the amount of traffic, on street car parking would create congestion and disruption, the location of the centre is not environmentally sustainable, excessive noise would be generated and the facility would be of little benefit to the local community.

6.10 Letters of support have been received from 12 Battalion Drive (two letters); 136 Beech Avenue (two letters); 27 Birchfield Road; 3 Blossom Way; 44 Bostock Avenue (three letters); 37 Brickwell Court; 79 Bridgewater Drive (two letters); 9 (two letters) and 49 Briton Road; 101 Broadmead Avenue; 57 Broadway (three letters); 191 Bush Hill (four letters); 21 Bushland Road (four letters); 12 and 31 Codlin Close; 35 (two letters) and 45 Edgemont Road; 35 Elmhurst Avenue; 5 Escher Court (two letters); 117 Fullingdale Road (five letters); 17 Fulford Drive; 2 Grassmere Avenue; 92 Hamsterly Park; 75 and 124 Hinton Road; 165a Kettering Road; 11 Knights Court; 54 Lingswood Park (three letters); 41 Mallows Drive (Raunds); 27 Norman Road; 24 North Paddock Court; 9 North Hayes Court; 26 Oat Hill Drive; 10 Oleander Crescent (two letters); 7 Oransay Close (two letters); 7 Parva Court; 8 Pelham Court; 37 Probyn Close; 25 Sandiland Road; 10 Sharrow Place; 16 Smythe Court; 4 Stamford Way (two letters), 136 (seven letters) and 208 The Headlands (two letters); 10 Thirlmere Avenue; 63 Thorburn Road; 4 Thyme Court (two letters); 4 and 23 Whiteland Road; 11 Whittlebury Close; 32 Whitworth Road; 18 and 72 Wilford Avenue; Headlands Primary School; Northamptonshire Green Party; the Wellingborough Inter Faith Group and an unaddressed letter. Comments can be summarised as:

- The proposal will be a community resource in an accessible location and therefore there are benefits to the whole community
- The proposal would provide a venue for social activities within the local neighbourhood and strengthen links between different groups within the wider community.
- There are few facilities of this type within Northampton and this proposal has the potential to be an asset to the area
- Noise and disruption is unlikely to be greater than that generated by the public house use
- Sufficient car parking is already available, but it is likely that a number of people will be travel by other methods
- The building has been vacant for some time and this proposal would bring the building back into a productive use.
- Anti-social behaviour can be generated by any group of the community and would not necessarily be linked to this proposal.
- If refused community relations within Northampton will be damaged.

7. APPRAISAL

Principle of the development

7.1 The provision of a community centre and education facility in this location would see an improvement in the level of accessibility to such facilities and as a result of this it is considered that the general principle of a Class D1 use in this type of residential area is acceptable and in

accordance with the requirements of PPS1 – Delivering Sustainable Development. PPS1 places an obligation upon Local Planning Authorities to consider the diverse needs of the wider community. As the property is located within a residential area and in close proximity to the bus routes that operate within Booth Lane South, it is considered that the location of a community and education centre is generally appropriate

- 7.2 It is also necessary to consider the ‘fall back’ position for this particular site (i.e. the lawful public house use). The operation of a public house, with unrestricted opening hours could have the potential to lead to an adverse impact upon residential amenity. This current application offers the potential to restrict the operating times. Due to permitted development rights, the established use could be converted to any Class A1 (retail), A2 (financial and professional services) or A3 (restaurant/café) use without applying for planning permission, each of which could lead to an impact on neighbour amenity, traffic and parking, particularly bearing in mind that the use would have no planning controls re hours of opening.
- 7.3 It is considered that although commercial in nature, a public house does represent a community facility. As a result of this, there are a number of similarities between the functioning of a public house and the proposed community and education centre. Therefore, it is considered that the impacts of the current proposal would be, at worst, neutral, but probably less of an impact than a fully operational public house.
- 7.4 Although the commercial use of the site has currently ceased, PPS4 – Planning for Sustainable Economic Growth states that Local Planning Authorities should, in promoting sustainable economic activity, recognise the potential for change within the economy as well as the need for leisure facilities.

Impact upon neighbouring properties

- 7.5 The proposed use has the potential to create a detrimental impact upon residential amenity through noise and disturbance. The applicant has therefore submitted a survey into noise levels, which includes an assessment of the existing ambient noise levels as well as the level of noise likely to be generated from the operation of the proposed community and education centre. This has been achieved through the study of noise levels at a comparable facility. Through this, it has been demonstrated that, subject to suitable upgrades to the building including improved windows, the proposed use would not cause an undue detrimental impact upon the amenities of surrounding properties. In order to maintain this situation and with reference to the advice of the Council’s environmental health service, it is recommended that a condition be attached to any approval requiring that the proposed use operates in manner consistent with the findings of this noise report.

- 7.6 In order to reduce the impacts of the proposal (particularly during summer months) the applicant has identified the need for a forced ventilation system. This would ensure that the measures to mitigate noise levels described in paragraph 7.5 are effective at all times. This is to be secured by condition and implemented prior to the use commencing. It is considered that the proposed use would not give rise to any significant detrimental impact upon residential amenity as suitable controls would be in place to prevent any excessive noise and disturbance.
- 7.7 Under the provisions of the 'indefinite' public house licence, it is possible for the premises to operate between the hours of 10:00am to 12:30am Sundays to Thursdays and 10:00am and 12:30am on Fridays and Saturdays, with social and entertainment events (such as the playing of live music) needing to be concluded by 11:30pm. The applicant has revised the opening hours of the proposal to 10am until 11pm, which represents a reduction in the level of activity during more sensitive times. It is recommended that these hours be secured by condition.
- 7.8 For the foregoing reasons therefore it is considered that the proposal would not generate excessive noise to the detriment of residential amenity and therefore the proposal is in accordance with PPG24 – Planning and Noise.
- 7.9 In order to monitor the impacts of the development and to ensure that it does not give rise a detrimental impact upon the amenities of surrounding occupiers, it is recommended that a condition is applied to any approval requiring that any outdoor community or educational event requires the prior written approval of the Local Planning Authority.

Highways considerations

- 7.10 It is recognised that a number of users of the community centre may travel there by private car. However, due to the size of the car park at the premises (45 spaces) there is a suitable provision. This provision significantly exceeds the guidance contained in the County SPG on Parking for this type of use. The development also includes the provision of cycle storage that exceeds the minimum provision within this SPG.
- 7.11 Under the terms of the existing public house planning permission, a significant number of vehicles could be attracted to the premises. The same is true of the alternative potential lawful uses as described within 7.2 (i.e. Use Classes A1, A2 or A3). As a result of this, it is considered that the proposal would not have a significantly greater impact upon highway safety or traffic flow than the existing use.
- 7.12 The Highway Authority has requested the provision of 2m visibility splays to the site entrances. However, due to the existing commercial use of the site and its potential to attract to patrons arriving by car it

would not be reasonable to secure these requested amendments as the proposed use is unlikely to result in significantly greater traffic movements compared to the existing lawful use. The Highway Authority has raised no objections to the principle of the proposal.

Crime and anti-social behaviour

- 7.13 Policy E40 of the Northampton Local Plan requires that new developments should pay sufficient regard to deterring crime and vandalism. No objections have been received from Northamptonshire Police's Crime Prevention Design Advisor. Furthermore, the site is located at a prominent position within the road network, which would assist in creating a well surveyed site and this arrangement would assist in the prevention of anti-social behaviour. The three main entrances into the building are located on the southern elevation. This ensures that the most active elevation is the most prominent, thereby assisting in the creation of a development, which is of a safe nature.

Other considerations

- 7.14 Representations made during the consultation process comment upon the possibility of the use of the premises changing to another use in the event that planning permission is granted. In order to retain effective control over the use of the site and to allow the Council to opportunity to adequately assess the potential impact of other uses, it is recommended that any planning permission for the proposed use be subject to a condition that requires a further application for change of use from the proposed Community and Education Centre use. In order to secure a satisfactory standard of development, a condition is recommended to control refuse storage in accordance with PPS23.
- 7.15 Comments have also been made regarding the suitability of potential alterations to the building. These would require planning permission in their own right and would be considered on their individual merits in the event that an application were to be submitted.
- 7.16 Representations have also been received from Northamptonshire Fire and Rescue regarding the potential provision of a sprinkler system within the building. This is not a planning matter and would have to be considered under other legislative provisions. However, an informative note outlining this advice will be included should permission be given.

8. CONCLUSION

- 8.1 It is considered that, subject to controls that can be secured via conditions, the proposed change of use would not impact upon the vitality of the application site's environs over and above the existing lawful use as a public house. Furthermore, it would not give rise to an undue negative impact upon the amenity of the location, including the surrounding residential properties or adversely affect highway safety. It is therefore considered that the proposal is in accordance with the relevant local and national planning policies.

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. Unless otherwise in agreed in writing by the Local Planning Authority, the property shall only be used as a community and education centre and no other use within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: For the avoidance of doubt and to allow the Local Planning Authority opportunity to full assess the impacts of any alternative Class D1 use in the interests of general amenities in accordance with PPS1.

3. Unless otherwise agreed in writing by the Local Planning Authority, the premises shall only operate between the hours of 10am and 11.00pm

Reason: In the interests of residential amenity in accordance with PPG24 – Planning and Noise

4. Unless otherwise agreed in writing by the Local Planning Authority, the use hereby permitting shall operate fully in accordance with the submitted Noise Assessment (dated the 25th January 2011; reference MDR/J1957a).

Reason: To protect the amenities of nearby occupants from noise and to secure a satisfactory impact on residential amenity in accordance with the advice contained in PPG24 Planning and Noise.

5. Notwithstanding the details submitted, a scheme for the mechanical ventilation of the building shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, implemented prior to the use hereby permitted first commencing and shall be retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and to secure a satisfactory impact on residential amenity in accordance with the advice contained in PPG24 Planning and Noise.

6. Unless otherwise agreed in writing by the Local Planning Authority, no community or education events or activities shall take place outside of the building.

Reason: To protect the amenities of nearby occupants from noise and vibration in accordance with the advice contained in PPG24 Planning and Noise.

7. Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, implemented prior to the occupation or bringing into use of the building(s) and thereafter maintained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

Informative: The applicant is advised that Northants Fire and Rescue service encourage the installation of hard wired fire detection systems, smoke extraction systems to protect communal means of escape, lighting and surveillance systems and appropriate security measures.

10. LEGAL IMPLICATIONS:

10.1 None

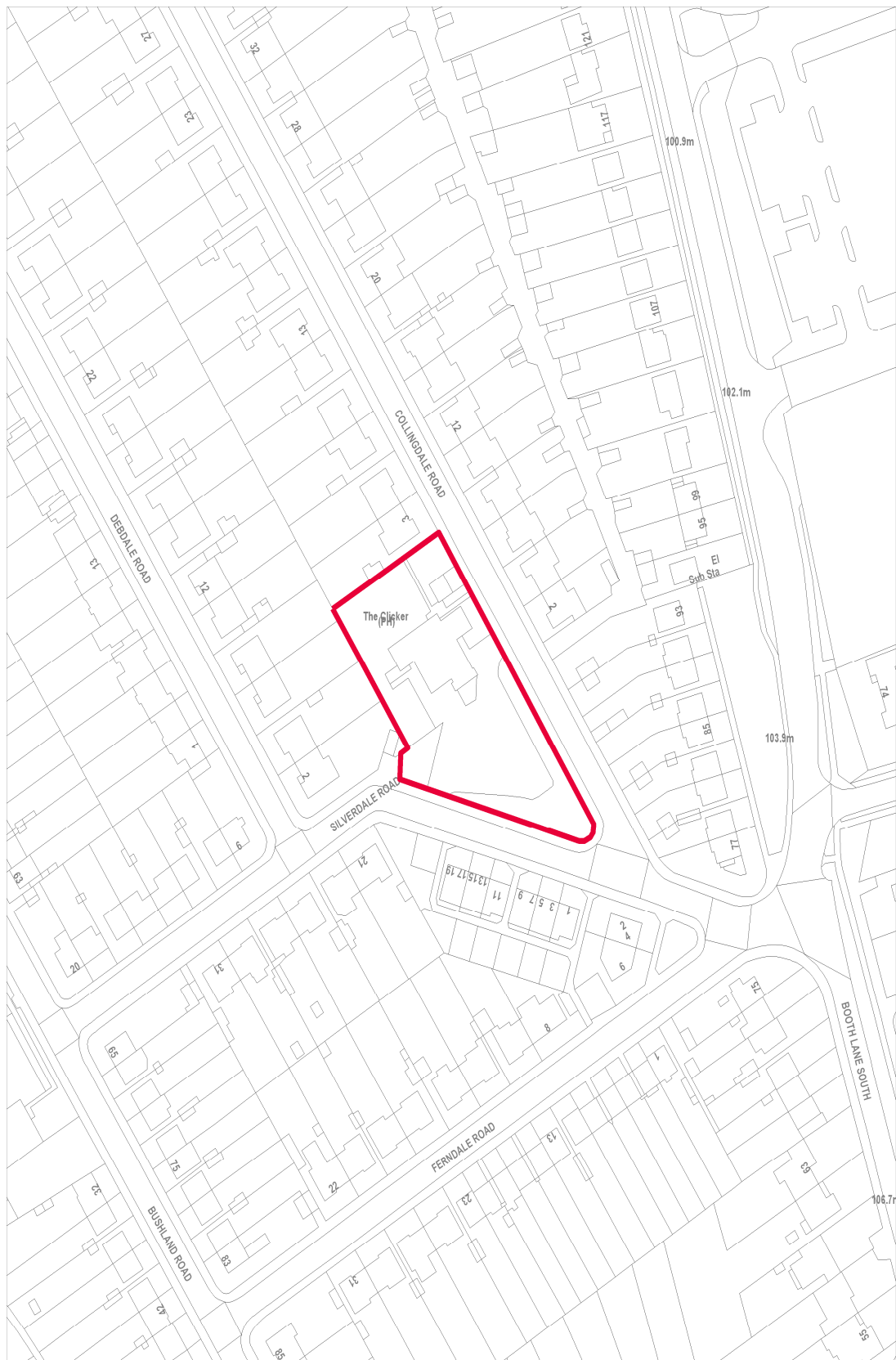
11. BACKGROUND PAPERS

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.

Position:	Name/Signature:	Date:
Author:	Ben Clarke	11/02/2011
Development Control Manager:	Gareth Jones	28/02/2011



Name: SW
 Date: 17th February 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title

The Clicker Pub, 1 Collingdale Road

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Agenda Item 11b



PLANNING COMMITTEE: 8 March 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2010/1092: **Erection of 40 dwellings with associated parking and play area (as amended by revised plans received on 9th February 2011) at Land adjacent to covered reservoirs, Boughton Green Road**

WARD: Boughton Green

APPLICANT: Orbit Homes (2020) Ltd and AWG Land Holding

AGENT: CSJ Brooke Smith Ltd

REFERRED BY: Head of Planning
REASON: Major Development

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 That the Council resolve to grant planning permission in principle subject to:

- (1) The prior finalisation of a Legal Agreement to secure:
 - The provision of 35% affordable housing
 - The long term maintenance of the play area / open space

- (2) The planning conditions below and for the reason that:

The proposed residential development offers suitable compensation for the loss of green space and the former function of the open space has been superseded by events, therefore the terms of saved Policy E6 of the Northampton Local Plan are met. The development is of acceptable layout and appearance, has suitable access and parking and amounts to sustainable development in accordance with saved Policies H7, E19, E20 and

E40 of the Northampton Local Plan and PPS3 Housing and no other material considerations indicate otherwise.

2. THE PROPOSAL

- 2.1 The proposal is for 40 dwelling units with a single access road joining the northwest side of Boughton Green Road. The development is largely two storey with a single 2 and half storey detached building containing 4 flats. The scheme is put forward by Orbit Homes as a primarily affordable scheme consisting of 25 No. 2 bedroom houses, 11 No. 3 bedroom houses, 2 No. 1 bedroom flats and 2 No. 2 bedroom flats.
- 2.2 The house types are shown in a variety of forms including semi-detached elements, short terraces and longer terraces. The adoptable road through the centre of the site branches off to a minor arm and ends in a dead end hammerhead. Parking is provided in a range of formats including driveway parking, normally side by side, a number of off-street parking bays and in two small parking courts. Overall provision is for 49 off-street spaces with some opportunities for residents to park on-street also, but most of the roads have been designed to prevent on street parking, particularly in relation to overspill parking from the University.
- 2.3 The entire layout is centred around a play space in the middle of the site, which is overlooked by every dwelling in the development. The play area is also clearly visible to the public passing on Boughton Green Road and although it would be managed by the Housing Association it will be open to public use.
- 2.4 The housing is laid out to create a strong frontage to Boughton Green Road with the dwellings on this aspect fronted by a stone wall providing private front gardens and parking areas. The houses facing Boughton Green Road have been designed to give a sense of place and in consultation with the case officer revisions have been added to improve their distinctive appearance. All the units on site have integral bin storage, bike storage, front gardens and useable rear gardens measuring from 7 to 12 metres in length.

3. SITE DESCRIPTION

- 3.1 The application site is part of Anglian Water's land next to the grass-covered reservoirs west of Boughton Green Road directly opposite the University Park Campus. The wider land is memorable as it also hosts a large water tower and telecoms mast as well as the reservoir mounds.
- 3.2 The land is on the northern edge of the Borough with Daventry District beyond. It is on the northern aspect where there are the only residential neighbours of the scheme, as to the west and south there is

the remaining Anglian Water land and to the east over Boughton Green Road there is the University campus with schools either side.

- 3.3 The site itself is a grassed area measuring 7500 square metres (roughly 2 acres) that is entirely private land with a chain link fence on the Boughton Green Road aspect, a small control building, some minor trees and shrubs.
- 3.4 In general terms the site is within the urban boundaries, in a busy location close to schools, university, business parks and with relatively easy access to Kingsthorpe District Centre.

4. PLANNING HISTORY

- 4.1 No relevant planning history beyond operation developments to the water supply infrastructure and the telecoms equipment on the adjacent tower.

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
PPS3 – Housing
PPG13 - Transport
PPS23 – Planning & Pollution Control
PPG24 – Planning and Noise
PPS25 – Planning and Flood Risk

5.3 Northampton Borough Local Plan

E20 – New development
E6 – Greenspace
E19 – Implementation/ obligations
E40 – Crime
H7 – Housing outside of primarily residential areas

5.4 Supplementary Planning Guidance

Designing out Crime SPG
County Waste Implementation SPD

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **NBC Open Space Team** – comment that they do not have the resources to take on new play spaces
- 6.2 **NBC Tree Officer** – comments that the trees on site are not significant and should not be protected.
- 6.3 **Northamptonshire County Council Planning** – No education contributions are required as local schools and colleges have ample free spaces available. NCC asks for £6,936 for libraries and £3,680 for fire and rescue services.
- 6.4 **NBC Public Protection** – no objections subject to conditions controlling unexpected contamination if encountered, a noise survey to protect residents from road noise and refuse storage facilities being maintained.
- 6.5 **NBC Housing** – they seek a legal agreement by the applicant to achieve a minimum of 35% affordable housing with 65/35 split between social rented and intermediate housing respectively. 10% Mobility standard is already achieved by the housing and need not be controlled. NBC Housing note that they would prefer a slightly greater mix of units in ideal circumstances.
- 6.6 **Northamptonshire County Council Waste** – waste audit required in line the County Waste SPD. Can be controlled by condition.
- 6.7 **Environment Agency** – Flood Risk Assessment submitted with the application is considered acceptable. The EA recommend that two conditions should apply controlling ground infiltration and main drainage from the site.
- 6.8 **Anglian Water** – no objections to the scheme, noting they have sufficient capacity for supply and foul drainage. AW asks for a note to applicant (partly themselves) that there is water supply infrastructure on site that will need to be respected.
- 6.9 **Northants Police** – during informal discussions has requested several additional windows to provide surveillance to certain parts of the site and these have been included. Some concerns about the parking court for plots 3 to 11 but this has been resolved with the introduction of lockable bollards for the allocated users of spaces.
- 6.10 **Highway Authority (NCC)** – No comments received.
- 6.11 **3 objections have been received from local residents** commenting on the following points:
- Traffic congestion and highway safety
 - Loss of green space

- Development is enclosed
- The potential for gating the development
- The play area should be publicly owned
- The reservoir risk has not be assessed
- Development is too dense
- Too little parking
- Objections to the type of tenure
- Drainage is insufficient
- Internal road should not join other local roads (it does not)

7. APPRAISAL

Principle of Development

- 7.1 The site is identified in the 1997 Northampton Local Plan as Green Space, which is protected by saved Policy E6. Policy E6 states that development will not be permitted where it will prejudice the function of Green Space areas as described in the Plan. The Plan describes this area of Green Space as one that should be retained to resist the outward expansion of the built up area. However, this designation and function has been superseded as Daventry District Council have permitted the residential development beyond what was once the urban boundary to the north thus overtaking the application site and undermining its function as an urban edge. The application site is now effectively a pocket of private green space within the greater town, but that is not to say it has lost its value as an important green space that adds character to the appearance of the wider area.
- 7.2 The original function of the Green Space allocation is now lost and it is considered that the blanket protection of the site to be retained as undeveloped land cannot be sustainable. The Green Space merits of the land in visual amenity terms are not entirely lost, but it is acknowledged that the land is fenced off grass with no public access. It is considered reasonable to allow the land to be developed providing that suitable compensation is offered in terms of green landscaping such as tree planting and that public open space benefits are achieved on site by other means. As the applicant has provided both opportunities from tree planting and a public young peoples' play space in the centre of the site that is attractive to other members of the public, it considered that the application meets the terms of the saved Local Plan Policy E6.
- 7.3 In terms of where the location is in the town and its suitability for development, the site is positioned close to a wide range of social amenities such as schools, colleges and jobs. Furthermore, it is a short bus journey or a slightly longer walk south along Boughton Green Road to Kingsthorpe District Centre. For these reasons, and by virtue of the site's location within the urban fabric of Northampton, it is considered a sustainable location for residential development that goes a considerable way towards providing much needed affordable family

housing. It will also minimise the need to travel by car where people have readily available facilities and amenities nearby that are easily accessed by other means.

Access and Parking

- 7.4 At the time of writing this report, no comments have been received by the County Highway Authority. However, the application has had substantial pre-application discussions including with the County Council and has been designed with roads that could be readily adopted by the County Council on completion. On that basis there are no further controls that need to be applied by means of planning condition unless any comments from the County Council are received prior to the Committee meeting. Any such comments would be reported to Committee via the Addendum.
- 7.5 The scheme has one access point and proposes 40 dwellings around a cul de sac arrangement. This stretch of Boughton Green Road is very busy at peak hours, particularly when the combined trip generation of the University and schools is at their highest. The road into this proposed development enters from Boughton Green Road at a point 50m from a mini roundabout that serves as a junction into the University. The mini roundabout acts to calm traffic to slower speeds and the proposed new junction will have clear visibility in both directions. It is concluded that the new access point is a safe one that has been chosen in consultation with the Highway Authority, albeit it is acknowledged that this adds further traffic into the street at peak times. However, the level of trip generation from 40 small houses in peak hours is unlikely to significantly change the far greater traffic volumes presently experienced at this point. In summary, the additional trips proposed are insignificant in terms of worsening an already congested local highway network that experiences very high volumes at peak hours.
- 7.6 On street parking is a concern for existing residents in this area, in particular due to overflow parking from the University Park Campus increasing pressure for on-street parking in local streets. On street parking restrictions have been implemented by the County Council in recent times and this is inevitably an issue for the proposed development that would be located directly opposite the campus.
- 7.7 A parking provision of 1.2 spaces per unit is proposed with all of this parking off street, within the development, in a mixture of private drives, off-street pull-ins and parking courts. The scattering of parking in this way helps to minimise the visual impact of parked cars in the area and does not group parked vehicles in inconvenient groups on site, remote from their dwellings. All of the spaces have been discussed at pre-application stage with the case officer to minimise their availability to those who may use these spaces at the expense of local residents. The level of resident off street parking is relatively low, but the

applicant as a Housing Association is happy that this reflects the level of car ownership that their occupiers normally need in these types of small dwellings. The chances of resident car parking being pushed off site into surrounding streets are very low. The remainder of the kerb sides in the development away from dropped driveway kerbs will be restricted by yellow lines that will be a part of the adoption process with the County Council. Put simply, there would be enough off-street and on-street car parking spaces for residents, whilst the risk of other commuters getting or seeking to get a parking space would be minimised. The layout is such that parked cars would be scattered largely off street creating a better street scene.

- 7.8 The application site is well located for local bus services and cycle routes. All of the dwellings have cycle storage for future residents as a matter of course. It is considered that this is a particularly accessible development that encourages fewer car journeys and thus accords with PPG13 Transport.

Layout and appearance

- 7.9 The application layout provides for 40 dwellings ranging from 1 to 3 bedrooms mainly in 2 storey houses with a single flat block. The site is three quarters of a hectare resulting in a density of 53 dwellings per hectare, which is relatively dense. The housing to the north is a density of around 35 to 40 dwellings per hectare. However the application development does include an element of flats and would only be slightly more dense in appearance overall. It is considered that the proposals amount to good use of the land without resulting in a cramped or poorly designed layout.
- 7.10 The general form of the layout places 12 houses facing out onto Boughton Green Road presenting a strong and attractive frontage that relates well to the activity outside. The frontage is lined by a stone wall that reflects the wall on the opposite side of Boughton Green Road and is intended to give a sense of place and identity to the development. This wall also creates a well defended and hidden parking area and defensible private gardens to the dwellings. In front of this a public footpath is extended along the street as far as the southern tip of the development until pedestrians are obliged to cross over to the opposite side of Boughton Green Road where the footpath continues. The frontage of the units proposed overlooking Boughton Green Road are a mixture of types with full hipped, half hipped and gable ended roofs, with porch covers, render, quoins and keystones all helping to add architectural interest. At the advice of the case officer, the windows on this elevation only have been modified with 150mm reveals and additional casements to improve the appearance of the most visible part of the scheme.
- 7.11 Further into the site and away from Boughton Green Road the scheme is made up of largely semi detached units. The units avoid adverse

overlooking entirely and all of the plots have good sized outside amenity areas. The majority of the units are 2 storey height which is in keeping with nearby residential buildings. The set back from the roads outside leave plenty of room for front gardens and the overall street appearance is pleasant and not cramped.

- 7.12 In the centre of the site, the applicant proposes to put a play space directed at young people. This space is clearly visible to the passing public on Boughton Green Road and is overlooked in one or another by every dwelling in the scheme. This high level of surveillance produces a particularly safe and focused open space that if maintained properly will be a great local asset. Such maintenance is proposed to be controlled by means of a legal agreement and managed by the housing association.
- 7.13 The development has been assessed by the Borough Building For Life Assessor with a score of 11.5 out of 20. This score is considered good for a small affordable housing scheme. The strengths in the Building For Life assessment were local environment and community created, the strong sense of character, discreet parking and good location. Weaknesses were found in general accessibility, design and environmental sustainability.
- 7.14 The general layout and design will create a distinctive and focussed development which should ensure a good quality environment for future residents. Although dense, it is not too dense and does not cause overlooking or a poor layout and appearance as a result. Gating the entire development, as suggested by objectors, would result in numerous highway issues and for such a large development would be impractical for most residents who would no doubt, find ways of avoiding the constant opening and closing of the gates.
- 7.15 The on-site parking is discreetly positioned within the streets and wider layout, lowering the prominence of the parked car and giving less opportunities for opportunistic commuter parking associated with the University. All of the parking is well surveyed and supported by the Police consultation officer.

Open Space

- 7.16 As explained earlier in the report, the Local Plan Green Space allocation of the land does merit a requirement from the developer to compensate the local community for the loss of the current open site. The proposed central play space meets a local need identified in the PMP Open Space Audit commissioned by NBC and clearly the 40 new units, especially the 2 and 3 bedroom dwellings, will benefit from having a play space in such a convenient place. It is considered that the play area, in addition to landscape planting, is suitable to meet the terms of saved Policy E6 of the Northampton Local Plan.

- 7.17 The Housing Association has confirmed that it is happy to maintain the play open in perpetuity to the general public and will enter into an agreement to ensure this happens.

Affordable Housing

- 7.18 The application is made in part by Orbit Homes housing association and initial indications are that the units will be 100% affordable. Nonetheless, any permission would run with the land and not the applicant and therefore it is advised to seek an agreement that a minimum of 35% affordable housing is achieved on the land. The applicant has already informally agreed to these terms and is in the process of producing a suitable agreement.

Social infrastructure

- 7.19 The County as Local Education Authority have been consulted and advise that there is no need for education contributions due to the surplus spaces in local schools and colleges. Therefore no financial contributions will be sought in this case.
- 7.20 The County did however, request funds for libraries and fire and rescue services, but this is not backed up by a suitably robust case that the residents of this development will create a reasonable need for such infrastructure. Without such necessity being proven the request does not meet the tests for contributions and therefore these requests cannot be supported.

Waste

- 7.21 The County Council as Waste Planning Authority have been consulted on the proposals and point out that a suitable waste audit has not been submitted with the application and that for major sites such waste matters should be considered in line with the County Waste Implementation SPD. It is agreed that a waste audit for the handling of waste during construction and for the houses are occupied should be submitted and controlled by planning condition.

Landscaping

- 7.22 Earlier in this report, the matter of the green appearance of this site and proposal has been identified as a significant planning matter for consideration. The site has had an ecology study showing no nationally significant species, but some unusual finds that would warrant a certain level of control in ensuring native species are planted as part of a landscaping scheme.
- 7.23 The proposed layout shows the opportunity for numerous areas of heavy planting to support the appearance of the site and to act as

compensation for the loss of open green space. A landscape scheme will be required as part of the conditions on any permission.

Drainage

- 7.24 Anglian Water has confirmed that there is sufficient capacity for water supply and foul drainage to and from the site.
- 7.25 The Environment Agency are content with the Flood Risk Assessment submitted and only seek to avoid hastened drainage due to the new hard surfaces being created and suitable drainage from the site overall. These can be controlled by planning conditions.
- 7.26 Questions have been raised by objectors and the case officer about the safety of the site in relation to the large reservoirs and Anglian Water has confirmed these are safe.

8. CONCLUSION

- 8.1 The application site is an area of private green space enclosed as part of the Anglian Water Reservoir site. Its special protection as an urban buffer has been superseded by development over the last decade or two and now the site is suitable for sensitive development that compensates for the green space loss. It is a sustainable location for residential development and planning policy encourages new affordable dwellings.
- 8.2 The development is well laid out with a strong frontage, central focal point and a definite sense of place. Although dense, it is not over developed and the road and access is considered acceptable. Parking is controlled in a sensible manner, which will discourage commuter parking and maintain enough spaces for residents.
- 8.3 Affordable housing and the play area can be controlled by a suitable legal agreement.
- 8.4 For all the reasons above, it is considered that the proposed development accords with national planning policy and the policies of the Development Plan.

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 development shall be carried in accordance with the approved plans unless otherwise agreed in writing with the Local Planning

Authority.

Reason: For the avoidance of doubt.

3. Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

4. Unless otherwise agreed in writing by the Local Planning Authority, prior to the first occupation of any of the dwellings hereby permitted the vehicular access for parking for plots 3 to 11 shall be fitted with bollards. The details of which shall first be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter.

Reason: In the interests of highway safety, the free flow of traffic and residential amenity in accordance with Policy E40 of the Northampton Local Plan.

5. Details and / or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

6. Full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site, implemented concurrently with the development and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

7. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and completed fully in accordance with the approved details and the approved implementation programme and maintained thereafter.

Reason: To secure satisfactory drainage of the site in accordance with

the advice contained PPS25 Development and Flood Risk.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance current good practice, and where remediation is necessary a remediation scheme must be prepared in accordance with current good practice, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with current good practice.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

11. A site specific Waste Management Facilities Strategy must be submitted to the local planning authority prior to the commencement of development. Waste Management Facilities Strategy must address provisions subscribed in Part A, Section (2.47/2.49/2.50) of the Development and Implementation SPD.

Reason: Ensure compliance with requirement for site specific detailed Waste Management Facilities Strategy guiding the development.

10. BACKGROUND PAPERS

10.1 N/2010/1092.

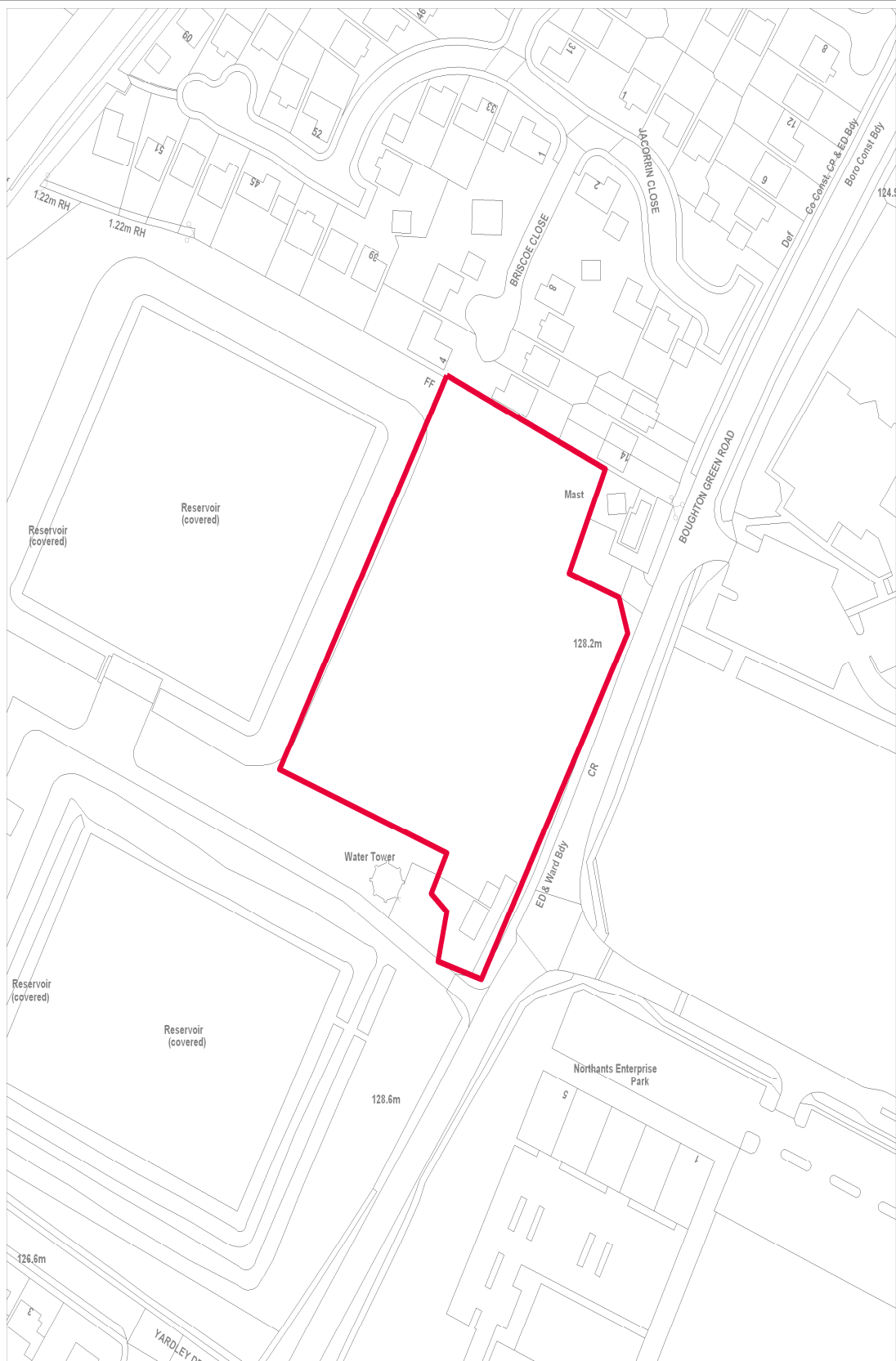
11. LEGAL IMPLICATIONS

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.

Position:	Name/Signature:	Date:
Author:	R Boyt	18/02/2011
Development Control Manager Agreed:	G Jones	18/02/2011



Name: SW
 Date: 17th February 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title

Land Adj to Covered Reservoirs, Boughton Green Road

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Agenda Item 11c



PLANNING COMMITTEE: 8 March 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2010/0785: Outline application for the demolition of existing B8 business units and erection of 14 two bedroom and 8 one bedroom apartments, formation of new access parking areas. 172-174 St Andrews Road (as amended by revised plan received on 9 November 2010)

WARD: Castle

APPLICANT: Mr. M Brown
AGENT: Mr. B Waine

REFERRED BY: Head of Planning
REASON: Due to the scale of development and requirement for a S106 Agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to:

- A) The prior completion of a legal agreement to secure the provision of a minimum of 35% affordable housing and a financial contribution to fund the alternative transportation infrastructure; and
- B) The appended conditions and for the following reason:

The principle of residential use on a site allocated within a primarily residential area is acceptable and in accordance with Policy H6 of the Northampton Local Plan. The layout, scale and access to the site are considered acceptable and would not be detrimental to residential amenity or highway safety in

accordance with Policies H6 and E20 of the Northampton Local Plan.

- 1.2 **Delegate authority to the Head of Planning to refuse or finally dispose of the application** in the event that the mitigation to be secured by legal agreement (para 1.1 A, above) have are not secured on or before 31 May 2011.

2. THE PROPOSAL

- 2.1 Demolition of existing warehouse units and erection of 22 apartments with new vehicular access and parking areas. This is an outline application with the *appearance* of the residential units and *landscaping* reserved for future consideration. The apartments are proposed to be contained in two blocks with a vehicular access situated between them with 22 parking spaces to the rear. The illustrative drawing submitted with the application shows the blocks to be three storeys high.

3. SITE DESCRIPTION

- 3.1 Six commercial units in various states of disrepair and situated around a yard used for parking and servicing. The site measures 42m wide and 30m deep with frontage to St Andrews Road and the Brampton Nene river to the rear. On the opposite side of St Andrews Road lies the Semilong residential area. Immediately to the north there is a car dealership, which forms an open yard. A large residential development of two blocks of flats has recently been completed to the north beyond the car dealership. The site has an area of 0.17 hectare. The frontage to St Andrews Road currently contains two advertisement hoardings.

4. PLANNING HISTORY

- 4.1 Outline planning permission for four industrial units has been approved on this site on several occasions, the last being in May 2005 (ref N/2002/1238). The corresponding reserved matters was refused in July 2008 on the grounds of their dominant appearance, lack of highway visibility and insufficient parking provision (N/2008/0589). This application was dismissed on appeal.

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 and saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

- 5.2 **National Policies:**
 - PPS1 – Delivering Sustainable Development
 - PPS3 – Housing
 - PPS5 – Planning for the Historic Environment
 - PPS13 – Transport
 - PPS23 – Planning and Pollution Control
 - PPG24 – Planning and Noise
 - PPS25 – Development and Flood Risk
 - Circular 05/05: Planning Obligations
- 5.3 **East Midlands Regional Plan 2009**
 - Policy 2 – Promoting Better Design
- 5.4 **Northampton Borough Local Plan**
 - E20 – New Development
 - E40 – Crime and Vandalism
 - H6, H11, H17 & H32 – Residential Development
- 5.5 **Supplementary Planning Guidance**
 - Northamptonshire County Parking Standards SPG 2003
 - Affordable Housing SPG
 - Planning out Crime in Northamptonshire SPG 2004
 - Northamptonshire County Parking Standards SPG 2003
 - Northamptonshire County Planning Obligations and Local Education Authority School Provision SPG 2004/6
- 6. **CONSULTATIONS / REPRESENTATIONS**
 - 6.1 **NCC Highways Authority** - request 1.25 spaces per residential unit and a financial contribution towards the alternative transport infrastructure.
 - 6.2 **NCC Planning** – request a waste audit.
 - 6.3 **NCC Archaeological** - unit request a condition relating to the protection of any heritage assets.
 - 6.4 **NCC Police** - no objections.
 - 6.5 **NCC Planning** - request financial contribution towards library and fire and rescue.
 - 6.6 **NBC Environmental Health** - no objection with conditions relating to the control of contaminated land, traffic noise and air quality.
 - 6.7 **Anglian Water** - no objection subject to conditions.
 - 6.8 **Environment Agency** - no objection subject to conditions.

- 6.9 **Central Networks** - no objection.
- 6.10 **Wildlife Trust** - no objection demolition of buildings may result in disruption of protected species of birds or bats.
- 6.11 **NBC Housing** - no objection with requirement of 35% affordable units.
- 6.12 **102 Baker Street** objection as the proposed development would:
- Affect sunlight and have a detrimental impact on their garden
 - Result in overlooking and restrict privacy
 - Put more pressure on parking
 - Result in an increase in traffic
- 6.13 **Highgrade Motors St Andrews Road** - have no objection to this but would request that no habitable windows face the boundary of their property in case they wish to develop it.

7. APPRAISAL

Principle of Development

- 7.1 The site is located within an area allocated as a primarily residential area in the Local Plan and therefore the principle of a new residential development is acceptable. Site presently contains buildings in a poor state of repair and is located in a mixed character area with predominantly terraced dwellings to the east and non-residential uses to the north and south. This development would not only provide extra residential accommodation but also enhance the appearance of the area. Similar development (residential redevelopment of commercial premises as apartments) has in recent years been brought forward on land to the north of the application site.

Siting and layout

- 7.2 The proposed development is designed to have two blocks sited close to the St Andrews Road frontage with a single point of access located in between. The development has been designed in this way to ensure that the distance away from the river is maximised with the risk of flooding minimised. The siting in this location will compliment the existing residential development to the north and enhance the appearance of the area compared to the existing commercial yard. The layout would also result in the parking and bin storage areas being hidden from view of the public highway but well overlooked by the development itself. The two blocks are to be sited further back from the road than the existing buildings to provide a more open aspect to the site and complement the existing residential development to the north.

Impact on amenity

- 7.3 There are residential properties on the opposite side of St Andrews Road. These are predominantly orientated to Baker Street albeit that nos. 99 and 102 Baker Street do have windows facing St Andrews Road. A minimum separation distance of some 14 metres between the nearest houses on the opposite side of St Andrews Road and the nearest part of the proposed development would be provided. This separation distance combined with the orientation should ensure that there would be no significant impact on the amenity of those properties. Any detailed issues can be dealt with during the reserved matters application for the external appearance of the buildings.

Transportation issues

- 7.4 The Highway Authority required an increase in the distance between the two blocks and better visibility at the junction of the access road with St Andrews Road to ensure proper highway safety. This has been achieved following negotiation and the submission of a revised layout plan. Parking of 1.25 spaces per unit was also requested as the originally submitted scheme showed 24 units with 20 spaces. The revised plan shows 22 spaces for 22 units. This is considered acceptable, as it is identical with the provision secured for the recently completed residential development to the north in line with Highway Authority advice. Moreover, the development is situated on a bus route and close to the local centre in Semilong to the east.
- 7.5 A financial payment has been requested by the Highway Authority to improve the local infrastructure for cycling and pedestrians contained within the NCC Northampton Cycling Development Plan. It is considered that a payment would be justified to finance a section of cycleway along St Andrew's Road from the site south to Grafton Street / Spencer Bridge Road. This would deliver part of a planned cycle link from Kings Heath to Black Lion Hill identified in the County Council's Northampton Cycling Development Plan (scheme ref. F49) and improve access to the existing park to the south of the site at the northwest corner of Spencer Bridge Road and St Andrews Road.

Environmental and Other Issues

- 7.5 The Environment Agency has no objections to this proposal but require conditions to be attached to ensure that the appropriate works are carried out to prevent the development from flooding.
- 7.6 The Wildlife Trust have also requested a condition be attached to enable a survey to be completed to determine the possible presence of birds or bats in the existing buildings. However, although the aims of such a condition are supported, as the buildings could be demolished without planning permission, a condition is not justified. Therefore an informative rather than a condition is recommended.

7.7 The proposed development could have a detrimental impact on any archaeological deposits present in the site and a watching brief is required to ensure their protection in line with the advice of the County Archaeologist's advice to be secured via condition.

7.6 The County Council has also requested financial contributions towards funding of library and fire services. However, given the scale and type of the development and the fact that it is not clear how such contributions would be directly related to the proposed development as required by Circular 05/05, it considered that any request for a financial contribution to these matters could not be reasonably sustained.

8. CONCLUSION

8.1 This proposal is considered to provide a positive benefit to the locality by way of improving the street scene with the removal of relatively unattractive commercial buildings and the redevelopment of the site with a modern residential scheme.

9. CONDITIONS

(1) Approval of the details of the external appearance of the buildings, the means of access thereto and the landscaping of the site ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This permission is in outline only granted under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

(2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

(3) The development hereby permitted shall be begun either before expiration of five years from the date of this permission, or, if later, before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

(4) A minimum of 10% of the affordable dwellings and a minimum of 10% of other dwellings shall be available for occupation by persons with disabilities and constructed to the Local Planning Authority's mobility housing standards and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site

and thereafter implemented concurrently with the development, and thereafter retained as such.

Reason: To ensure adequate provision is made for people with disabilities in accordance with the guidelines contained within PPS 3 and Policy H17 of the Northampton Local Plan.

(5) Full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(6) Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation or bringing into use of the buildings and thereafter maintained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(7) Full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted, provided prior to the development being first brought into use and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan and PPG13.

(8) Unless otherwise agreed in writing by the Local Planning Authority the submission of reserved matters shall include the provision of a minimum of one on site car parking space per unit.

Reason: To ensure that adequate parking facilities are maintained in accordance with the Guidelines contained within PPG13.

(9) Prior to development commencing the applicant shall assess the Noise Exposure Category(ies) of the site due to its exposure to transportation noise. This must take into account, where appropriate, Roads or Railways that may not be immediately adjacent to the site and the likely growth of traffic over the next 15 years. The applicant shall also submit for approval a scheme to protect the site where its noise exposure exceeds NEC A. The scheme shall include a site plan showing the position, type and height of the proposed noise protection measures together with the resultant NEC(s) for the site. When noise protection measures for the site are impractical or do not reduce the NEC for all amenity areas, all facades or all floors of the proposed

dwellings to NEC A the plan shall clearly indicate the site layout and the predicted NEC for all facades. Where facades or floors do not fall into NEC A a noise insulation scheme, which will require the provision of mechanical ventilation, shall be submitted for approval by the Local Authority and implemented prior to the properties being occupied.

Reason: In the interests of residential amenity in accordance with the advice contained in PPG24 Planning and Noise.

(10) Prior to the commencement of any development on the site the impact of air quality in the vicinity of the site shall be assessed in accordance with current good practice. The findings of the assessment shall be used to inform the design of any remedial measures deemed necessary to ensure compliance with current air quality standards.

Reason: To protect the amenities of future occupiers of the apartments in accordance with the guidelines contained within PPG23

(11) Prior to the commencement of the development hereby permitted, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - ground waters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposed of the preferred option(s).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

(12) Prior to the commencement of the development hereby permitted, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and

other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetables of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

(13) The approval remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

(14) No development shall take place within the area indicated until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with PPS5 Policy HE12.

(15) No development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the guidelines contained with PPS25.

(16) The development permitted by this planning permission shall only be carried out in accordance with the approved BCAL Consulting Flood Risk

Assessment (FRA) dated July 2010 Revisions A, reference number 4420R001A FRA and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 62.46m Above Ordnance Datum (AOD).

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with the guidelines contained within PPS25.

10. LEGAL IMPLICATIONS:

10.1 None.

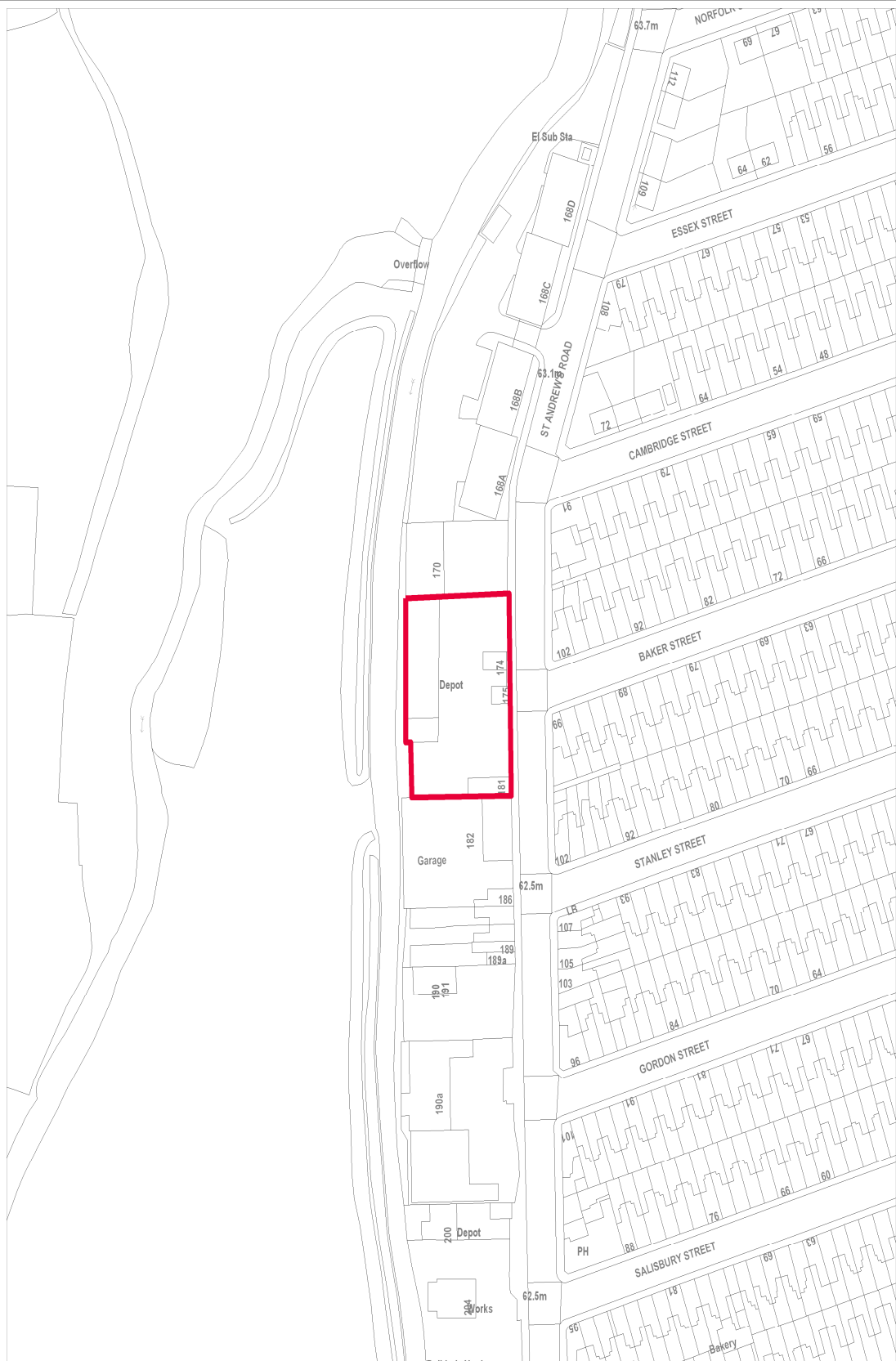
11. BACKGROUND PAPERS

11.1 N/2010/0785.

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.

Position:	Name/Signature:	Date:
Author:	Geoff Wyatt	16/02/2011
Development Control Manager:	Gareth Jones	16/02/10



Name: SW
 Date: 17th February 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
172-174 St Andrews Road

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PLANNING COMMITTEE: 8 March 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: N/2010/0320 (Listed Building Consent) and
N/2010/0906 (Planning Permission)
Erection of two storey visitors centre at base
of tower
Northampton Lift Testing Tower, Weedon
Road

WARD: St James

APPLICANT: Peter Sullivan
AGENT: Sansome Hall Architects

REFERRED BY: Councillor Pam Varnserry
REASON: Parking

DEPARTURE: No

APPLICATIONS FOR DETERMINATION;

1. RECOMMENDATIONS

1.1 REFUSE planning application N/2010/0906 for the following reasons:

- (1) By reason of its design, siting, size, massing and footprint the proposal would represent an incongruous form of development detrimental to the character, appearance and setting of the host building, a Grade II Listed Building, contrary Policy E20 of the Northampton Local Plan, Policy 2 and Policy 27 of the East Midlands Regional Plan and the aims and objectives of PPS1 and PPS5.
- (2) By reason of the scale and nature of the proposal combined with its siting within a residential area, the development would result in increased disturbance, nuisance, noise and general activity to the detriment of the living conditions and general amenity of the area contrary to advice in PPG24.

- 1.2 **REFUSE listed building consent application N/2010/0320** for the following reason:

By reason of its design, siting, size, massing and footprint the proposal would represent an incongruous form of development detrimental to the character, appearance and setting of the host building, a Grade II Listed Building, contrary Policy E20 of the Northampton Local Plan, Policy 2 and Policy 27 of the East Midlands Regional Plan and the aims and objectives of PPS1 and PPS5.

2. THE PROPOSAL

- 2.1 Full planning permission and Listed Building Consent are sought for the erection of a 2 storey visitor centre at the base of the National Express Lifts Tower, off Weedon Road, Northampton.

- 2.2 It is proposed to erect a two storey extension to the existing lift tower structure. This new structure would measure some 10m high and be predominantly sited to the north of the existing tower but wraps around roughly a third of its base. It would comprise the following principle elements:

- New reception area to act as a single point of entry for all visitors and anyone entering the tower
- Café at ground floor
- 100 seat revolving auditorium for conferences and seminars at first floor level.
- Two storey void with hoist

- 2.3 It is proposed that the existing tower and new extension would be used for the following purposes:

Conferences - It is anticipated that the lift tower would host lift industry related events organised by the University of Northampton, the Lift Academy, the Lift and Escalator Industry Association (LEIA) and the Chartered Institute of Building Services Engineers Lifts Group (CIBSE). The applicant has indicated that no more than 10 such events would be held per year and it is expected that any one of these events could fill the 100-seater auditorium.

Training courses – The applicant has stated that the tower would become a centre of excellence for training within the lift industry and would complement the University of Northampton by offering a hands-on environment for lift training. The applicant is a strategic partner of the University, which provides a range of lift engineering courses. The courses offered by the applicant would take place on a variety of lift related subjects and would occur most weeks. The number of delegates is indicated to be unlikely to exceed 20 and it is expected that most of the courses would be residential with delegates staying in local accommodation. It is proposed to shuttle delegates by bus to and from the tower to local accommodation.

Research, development and testing - The tower was built for the purposes of researching, developing and testing lift technology. There are a number of shafts available for let on short or long term leases. The applicant's hope is to achieve full occupancy of all rentable shafts and associated office / accommodation space. It is anticipated that a maximum of 15 people would be working on projects at any given time.

Café – A new café would be formed in the ground floor of the extension. It is proposed to be open from 9am to 6pm Monday to Sundays with an average occupancy of 10 customers and would provide catering for staff and members of public and cater for events and cater for conference / training events.

- 2.4 A total of 10 off street parking spaces are proposed on the eastern side of the tower at Tower Square with one space being allocated for disabled users. Access for deliveries and servicing is taken off the western side of the tower from Tower Square.

3. SITE DESCRIPTION

- 3.1 The site is located within a modern residential estate to the south of Weedon Road to the west of the town. The lift tower is a highly distinctive and prominent concrete structure measuring some 127m high and 14m in diameter at the base. It is a Grade II Listed Building (listed in 1997) and has been previously used as a lift testing facility. The tower was built during 1980 to 1982 and designed by Stimpson and Walton for Express Lifts Company. It is positioned within a circular island at the end of the main estate road (The Approach) from Weedon Road and is surrounded by residential flats and houses completed in 2005.
- 3.2 The Lift Tower was opened in 1982 as a purpose built lift testing tower as part of the wider Express Lifts factory complex. The factory was closed in 1999 following the takeover of Express Lifts by Otis. The Tower was incorporated into the surrounding residential development such that it could continue to be used for lift testing purposes by the British Standards Institute. Although it has continued to be used periodically for research and development the building became largely dormant until 2008 when it was taken over by the current owner, the applicant.

4 PLANNING HISTORY

- 4.1 Planning permission was granted in November 1979 under Local Planning Authority reference 79/1017 for the construction of a lift testing tower with associated training facilities. Since then various applications have been determined for associated development connected with the tower.

- 4.2 In 1999 planning permission was granted for 411 residential dwellings, this was for the residential development which now surrounds the tower.
- 4.3 In 2003, there was a listed building consent application submitted for the demolition of the tower which was refused and an appeal made against the refusal. The appeal was withdrawn on the first day of the resulting Public Inquiry and the Council was awarded costs.

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 the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 East Midlands Regional Plan

Policy 2 - Promoting Better Design

Policy 27- Regional Priorities for the Historic Environment

5.3 National Policies:

PPS1 – Delivering Sustainable Development

PPS4 – Planning for Sustainable Economic Growth

PPS5 - Planning for the Historic Environment

PPS23 - Planning and Pollution Control

PPG13 - Transport

PPG24 - Planning and Noise

5.4 Northampton Borough Local Plan

E20 – New Development

E40- Crime and Vandalism

5.5 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

Planning Out Crime in Northamptonshire SPG 2004

6 CONSULTATIONS / REPRESENTATIONS

6.1 Built Conservation (NBC) Object.

The principal concern with the application is that the scale and footprint of the building proposed is disproportionate to the size of the tower. Although the application states that the proposals will be dwarfed by the height of the tower this does not take into account the perspective of the building from the ground.

The proposed development engulfs approximately two thirds of the base of the tower with the new development and includes an oversized extension to the north of the building.

Therefore the base of the tower will not be at all visible from the principal elevation along The Approach. This is considered to have a detrimental impact on the setting of the building and leads to a loss of significance of the building.

It is considered that insufficient justification has been provided for the nature and scale of the proposals to justify the loss of significance to the structure with particular regard to the setting of the building. It is not considered that the design is of sufficient quality to provide a positive contribution to the character and local distinctiveness of the historic environment and the details including scale, height, mass, alignment and materials have been insufficiently considered in relation to the setting of the heritage asset.

6.2 **English Heritage** The application should be determined in accordance with national and local guidance and on the basis of your specialist conservation advice.

6.3 **Archaeological Advisor (NCC)** The application site lies on the south side of Weedon Road in an area where there have previously been identified remains from buildings associated with the medieval abbey of St James. These remains were identified to the north of the tower and any deposits in the site vicinity are likely to have been truncated by the towers construction but there are nonetheless the potential for remains to survive. The proposed development will have a detrimental impact on any archaeological deposits and an appropriate condition should be attached in accordance with advice in PPS5.

6.4 **Ancient Monuments Society** support the development as it gives meaningful future to a most distinctive landmark and the design seems appropriate and ambitious. We encourage your council to take a positive view of the proposal.

6.5 **East Midlands Design Review Panel** The scale, massing and prominence of the visitor centre needs careful consideration and it is our view that there may be an unsatisfactory relationship between the tower and visitor centre and its impact on public realm and streetscene.

6.6 **Highway Authority (NCC)** A total of 28no car spaces should be provided for the proposal. The 10no existing car spaces as detailed on the submitted Parking Layout would also only be sufficient for the existing situation.

Therefore there is the potential for a significant shortfall in parking, despite the measures suggested in the statement for the tower usage to overcome this. However another factor, which has not been referred to in the adoptable highway, which includes a degree of public parking around the edge of the circular road that surrounds the site.

There are a total of 27no spaces around this road that have unrestricted public use and, although it is understood they were not for a particular use, except probably for visitors where the housing density is high but with minimal road frontage, it could be considered that some

of this parking would be available for visitors to the tower. Despite the potential of the public parking, there would always be availability issues, although the surrounding housing does have on-site provision within parking courts.

The applicant has also referred to measures to reduce car use that should be included within a Travel Plan. With the suggestion of pursuing the provision of additional parking with, for example, the bingo hall and rugby club this should be pursued as an agreement with particularly the new car parking off Edgar Mobbs Way.

6.7 **Northamptonshire Police (NCC)** Have serious concerns over the impact on the surrounding residential area which is already buckling under the strain of parking spillage from other commercial activities. It is noted that the applicant refers to the new development being used for conferences and modes of transport used by 3rd parties will be difficult to control and roads are too narrow to accommodate the safe movement of coaches and buses when cars are parked on both side of the road. In the Design and Access Statement there is no indication about the use of café and whether it is open to the public during the day or purely for use of the people attending sessions at the tower. In essence, our concerns can be summarised in that the site is too tight for such an expansion and the movement to and fro and the impact on residents.

6.8 **Public Protection (NBC environmental health)** No objection in principle. There are some concerns about the impact on the amenity of residents in the locality. It is recommended that any approval be subject to the conditions below regarding noise and cooking odours. It is recommended that hours of use be restricted to 0800 to 2000.

6.9 **Councillor Pam Varnsvery** requests that application be referred to Planning Committee as there are concerns over parking at the locality and the ongoing impact of traffic management in the area is substantial.

Neighbours

6.10 **Neighbour responses were received from numbers 31, 33, 34, 35 Tower Square, 39 Far End, 17 The Approach, 52 Nearside, and 23 Park Corner**

- Increase in traffic generation to the estate with no through road
- Would increase damage to the road currently maintained by members of the St James Neighbourhood Trust
- Proposed use will conflict with this residential area
- Lack of provision for smokers
- Effect on utilities in the area
- Concern over height of building
- Concern over potential future use of the tower for “Freefall experience”

- Parking - the tower is located in a residential area and the use would lead to problems with parking in an area where congestion can already be a problem
- Difficulty in trying to enforce parking especially use of Edgar Mobbs Way
- Concern over proposed use and possible A1 use
- Impact on residential properties
- Overshadowing and loss of light resulting from proposed building
- The proposed design and appearance would be out of keeping with rest of development
- No provision of trade effluent
- Increase in litter and no consideration given to this
- Noise and disturbance in a residential area
- Overlooking / loss of privacy

7. APPRAISAL

Main issues

- 7.1 The principal considerations for the determination of the planning application relate to the design and appearance of the new building and its impact on the setting and character of the Grade II Listed Building, parking / highways and the acceptability of the additional uses / more intensive use of the site in terms residential amenity and the town centre.
- 7.2 Regarding the application for listed building consent the sole issue to consider is the impact on the special character, appearance and setting of the Listed Building.

Principle of development

- 7.3 Policy EC10 of PPS4 encourages Local Planning Authorities to adopt a positive approach to planning applications for economic development and in considering planning applications that secure sustainable economic growth.
- 7.4 National Planning guidance also stresses that all planning applications for economic development should be assessed against certain impact considerations including the impact on local employment, impact on physical and economic regeneration, whether the proposal secures high quality design and accessibility by a range of transport modes including walking, cycling, public transport and car.
- 7.5 In policy terms, a development of this type involving conferencing and a café uses should ideally be located within the town centre where it contributes to the mix of town centre uses to support the viability and vitality of the centre and is most accessible by a range of transport means and more sustainable in line with the aims and objectives of PPS4. The applicants have indicated that they have explored other

alternative sites for the purposes proposed in the extension and have had to discount these for various reasons. As a result, the proposal must be assessed against its current location and a decision made on the merits of this site.

- 7.6 The café is relatively small and in its own right would not have any negative impact on any recognised centres including the town centre due to its limited scale. The auditorium / conference space proposed at first floor with seating for 100 delegates is of greater concern, particularly when considered in combination with the ground floor café floorspace. Nonetheless, on balance, given that these facilities are intended to be ancillary to the main use of the tower and as such cannot be readily located remote from the tower combined with the fact that the town centre is reasonably well served for auditorium / venues and the comparatively small scale of the event space it is not considered that the use would have a significant impact on the town centre or other recognised centre.
- 7.7 Whilst officers support the principle of some form of development at the site that is directly connected to supporting the existing lawful use of the tower as a unique testing and research facility, to help secure the future of the lift tower, reservations are held over the scale and intensity of development proposed as detailed below.

Applicant's Justification

- 7.8 The applicant has submitted a brief Business Plan to support their application which sets out the activities and costing / income generated on a yearly basis for the existing lift tower (i.e. without the proposed extension). The activities identified are consistent with the planning application although there is no detail on figures for the proposed new building. The Plan indicates that the business would make an annual profit of approximately £30,000. It also identifies that there would need to be a fund of £500,000 available to allow for future repairs and renovation of the tower to be undertaken as required.

Design and Impact on Listed Building

- 7.9 PPS5 provides national guidance and policy on how proposals for development affecting heritage asset should be assessed.
- 7.10 Policy HE7 PPS5 encourages Local Authorities to take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment with consideration given to scale, height, massing and materials of new development. Furthermore, Policy HE9 states that where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local authorities should weight the public benefit of the proposal and recognise the greater

harm to the significance of the heritage asset the greater justification will be needed for any loss.

- 7.11 The principal concern with the proposal is that the scale and footprint of the building is disproportionate to the size of the tower and that although the application states that the proposal will be dwarfed by the height of the tower, this does not take into account the perspective of the building from the ground. It is acknowledged that due to the two / three storey scale of the new build and the screening effect of the surrounding residential estate it would not be readily visible from outside the estate. Nonetheless, the proposed building would be strongly visible for long distances along The Approach (the main access road leading up to the tower through the estate from Weedon Road) and the area around the tower. Consequently the new building would form a prominent feature in the context of the estate and existing tower which, due to its design and scale, would detract from the appearance of the host building.
- 7.12 The proposed development would occupy a large portion of area around the base of the tower and would be concentrated in the area to the north of the listed building. Due to its prominent siting at the approach to the site its detrimental impact on the setting of the listed building by reason of its massing, size, footprint and general design would be further compounded.
- 7.13 Notwithstanding the comments of the Ancient Monuments Society, it is considered that insufficient evidence has been given to justify the nature and scale of the proposals to outweigh the undoubted negative impact of the proposed built form on the listed building.
- 7.14 For these reasons and with reference to the comments of English Heritage and the Council's Conservation officers, the proposed development would be contrary to Policy HE7, which encourages development to make a positive contribution to the historic environment. It would also be contrary to the aims and objectives PPS1, which promotes high quality design, and E20 of the Northampton Local Plan, which also emphasises the need for good design. The proposal is also contrary to Policy 2 of the East Midlands Regional Plan which encourages design which helps maintain amenity and benefits the quality of life of local people and Policy 27 which promotes sensitive change to the historic environment and the conservation and enhancement of its own intrinsic value.

Impact on Amenity and Living Conditions of Neighbours

- 7.14 The site is located within the heart of a residential housing estate consisting of modern town houses and apartments.

- 7.15 The Council's Environmental Health service has no objection in principle subject to conditions being imposed controlling hours of operation, noise and cooking odour schemes.
- 7.16 Nonetheless, given the nature of the proposed use, which includes a 100-seater conference facility, the proposal would lead to increased activity and vehicle movements within this residential estate, which has the potential to significantly affect the amenity of local residents.
- 7.17 There are particular concerns re the conference facilities. The applicant has indicated that conferencing could be limited to events associated with the lift industry / adjacent tower and that 10 events would take place each year with potentially 100 delegates attending. Given the potential intensity of this use, it is considered that there is potential for a significant increase in customers using the site which would severely undermine the residential amenity of the area and cause harm to living conditions of nearby residents who live opposite and in close proximity the site.
- 7.18 It is acknowledged that the proposed café on it own is likely to be more of an ancillary use to the building and is of limited scale. Nonetheless, there is still concern that the combination of the uses and the potential use of the whole space for events would have a negative effect on the residential amenity of the area as the site would become a destination in its own right for conferences and related activities.
- 7.19 It is recognised that it may be possible to control and secure a number of the proposed activities by condition such as hours of operation, noise control, odours and an appropriate management regime. Indeed the applicant has stated that a shuttle bus service would be provided for conference delegates and attendees of training events, as discussed in following section. However, no mechanism for securing / managing this has been put forward and overall it is considered that given the range and number of uses concerned that it would be difficult to control all the proposed activities to the required level that would mitigate impact and justify approval of planning permission.

Parking and Highways

- 7.20 With reference to the County Wide SPG on Parking Highway Authority has advised that the development would generate approximately 28 off-road parking spaces when assessed against the. The applicant's parking layout shows that 10 spaces can be accommodated on the island surrounding the tower. The Highway Authority acknowledge that there is capacity for 27 spaces adjacent to the road encircling the existing tower which have unrestricted public use.
- 7.21 The applicant contends that the existing parking at the site is adequate to serve the day-to-day needs of a development of this size and nature. They have also submitted a brief Travel Plan with their application that

indicates how they wish to cater for larger events at the site. It is proposed that on days when they are hosting training courses or conferences that a shuttle bus service would be provided to the train and bus stations and that they would encourage visitors to use these modes of transport rather than drive. They also contend that where projects are being run by an individual company that in their view visitors would generally share vehicles rather than travel separately helping to reduce the need for parking. As the site is within easy access to bus routes on Weedon Road and within walking distance of the railway station it is considered that the site is fairly sustainable. The shuttle bus service would also be provided to the car parking at Edgar Mobbs Way to minimise parking in the residential estate surrounding the site.

- 7.22 Given the location of the site in close proximity to the Saints Rugby Club and Northampton Town Football Club it is noted that on match days the estate suffers from pressure for parking particularly on weekends when parking is at a premium. However, the hours of use of the proposed building are not likely to coincide with the match days.
- 7.23 Officers have reservations over how the proposed travel plan would be secured and managed and how this might affect highway safety, traffic flow and demand for parking in the vicinity of the site. Nonetheless, with reference to the advice of the Highway Authority, it is not considered that these concerns are sufficient to warrant refusal of the planning application.

Archaeology

- 7.24 The site is identified as being within an area that has previously been associated with identified remains in respect of the medieval abbey at St James. Therefore, should Members be minded to approve the planning application, officers would recommend a condition to control and secure adequate provision for investigation and recording remains in accordance with advice in PPS5 in line with the advice of the County Archaeologist.

Other Matters Raised by Neighbours

- 7.25 The concern raised in respect to loss of privacy raised by some objectors is unlikely to be problematic given the internal layout of the development, the proposed use and relationship to other properties. An increase in litter is also unlikely to be a concern as the café is not proposed to be take-away and waste management could be controlled by condition.

8 CONCLUSION

- 8.1 The proposed development would for the foregoing reasons have an adverse impact on the character, appearance and setting of the listed

building and residential amenity of the area. It is considered that the proposal is contrary to advice in PPS1 and PPS5 and Policy E20 of the Northampton Local Plan and advice in PPG24 and Policies 2 and 27 of the East Midlands Regional Plan.

9. BACKGROUND PAPERS

9.1 N/2010/0906 and N/2010/0320.

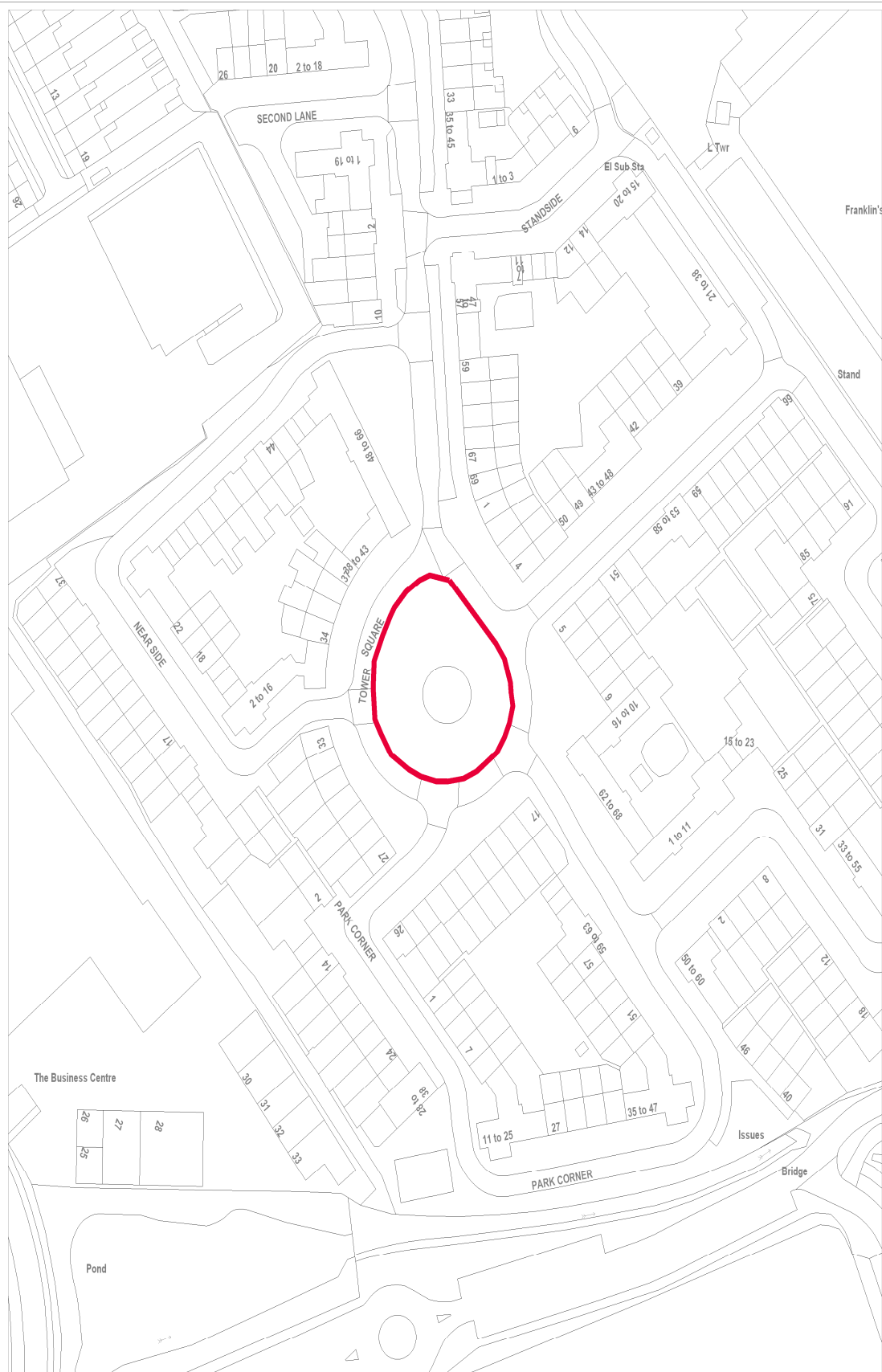
10. LEGAL IMPLICATIONS

10.1 None.

11. SUMMARY AND LINKS TO CORPORATE PLAN

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

Position:	Name/Signature:	Date:
Author:	Jonathan Moore	17/02/2010
Development Control Manager Agreed:	Gareth Jones	17/02/2010



Name: SW
 Date: 17th February 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title

The National Lift Tower, Tower Square

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Agenda Item 11e



PLANNING COMMITTEE: 8 March 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0047: Single storey front extension and conversion of garage to living accommodation

WARD: New Duston

APPLICANT: Mrs M Robinson

REFERRED BY: Head of Planning
REASON: The applicant is related to a former employee of Northampton Borough Council who will reside at the application address.

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions and for the following reason:

The impacts of the proposed development on the character of the original dwelling, street scene and residential amenity is considered to be acceptable and in accordance with Policies E20 and H18 of the Northampton Local Plan and Residential Extensions Design Guide.

2. THE PROPOSAL

2.1 The applicant seeks permission for a single storey front extension for an additional bedroom and shower room to cater for the needs of a disabled family member.

2.2 The attached garage would also be converted to habitable accommodation although this in itself does not require permission.

3. SITE DESCRIPTION

- 3.1 The property is a detached dwelling situated in a primarily residential area with similar dwellings within the cul-de-sac and surrounding area.
- 3.2 The front building line of the property is set back behind the rear building line of the adjacent neighbouring property at 33 Vienne Close.
- 3.3 An attached garage is located to the side of the property and is slightly set back from the existing front building line. There is a small front garden with a driveway, which would accommodate one vehicle.
- 3.4 An approximately 1.8 metre high fence forms the boundary between 33 and 34 Vienne Close. The ground level at 33 Vienne Close is also slightly lower than at 34 Vienne Close.

4. PLANNING HISTORY

- 4.1 The estate including the application premises was approved under an outline planning permission in 1979 and subsequent reserved matters permission in 1982 for residential development. The conditions attached to these permissions do not restrict permitted development rights, meaning that planning permission would not be required to convert the garage to habitable accommodation.

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:

Planning Policy Statement 1 – Delivering Sustainable Development

5.3 Northampton Borough Local Plan

E20 - New Development
H18 - Extensions

5.4 Supplementary Planning Guidance

Residential Extensions Design Guide (2004)

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 NBC Access Officer: No comments received.
- 6.2 A representation was received from the occupiers of the neighbouring property at 33 Vienne Close, who objected to the proposed development on the grounds that it would cause overshadowing and a loss of light to the rear garden.

7. APPRAISAL

Design and Appearance

- 7.1 The proposed front extension would extend 1.02 metres beyond the front building line of the existing dwelling and have an overall height of 3.578 metres.
- 7.2 The proposed extension would have a dual pitched roof similar to the roof of the original house and would be constructed in matching materials. It is considered, therefore, that the proposed extension would not impact upon the character of the existing dwelling or the street scene.

Impact on Parking

- 7.3 The extension would project forward onto the driveway, however there would still be sufficient off street parking for one vehicle on the driveway. As discussed above, the conversion of the existing attached garage to a habitable room does not in itself require permission, and therefore the impact of the development in terms of its impact on off street parking is considered acceptable.

Impact on Neighbours

- 7.4 The proposed extension would be situated to the south of the neighbouring property at 33 Vienne Close. It would project forward from the existing garage by 2.42 metres with the eaves height extending approximately 0.38 metres above the existing 1.8 metre high fence. The ridge of the roof is an additional 1.15 metres above the eaves, however the impact of this is mitigated by the fact that the roof slopes away from the neighbouring property, with the ridge being 2.5 metres from the boundary. There is a slight difference in ground levels between the properties however this is relatively insignificant.
- 7.5 Consequently there would be no impact on habitable rooms. Although the proposed extension would cause some overshadowing and loss of light to the rear garden of the adjoining neighbour at 33 Vienne Close, this overshadowing would only be slight during the winter months and in summer would not significantly impact upon the adjacent property any more than the existing house, given that there is currently an existing 1.8 metre high fence and that the impact is mitigated by the

dual pitched roof to the extension. It is considered, therefore, that the impact upon residential amenity and neighbouring properties, in terms of overshadowing and overbearing impact, would not be significantly adverse so as to warrant a refusal.

8. CONCLUSION

- 8.1 In conclusion, it is considered that the proposed development would be in accordance with Policies E20 and H18 of the Northampton Local Plan (1997) and the Residential Extensions Design Guide as there would not be a significant impact on the street scene, residential amenity or the adjoining neighbouring properties.

9. CONDITIONS

- 9.1 (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.

10. BACKGROUND PAPERS

- 10.1 Application file N/2011/0047.

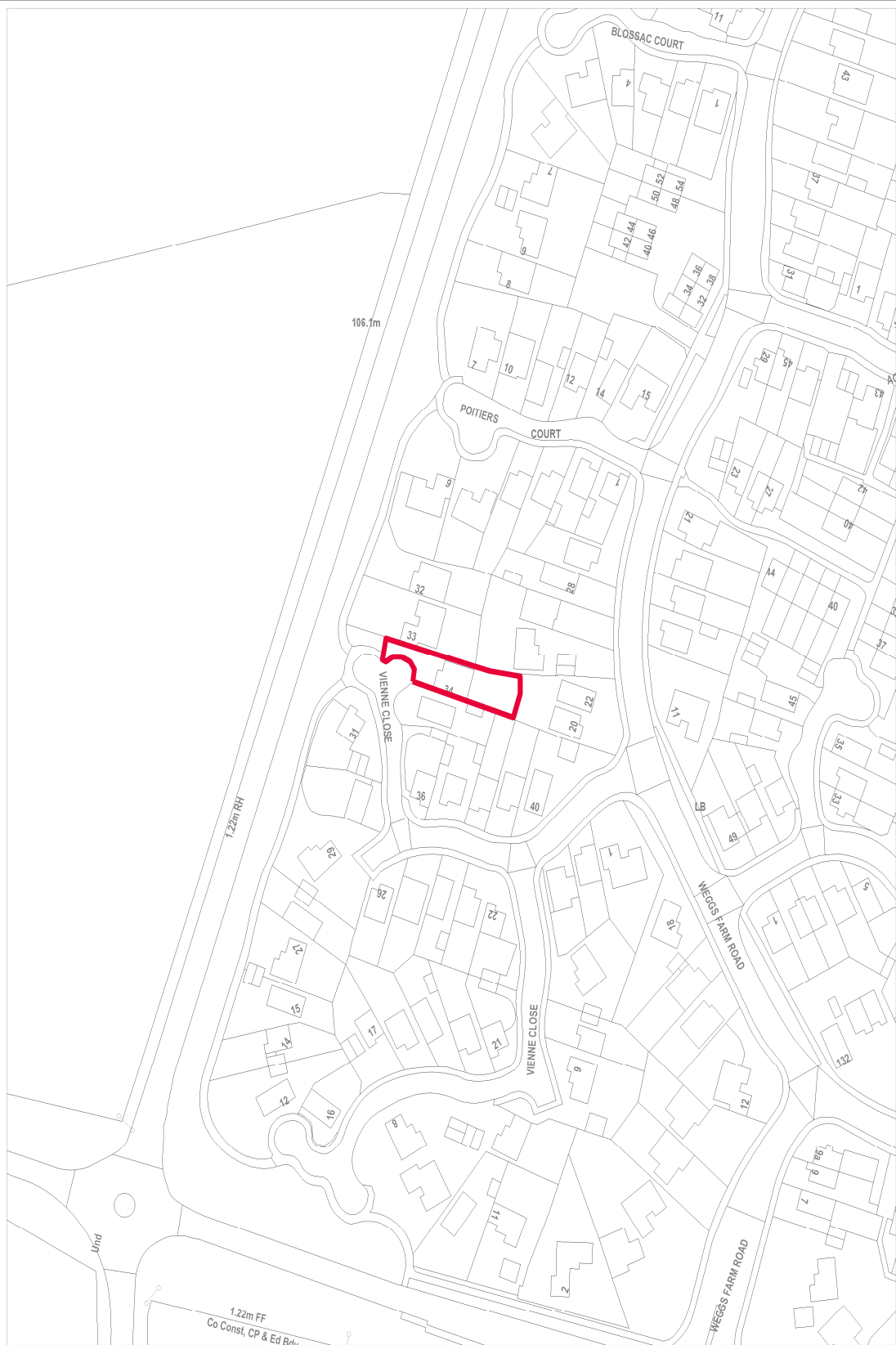
11. LEGAL IMPLICATIONS

- 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.

Position:	Name/Signature:	Date:
Author:	Anna Weir	23/02/2011
Principal Planning Officer Agreed:	Andrew Holden	23/02/2011



Name: SW
 Date: 17th February 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
34 Vienne Close

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NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 8 March 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: E/2011/0100

SITE: Corner of Tanner Street with St. Peters Way
Northampton
NN1 1TF

WARD: Castle

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 instigate prosecution proceedings in respect of the unauthorised advertisements pursuant to Section 224a of the Town and Country Planning Act 1990 (as amended) and to take any other necessary, appropriate and proportionate enforcement action pursuant to this provision within the Act in order to bring about the proper planning control of the land.

2. THE BREACH OF PLANNING CONTROL

- 2.1 Unauthorised advertisements have been erected at the site without the benefit of advertisement consent. The advertisements are considered to cause harm to the character and appearance of the area.

3. SITE DESCRIPTION

- 3.1 The property is situated on the periphery of the town centre and adjacent to St. Peters Way, which serves as one of the main routes into Northampton. The host building is of a relatively simple design

comprising two storeys and a flat roof with a large flank elevation fronting Tanner Street and was formerly Oddbins Warehouse.

4. PLANNING HISTORY

- 4.1 Originally the Council was in receipt of a complaint from a nearby resident about the erection of a hoarding in October 2009.
- 4.2 Following contact from the Council's planning enforcement section a retrospective application to display an advertisement was made and subsequently refused on 2 February 2010.
- 4.3 An appeal was lodged and dismissed by the Planning Inspectorate on 21 July 2010 by reason that: "...the advertisement subject of this appeal is too large and dominant and so harms the character and appearance of the area".
- 4.4 Letters have been sent to the company responsible for the display of the advertisement requesting the removal but to date not only has the hoarding remained but a further banner has been added.

5. PLANNING POLICY

- 5.1 The advertisements by reason of their size, siting and general appearance are contrary to the aims and objectives of PPG19 – Outdoor Advertisement Control and Policy E36 of the Northampton Local Plan.

6. CONSULTATIONS/REPRESENTATIONS

- 6.1 Not applicable.

7. APPRAISAL

- 7.1 The unauthorised erection of these advertisements is wholly unacceptable and visually detrimental to the amenity of the area.
- 7.2 The beneficiaries of the advertisements are unwilling to remove the advertisements despite their assurances that they would remove them.
- 7.3 Pursuant to the provisions of Section 224 of the Town and Country Planning Act 1990 (as amended) a Local Planning Authority can instigate prosecution proceedings against the person who erected the sign **and** the owner of the land **and** the beneficiary of the advertisement.
- 7.4 The unauthorised display of an advertisement is punishable on conviction in a magistrates' court by a maximum fine of £2,500 plus £250 a day on conviction for a continuing offence.

8. CONCLUSION

- 8.1 The unauthorised display of these advertisements are causing a detrimental effect to amenity. Planning enforcement action by the Council would bring about the removal of the unauthorised advertisements and remedy the breach of planning control.

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 and the beneficiaries of the advertisements.

10. LEGAL IMPLICATIONS:

- 10.1 Usual costs will be met from within the existing budget. However, a costs application can be made to the Courts in respect of any successful prosecution proceedings.

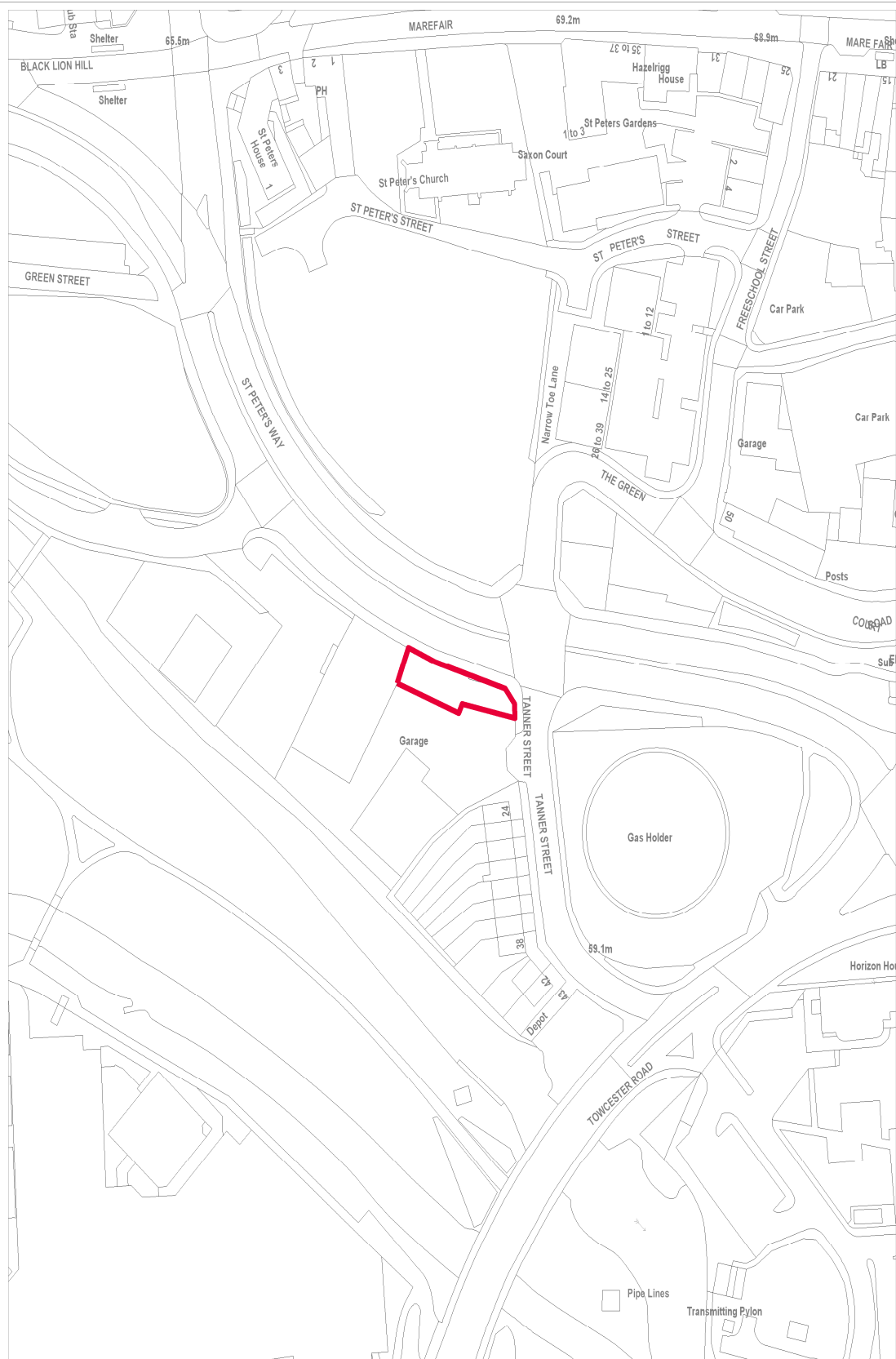
11. BACKGROUND PAPERS

- 11.1 E/2009/719, E/2011/100 & N/2009/1036

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.

Position:	Name/Signature:	Date:
Author:	Carol Tuckley	15/02/2011
Development Control Manager:	Gareth Jones	16/02/2011



Name: SW
 Date: 17th February 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title

Corner of Tanner Street and St Peter's Way

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PLANNING COMMITTEE: 8 March 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: E/2010/0689

SITE: Former Mill Wheel Public House
Billing Brook Road
Northampton
NN3 8NQ

WARD: Lumbertubs

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

DEPARTURE: N/A

ENFORCEMENT MATTER:

1. RECOMMENDATION

1.1 That the Borough Solicitor be authorised to issue two Enforcement Notices in respect of the unauthorised:

- (a) Change of use from Public House to composite uses including hot food takeaway, hairdressing salon and community centre; and
- (b) Erection of a wooden and polycarbonate covered structure over unauthorised chiller / freezer units.

requiring the unauthorised use to cease and the removal of the unauthorised structure and freezer/chiller units with a compliance period of 3 months pursuant to the provisions of the Town and Country Planning Act 1990, (as amended).

2. THE BREACH OF PLANNING CONTROL

2.1 That without planning permission the use of the former public house has materially changed to incorporate a number of uses including the sale of hot food for consumption off the premises, a hairdressing salon and a

community centre.

- 2.2 In addition, the siting of large freezer / chiller units incorporated within a new unlawful structure comprising wooden frame and polycarbonate roofing, has taken place.

3. SITE DESCRIPTION

- 3.1 The property is located within a former local centre and was previously in use as a public house. Beyond the immediate vicinity of the site is residential accommodation.

4. PLANNING HISTORY

- 4.1 Planning permission N/2009/0894 was granted for “Change of use from public house to community centre with ancillary restaurant, hairdresser and taxi office”, on 10 March 2010 subject to various conditions.
- 4.2 The current uses and operational development do not benefit from any lawful planning approval therefore a number of letters have been sent, business cards left, and one letter hand delivered requesting contact with the owner without success. In addition, a formal Planning Contravention Notice have been served.

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 and saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

- 5.2 Planning Policy relevant to this case is incorporated with Policy E20 of the Northampton Local Plan and PPS4 – Planning for Sustainable Economic Growth. However, the merits of unauthorised development can only be rehearsed if an application is made for the actual uses taking place.

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 Not applicable.

7. APPRAISAL

- 7.1 The uses previously permitted (N/2009/894) by the Council have not been implemented.
- 7.2 Planning approval N/2009/0894 provided for a specific composite of uses

ancillary to a community centre. In allowing that composite of uses the Council as Local Planning Authority sought to restrict those uses by way of hours of operation and in accordance with specific floor plans.

- 7.3 In addition controls were sought in respect of storage of refuse, parking of bicycles, dispersal of cooking smells and sources of noise.
- 7.4 Following visits to the site by Council planning enforcement officers it is clear that the proposed ancillary restaurant is in fact a pizza takeaway and delivery service (Class A5). It did not accord with the approved floor plan in respect of the allocated dining area, nor did it reflect a use that could be described as a restaurant (Class A3).
- 7.5 The floor plans and external fenestrations for the building also did not reflect the details shown on the approved drawings.
- 7.6 Finally, without the benefit of planning permission, large external freezer / chiller units had been installed covering approximately one half of the service area which had been enclosed by a new covered structure.
- 7.7 The uses currently taking place do not reflect those that have been granted planning permission and therefore do not benefit from planning permission.
- 7.8 To date a valid planning application to regularise the unauthorised development has not been received.

8. CONCLUSION

- 8.1 The unauthorised uses are unacceptable in their unrestricted form. In the absence of an application for retrospective consent for the uses and the structure the issue of enforcement notices is the only avenue open to the Council to control the unauthorised development. Whilst there is a right of appeal to the Planning Inspectorate against an Enforcement Notice an inspector if minded to allow an appeal could impose appropriate conditions.

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 Usual costs of issue, service and any resultant appeal will be met from within the existing budget. In the event of the Notice not being complied with, a costs application can be made to the Courts in respect of any prosecution proceedings.

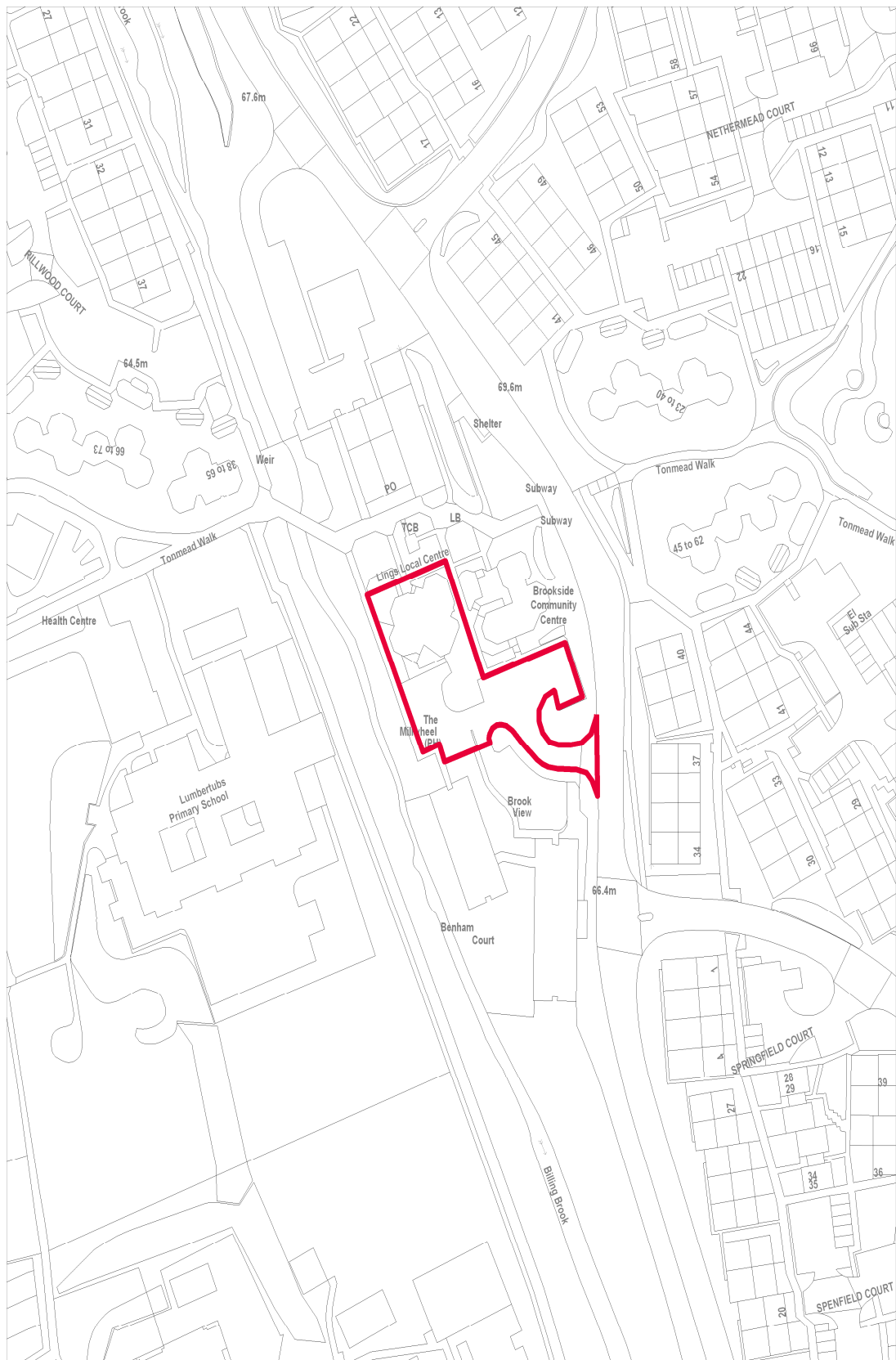
11. BACKGROUND PAPERS

11.1 N/2009/894 & E/2010/689.

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.

Position:	Name/Signature:	Date:
Author:	Carol Tuckley	14.02.2011
Development Control Manager:	Gareth Jones	14.02.2011



Name: SW
 Date: 17th February 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title

The Mill Wheel Public House, Billing Brook Road

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NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 8 March 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: E/2011/0034

SITE: 42-46 Kingsthorpe Grove
Northampton

WARD: Trinity

REFERRED BY: Head of Planning

REASON: Breach of planning control

DEPARTURE: N/A

ENFORCEMENT MATTER:

1. RECOMMENDATION

- 1.1 That the Borough Solicitor be authorised to issue a Breach of Condition Enforcement Notice requiring compliance with the conditions not complied with pursuant to planning approval N/2008/811 with a compliance period of 2 months.
- 1.2 That in the event of non-compliance with the Notice, the Borough Solicitor take any other necessary, appropriate and proportionate enforcement action pursuant to the provisions within the Town and Country Planning Act 1990, (as amended) to bring about compliance with the Notice.

2. THE BREACH OF PLANNING CONTROL

- 2.1 Non-compliance with Conditions 3, 5, 6, 7, 10 and 11 of planning approval N/2008/811.

3. SITE DESCRIPTION

- 3.1 The property is situated in a primarily residential area as defined in the Northampton Local Plan.

- 3.2 The development was previously 3 terraced houses which were vacant and boarded up.

4. PLANNING HISTORY

- 4.1 The development approved provided for a conversion of the three properties with extensions to form 8no. apartments with new access and car parking to the rear. However, the principal of development was established by two previous applications which were superseded.

5. PLANNING POLICY

- 5.1 Not applicable.

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 Both NCC Highways and NBC Environmental Health were consulted during the application process, which resulted primarily in the formulation of the imposed conditions.

7. APPRAISAL

- 7.1 Planning approval N/2008/811 was granted subject to 13 conditions. The following 6 conditions have not been complied with despite bringing the matter to the attention of the owner/developer.

- (3) Full details of facilities for the secure parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development hereby permitted, provided prior to the development being first brought into use and retained thereafter.
- (5) When the new access hereby permitted is brought into use, the existing access shall be permanently closed (and the highway reinstated) in a manner to be approved in writing by the Local Planning Authority, and no further points of access shall be created thereafter.
- (6) Unless otherwise agreed by the Local Planning Authority, the junction of the new access and the existing highway shall be laid out together with the provision of visibility splays in accordance with details to be first submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Development shall be carried out in accordance with the approved details.
- (7) A minimum of 1 parking space shall be laid out and reserved for use by people with disabilities. Details of these shall be submitted to and approved in writing by the Local Planning

Authority and implemented prior to the development hereby approved being first brought into use and retained thereafter.

(10) Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, implemented prior to the occupation or bringing into use of the building and thereafter maintained.

(11) Unless otherwise agreed in writing by the Local Planning Authority, prior to the first occupation of any of the dwellings hereby permitted, details of crime prevention measures to be implemented shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details prior to the first occupation and shall thereafter remain.

7.2 The failure to properly close the previous access has left the footpath/crossover in a state of serious disrepair which may be prejudicial to pedestrian safety and the failure to install a proper dropped curb new access to the approved car park is resulting in vehicles mounting the curb and eroding the footpath again to the detriment of pedestrian safety.

7.3 Details were submitted to and approved by the Council as Local Planning Authority in November 2008 in respect of conditions 3, 7 and 10. The details show the provisions for bin and recycling storage at the rear of the property within a defined compound and a designated disabled parking space. Those details have not been implemented which has resulted in the storage of both waste and recycling bins in the front garden area of the property which should have soft landscaping. This is visually unacceptable. Moreover although the disabled parking space has been surfaced it has not been marked as a reserved / designated parking space.

7.4 In respect of the conditions relating to bicycle storage and crime prevention measures, all were considered to be required in order to make the application acceptable and therefore require full compliance.

8. CONCLUSION

8.1 The issue of a Breach of Condition Enforcement Notice is the best avenue available to the Council to enforce compliance with the Conditions. Whilst there are provisions for a Breach of Condition Notice it is considered that the penalty imposed pursuant to that part of the Town and Country Planning Act is not appropriate as it imposes a fine only and cannot bring about the carrying out of the physical works required to comply.

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 occupiers.

10. LEGAL IMPLICATIONS:

10.1 Usual costs of issue, service and any resultant appeal will be met from within the existing budget. In the event of the Notice not being complied with, a costs application can be made to the Courts in respect of any prosecution proceedings.

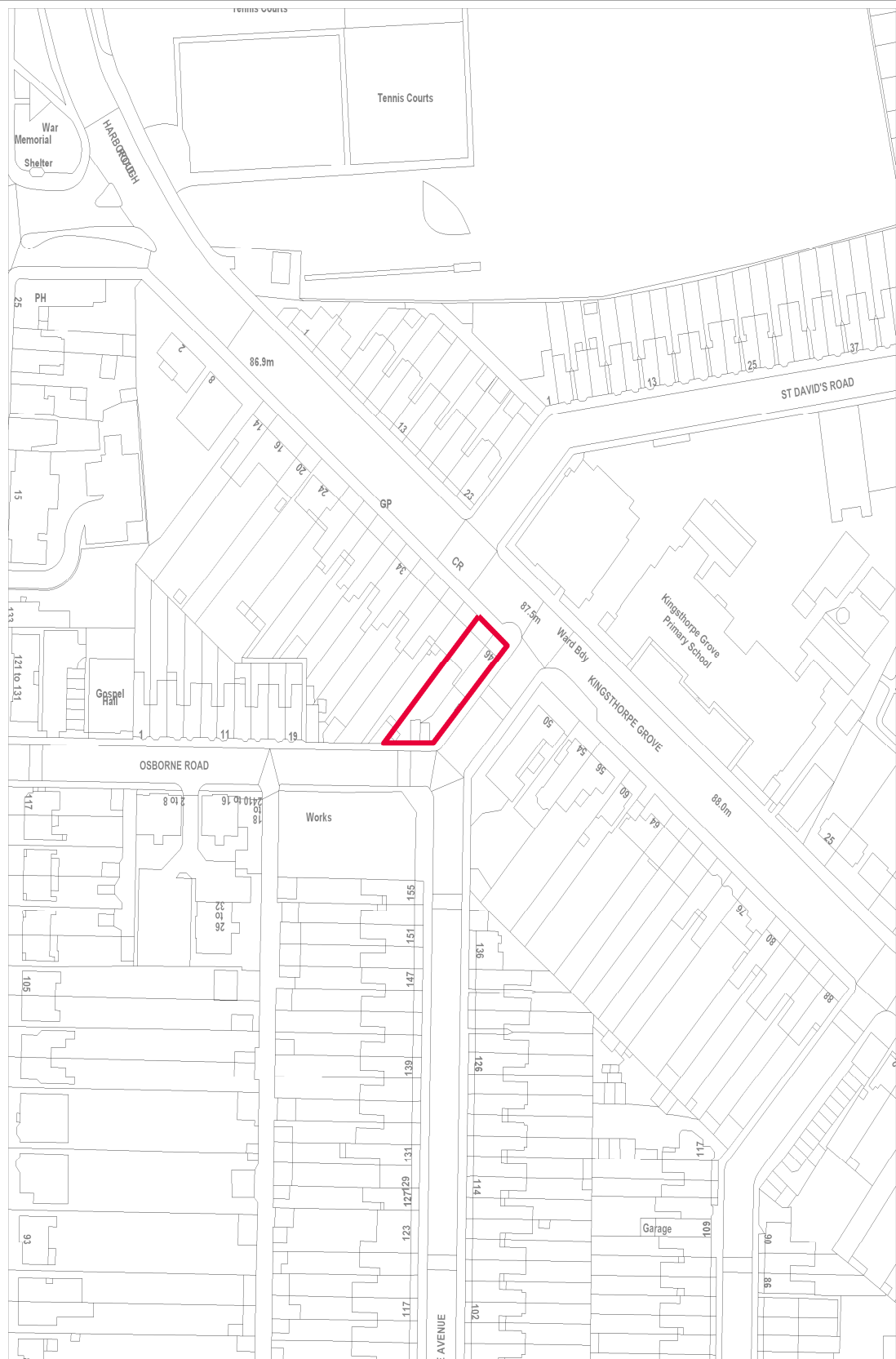
11. BACKGROUND PAPERS

11.1 N/2008/811 & E/2011/0034.

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.

Position:	Name/Signature:	Date:
Author:	Carol Tuckley	16/02/2011
Development Control Manager:	Gareth Jones	16/02/2011



Name: SW
 Date: 17th February 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
42-46 Kingsthorpe Grove

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Agenda Item 12d



NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 8 March 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: E/2011/0054

SITE: Land and Buildings at
10 Peverels Way
Northampton
NN5 5DD

WARD: St. James

REFERRED BY: Head of Planning

REASON: Breach of planning control

DEPARTURE: N/A

ENFORCEMENT MATTER:

1. RECOMMENDATION

- 1.1 That the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the unauthorised change of use of the garage to the rear of 10 Peverels Way for the purpose of non ancillary vehicle repairs and requiring the use to cease and the associated paraphernalia to be removed with a compliance period of 1 month pursuant to Section 171A(1)(a) of Town and Country Planning Act 1990, (as amended).
- 1.2 That in the event of non compliance with the Notice, the Borough Solicitor take any other necessary, appropriate and proportionate enforcement action pursuant to the provisions within the Town and Country Planning Act 1990, (as amended) to bring about compliance with the Notice.

2. THE BREACH OF PLANNING CONTROL

- 2.1 That without planning permission a material change of use of the property from a dwelling house with garage (Use class C3), to a mixed use comprising residential with non-ancillary vehicle repairs (Sui Generis), has taken place.

3. SITE DESCRIPTION

- 3.1 The main dwelling house is a mid terrace property situated in Peverels Way with a detached double garage as an out building to the rear of the property which is accessed via Ross Road.

4. PLANNING HISTORY

- 4.1 In 2010 the Council was in receipt of complaints that the detached garage to the rear of the property had been let by the owner as a separate planning unit for the purpose of commercial car repairs.
- 4.2 Officers visited the site and spoke to the person carrying out the car repairs and advised that it was unauthorised and unacceptable and gave 28 days for the use to cease. After that period the use appeared to cease.
- 4.3 In January 2011 the Council was contacted again and advised that the use had commenced again. Two site visits confirmed that the use was in fact again taking place and the owner, who is an away landlord, was written to.
- 4.4 It would appear from investigations that the garage has been let as a separate planning unit from the dwelling.

5. PLANNING POLICY

- 5.1 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 Policies T11, B19 of the Northampton Local Plan are relevant to this case.

T11 states that planning permission for development of commercial uses in a primarily residential area will be conditional upon the provision of adequate waiting, manoeuvring and parking facilities subject to their being no adverse effect on the primarily residential area.

B19 states that within primarily residential areas, planning permission will not be granted for:

A) The extension of existing business premises or the intensification of existing business uses where the development would have a significant adverse effect on residential amenity.

B) Development of storage and distribution (B8) uses where the floor

space exceeds 235 square metres

C) General industrial B2 uses or any special industrial uses

D) Uses involving notifiable quantities of hazardous materials or uses involving the collection and disposal of waste materials.

In addition to the Local Plan, National Policy PPS13 (Transport) is pertinent to this case.

6. CONSULTATIONS / REPRESENTATIONS

6.1 Highway Authority (NCC) comments are that the commercial use as described would not be acceptable due to substandard access and car parking arrangements and movements, which would be to the detriment of highway and pedestrian safety in general.

7. APPRAISAL

7.1 The unauthorised use has been the subject of neighbour complaints about the loss of amenity to their properties.

7.2 Such a use is considered to be unacceptable due to its proximity to residential gardens and its tendency to cause noise and disturbance together with parking congestion.

7.3 In addition, the use has resulted in the deposit of car parts and waste materials on the site, which are unsightly and detrimentally affect the character and appearance of the area.

8. CONCLUSION

8.1 Given the site history and officers' efforts to resolve the breach the issue of an enforcement notice is the only avenue available to the Council to control the unauthorised use in perpetuity in accordance with the aims and objectives of the Local Plan Policies T11 and B19 and PPS13.

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 Usual costs of issue, service and any resultant appeal will be met from within the existing budget. In the event of the Notice not being complied with, a costs application can be made to the Courts in respect of any prosecution proceedings.

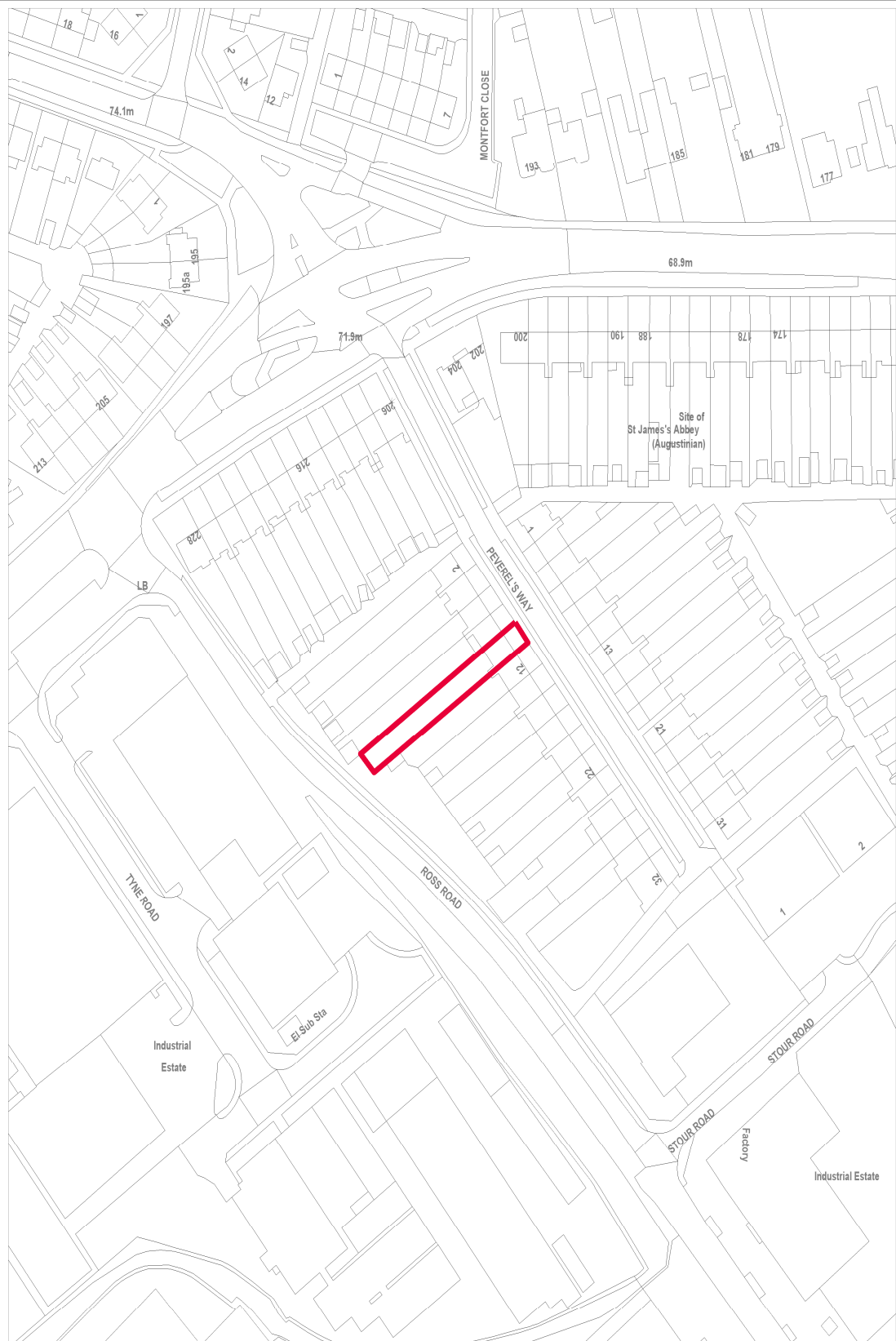
11. BACKGROUND PAPERS

11.1 E/2011/0054

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.

Position:	Name/Signature:	Date:
Author:	Carol Tuckley	16/02/2011
Development Control Manager:	Gareth Jones	16/02/2011



Name: SW
 Date: 17th February 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
10 Peverels Way

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PLANNING COMMITTEE: 8th March 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: N/2010/0653 **Extension to existing food store, relocation of two shop units, erection of community building, new bus waiting facility, provision of new pedestrian footpaths, landscape works and revisions to the car parking layout at Tesco Stores Ltd, Clannell Road, Northampton (as amended by plans received by WNDC on 7th January 2011).**

WARD: East Hunsbury Ward

APPLICANT: Tesco Stores Ltd
AGENT: Martin Robeson Planning Practice

REFERRED BY: Head of Planning
REASON: Strategic Significance

DEPARTURE: YES

APPLICATION FOR CONSULTATION BY WNDC

1. RECOMMENDATION

1.1 It is recommended that WNDC be advised that:

- Tesco, Clannell Road is not part of a designated centre in an up-to-date development plan for the reasons set out in this report;
- That Tesco Stores Ltd should be requested to submit impact assessments, to an agreed methodology, in accordance with Policies EC10, EC15 and EC16 of PPS4: Planning for Sustainable Economic Growth; and
- If no such assessments are received the application should be refused in accordance with Policy EC17 of PPS.

2. THE PROPOSAL

2.1 The application to extend the existing Tesco superstore at Mereway was submitted to WNDP on 16th July 2010. The application was accompanied by a range of technical documents, including amongst others:

- Plans
- Traffic Assessment Report
- Planning & Retail Statement
- Landscape Statement
- Flood Risk Assessment
- Daylight & Sunlight Assessment
- Design & Access Statement

2.2 The application was to extend the existing gross internal A1 floorspace on the site from 10,715 sq m to 14,979 sq m, a net additional gross internal floorspace of 4,264 sq m.

2.3 The Applicant was also proposing a net additional gross internal floorspace of 37 sq m for financial and professional services and 214 sq m community centre.

2.4 The revised scheme, submitted in January 2011, proposed to reduce the size of the extension by 20% from 2,720 sq m to 2,161 sq m and revised the split in floorspace between comparison and convenient goods. As a result of the revision only one of the two shop units originally proposed requires relocation.

2.5 The proposal is, therefore, as follows:

Table 1: Net Tradable Floorspace of New Proposal

Floorspace	Existing Store	July 2010 Proposal	Proposal (January 2011)	Extension to Existing Store
	m ²	m ²	m ²	m ²
Convenience	3,810	4,366	4,424	614
Comparison	1,923	4,087	3,470	1,547
Total	5,733	8,453	7,894	2,161

The split between Convenience goods floorspace and comparison goods floorspace has also been revised.

Table 2: Convenience/Comparison Goods Floorspace split

Floorspace	Existing Store	July 2010 Proposal	New Proposal (January 2011)
	%	%	%
Convenience	66	52	56
Comparison	34	48	44
Total	100	100	100

- 2.6 The gross A1 floorspace has been reduced from 4,264 sq m to 2,445 sq m, the financial services from 490 sq m to 494 sq m and the community centre remains at 215 sq m.
- 2.7 In support of the application, the Applicant contends that the application site lies within a designated District Centre and that the size of the store as proposed is consistent with the role and function of Mereway District Centre. This is discussed in detail in Section 4 below.
- 2.8 In a letter dated 16th February 2011, the Agent, on behalf of the Applicant, wrote to the Council expressing concern on a number of issues, not least that should WNDC determine the application submitted by Sainsbury at Weedon Road in isolation of the Tesco application this could result in Tesco's proposals not receiving fair and proper consideration. This is notwithstanding the fact that in their submissions in support of the application Tesco has maintained and continues to maintain, that because the application site is within a District Centre, such impact assessments are not necessary or required and even if they were, no harmful cumulative impact would arise. Tesco maintains that where choices need to be made to limit harmful cumulative impact, that opportunities which form part of the established or preferred retail hierarchy are given preference over other sites.
- 2.9 In order not to prejudice the proper consideration of the Tesco proposals, the Applicant's Agent has have requested that the application is considered by this Committee at this meeting on the 8th March to enable the Sainsbury and Tesco applications to be considered concurrently by WNDC.

3. PURPOSE OF THIS REPORT

- 3.1 A key consideration in the determination of this application is whether or not there is a designated centre at Mereway is in an up-to-date development plan.
- 3.2 Although WNDC is the determining authority for the purposes of Part III of the 1990 Town & Country Planning Act (as amended) it is not the plan making authority and cannot make planning policy within the meaning of Part II of the Act and accordingly this function falls to

Northampton Borough Council and / or the West Northampton Joint Strategic Planning Committee as applicable.

- 3.3 Applications for town centre uses, (including retail) have to be considered in the context of National Planning Policy, PPS4 – Planning for Sustainable Economic Growth, together with all relevant local policies. *A key consideration is whether or not a proposal lies within a designated centre as defined in an up-to-date development plan.* The evidence required to support an application will vary depending on this.
- 3.4 The purpose of this report is, therefore, to consider, within the context of extant policy, whether or not there is a district centre at Mereway and advise WNDC accordingly. It is not the purpose of this report to consider the application in the round or to consider any other material considerations, as WNDC has indicated that it has instructed consultants to undertake a cumulative impact assessment of all the current retail outside the town centre. It would, therefore, not be appropriate to consider the application per se until this information has been received and evaluated.

4. PLANNING CONSIDERATIONS

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 and the saved policies of the Northamptonshire County Structure Plan 2001 and Northampton Local Plan 1997.

- 4.1 The key policy documents relating to the current proposal are:
- PPS4 Planning for Sustainable Economic Growth
 - The Northampton Local Plan 1997
 - The Pre-Submission Joint Core Strategy January 2011.
- 4.2 Policy EC14 of PPS4 sets out the supporting evidence required for planning applications for main town centre uses. In terms of extensions to retail uses that are not in an existing centre and are not in accordance with an up to date development plan Policy EC14.3 requires a sequential assessment (under Policy EC15).
- 4.3 Policy EC14.4 states than an impact assessment (under Policy EC16) is required for applications for retail and leisure developments over 2,500 sq metres gross floorspace, *or any other locally set floorspace threshold* not in an existing centre and not in accordance with an up-to-date development plan. Policy E14.6 provides that an impact

assessment is also required for applications in an existing centre which are not in accordance with the development plan and which would substantially increase the attraction of the centre to an extent that the development could have an impact on other centres.

- 4.4 Policies EC15 and EC16 set out the criteria for sequential assessment and impact assessments respectively.
- 4.5 Policy EC17.1 states that applications for development of main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan should be refused where the applicant has not demonstrated compliance with the requirements of the sequential approach or there is clear evidence that the proposal is likely to lead to significant adverse impacts taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments.
- 4.6 Annex B of PPS4 defines centres and types of location. A District Centre will usually comprise groups of shops often containing at least one supermarket or superstore and a range of non-retail services such as banks, building societies and restaurants, as well as local public facilities such as a library.

Northampton Borough Local Plan 1997

- 4.7 The Local Plan was adopted in June 1997. Policies R1 and R2 make reference to 'recognised shopping areas' and refer to Appendix 15 which sets out a Schedule of Recognised Shopping Centres and which identifies the Town Centre (as defined on the Inset Map) and the District/Local Centres. The Appendix does not specify which of the named 'centres' are District or Local Centres and indeed many are no more than small parades of shops that would not fall within the PPS4 definitions of District or Local Centres. Mereway is included as a recognised shopping centre. Appendix 15 does not establish a hierarchy of centres.
- 4.8 In 2007, the Council applied to the Secretary of State to save a number of policies in the Local Plan beyond September 2007, the end date of the Plan. Policies R1 and R2 were not saved, nor was the accompanying text and, therefore, the status of Appendix 15 is questionable. Policy R12 which relates to the extension of shops and other premises in District and Local Centres also has not been saved although Policy R9 which protects the retail functions of District and Local Centres has been saved.
- 4.9 In considering whether or not to save policies in a Local Plan beyond September 2007, LPA's had to have regard to whether or not the policies reflect the principles of local development frameworks and are consistent with current national policy (PPS12). The retail policies in the Local Plan were not saved because they were inconsistent with

national guidance at that time as contained within the then PPS6: Planning for Town Centres, subsequently replaced by PPS4 in 2009.

- 4.10 The issue is, therefore, what weight should be attached to the Local Plan in considering the proposal. It is clear that the relevant saved policies and their reasoned justification are no longer part of the development plan. However, to the extent that they may be relevant to the issues arising in the determination of a planning application, they are capable of being material considerations, although the weight to be accorded to them will reflect the decision not to save them. Other material considerations such as up-to-date evidence and the policies contained in the emerging development plan will also affect the weight that can or should be attached to unsaved policies.

The Pre-Submission Joint Core Strategy – January 2011

- 4.11 The Pre-Submission Joint Core Strategy was approved for publication by the WNJSPC on 31st January 2011. It has been in the public domain since 17th January and was formally published for the statutory 6 week period for representations on 17th February. The purpose of the pre-submission document is to allow the public and other stakeholders to make comments on the plan prior to submission to the Secretary of State for approval and subsequent adoption. Representations on the plan at this stage of the plan making process must be made on the grounds of soundness or legal compliance.
- 4.12 PPS4 requires LPA's to define a network and hierarchy of centres that are resilient to anticipated future economic changes and that meet the needs of their catchment population. The scale of retail, leisure and office development must be appropriate to the role and function of the centre and the catchment it serves.
- 4.13 Policy S2 establishes the network and hierarchy of centres. Northampton is established as the Regional Town Centre and within the Borough. The Plan also identifies Weston Favell and Kingsthorpe as district centres together with 4 named local centres and new local centres to be brought forward to serve the new developments in the proposed sustainable urban extensions. There is no identified centre that includes or adjoins Tesco Mereway within Policy S2.
- 4.14 Policy S9 sets the distribution of retail development and applies an impact assessment for retail development. The plan establishes that Northampton has suffered from a de-centralisation of retail and other town centre uses which has, over time, adversely affected the vitality and viability of the town centre. This is supported by the evidence base. Accordingly Policy S9 establishes that retail floorspace will be accommodated firstly within town centres and subject to specified criteria, where there is an identified need which cannot be accommodated within the town centre, proposals will be subject to the sequential approach. Proposals for development over 1,000 sq metres

gross will have to be subject to an impact assessment in order to demonstrate that they do not have an adverse impact on the town centre. This is critical to rebalance the retail position in Northampton. This policy is supported by the evidence base.

- 4.15 Policy N10 identifies that whilst Northampton town centre should be the focus for comparison goods retailing, there is also a need to ensure that local convenience retail provision is addressed within the wider urban area. Policy N10 states that no further comparison goods floorspace is required outside Northampton town centre other than at an appropriate scale to support the vitality and viability of local centres.
- 4.16 It is also worth noting that the Emergent Joint Core Strategy published for consultation in 2009 did not identify a district centre at Mereway.
- 4.17 The issue is, therefore, what weight can be attached to the Pre-Submission Joint Core Strategy. Whilst the Pre-Submission WNJCS does not have the status of a development plan, weight can be attached to it. Considerable weight can also be given to the supporting evidence base which identifies Tesco, Mereway as a stand alone out of centre foodstore.

5. CONCLUSION

- 5.1 The development plan currently comprises the East Midlands Regional Plan and the saved policies of the Northamptonshire Structure Plan and Northampton Local Plan (NLP).
- 5.2 The NLP was adopted in June 1997 and the majority of the relevant retail policies and supporting text were not saved in September 2007. The status of Appendix 15 listing 'recognised shopping centres' is questionable in the light of this. In any event Appendix 15 does not constitute a network and hierarchy of centres as required by Policy EC3 of PPS4.
- 5.3 It is considered that although some weight can be attached to the unsaved policies and supporting text in the NLP, this weight is not great and is outweighed by the emerging development plan in the form of the Pre-Submission West Northamptonshire Joint Core Strategy published for consultation on 17th February 2011. This plan does not identify a District Centre at Mereway. In the accompanying evidence base Tesco at Mereway is identified as a stand alone out-of-centre foodstore.
- 5.4 It is, therefore, considered that Mereway does not constitute a designated centre in an up-to-date development plan and that the application should be considered in accordance with Policies EC10, EC15, EC16 and EC17 of PPS4 with weight being given to the West

Northampton Pre-Submission Joint Core Strategy Policies S2, S9 and N10.

6. BACKGROUND PAPERS

- 6.1 As contained in the application file.
The West Northamptonshire Retail Study Update February 2011
The West Northamptonshire Pre-submission Joint Core Strategy February 2011. *The Pre-submission JCS and the supporting evidence base is available on the West Northamptonshire Joint Planning Unit's web site.*

7. LEGAL IMPLICATIONS

- 7.1 None identified.

8. SUMMARY AND LINKS TO CORPORATE PLAN

- 8.1 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, in particular CPO3 A Confident Ambitious and Successful Northampton.

Position:	Name/Signature:	Date:
Author: Head of Planning	S Bridge	24.02 2011
Development Control Manager Agreed:	G Jones	28.02.2011



Name: SW
 Date: 24th February 2011
 Scale: 1:2500
 Dept: Planning
 Project: Site Location Plan

Title
Tesco, East Hunsbury

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