

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT
THE GUILDHALL ON TUESDAY, 5 APRIL 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
(A) DEED OF VARIATION TO S106 AGREEMENT 166-169 ST ANDREWS ROAD S. TINDLE
X 8548
Report of Head of Planning
(copy herewith)
- WARD: Castle**
8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS
None.
9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS
None.
10. ITEMS FOR DETERMINATION
An Addendum of further information considered by the Committee is attached.
(A) N/2011/0117- CHANGE OF USE FROM RETAIL (A1) TO HOUSE IN MULTIPLE OCCUPATION (C4)- 48 ADAMS AVENUE J. MOORE
X 8345
Report of Head of Planning
(copy herewith)
- Ward: Abington**
- (B) N/2011/0111- ERECTION OF NEW END TERRACE HOUSE- LAND ADJACENT TO 18 WALLACE ROAD G. WYATT
X 8912

Report of Head of Planning
(copy herewith)

Ward: Kingsley

- (C) N/2011/0134- ERECTION OF 12.5M TELECOMMUNICATIONS MAST AND ERECTION OF 2NO RADIO EQUIPMENT ENCLOSURES AT THE HEADLANDS PUBLIC HOUSE, LONGLAND ROAD
- B.
CLARKE
X 8916

Report of Head of Planning
(copy herewith)

Ward: Headlands

11. ENFORCEMENT MATTERS

None.

12. 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 CAR PARK LAYOUT- TESCO SUPERSTORE HUNSBURY CENTRE, CLANNELL ROAD
- R. BOYT
X 8724

Report of Head of Planning
(copy herewith)

Ward: East Hunsbury

13. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

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

SUPPLEMENTARY AGENDA

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

<TRAILER_SECTION>
A6451

Agenda Item 2

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 8 March 2011

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

APOLOGIES: Councillor Lane and Councillor Malpas

1. APOLOGIES

Apologies for absence were received from Councillors Lane and Malpas.

2. MINUTES

The minutes of the meeting held on 8 February 2011 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

- RESOLVED:**
- (1) That Messrs Allen, Ludlow and Shah and Councillors Garlick and B. Markham be granted leave to address the Committee in respect of application no. N/2010/1037.
 - (2) That Will Charlton be granted leave to address the Committee in respect on application no. N/2010/1092.
 - (3) That Matt Davies, Abigail Mosley and Councillor P. M. Varnsberry be granted leave to address the Committee in respect of application nos. N/2010/0906 and N/2010/0320.
 - (4) That Hazel Jones be granted leave to address the Committee in respect of E/2010/0689.

4. DECLARATIONS OF INTEREST

Councillors Church and Woods declared Personal interests in Item 5 Matter of Urgency regarding the transfer of powers from WNDC as Board Members of WNDC.

Councillor Church declared a Personal Interest in Item 12A, E/2011/0100 as he believed that the land in question was in the ownership of WNDC of which he was a Board Member.

Councillor Davies declared a Personal and Prejudicial Interest in Item 12B, E/2010/0689, as being a close colleague of a Councillor associated with the project.

Councillors Church, Meredith and Woods declared Personal and Prejudicial interests in Item 13A, N/2010/0653 as Board Members of WNDC.

Councillor Hawkins declared a Personal Interest in all of 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

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

TRANSFER OF POWERS FROM WNDC

The Head of Planning reported that Statutory Instrument 2011/560, West Northamptonshire Development Corporations Functions Amendment Order had now been laid before Parliament and would come into effect from 1 April 2011. From that date the central area, where WNDC currently had responsibility for all planning applications, would be removed and the Council would become the determining authority for applications of up to 200 residential units and commercial development up to 2,500m² floorspace throughout the Borough.

RESOLVED: That the position be noted.

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Head of Planning submitted a report and noted that in respect of N/2010/0944, a Public Enquiry would now be held commencing on 26 July 2011.

RESOLVED: That the report be noted.

7. OTHER REPORTS

None.

8. ST CRISPIN DEED OF VARIATION TO SECTION 106 AGREEMENT

The Head of Planning submitted a report that set out proposed variations to the St Crispin Section 106 Agreement and noted that Cabinet had approved the acceptance of the transfer of the parcels of land detailed in the report.

RESOLVED: That the St Crispin Section 106 Agreement dated 12 November 2002 be varied as set out in the report.

9. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

10. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

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**

(Councillors Church, Meredith and Woods left the room in accordance with their earlier declaration of interest)

The Head of Planning referred to the Addendum that had been circulated and in particular to a retail study report by Peter Shearman Associates on behalf of Tesco's and a legal opinion from William Hicks QC on behalf of Tesco's both of which had been sent directly to Committee members by Tesco's. In the light of this and the need to consider both of these documents and to seek Counsel's opinion, if necessary, the Head of Planning recommended that the report be withdrawn from the agenda.

RESOLVED: That the item be withdrawn from the agenda.

(Councillors Church, Meredith and Woods rejoined the meeting.)

11. ITEMS FOR DETERMINATION

(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

The Head of Planning submitted a report in respect of application N/2010/1037 and referred to the Addendum that set out further representations on behalf of the applicant and objections from Coaching Walk, Silverdale Road and one unaddressed objection. In answer to a question he noted that the word "Muslim" in the title of the application had no significance in planning terms.

Councillor Garlick, as ward Councillor commented that this application had generated a great deal of interest: he stated that he had only received one letter in support of the proposal. He commented that car parking at school times was already very difficult and that when the premises had been operating as a pub the publican had allowed parents the use of car park to drop off and collect their children. He believed that noise would be an issue and the mitigation proposals in the report were vital. He noted that he had never received any complaints about the premises when it had been a pub. In answer to questions, Councillor Garlick commented that the Applicant had contacted him and the application reflected the matters they had discussed; and that the noise concerns centred around very early or late use of the premises, comparisons having been made with much larger premises around the country.

Mark Ludlow, a nearby resident referred to the photographs displayed in the Head of Planning's presentation in respect of traffic congestion and observed that at peak school times people also parked in the middle of the road. He was worried that the community and education centre would be exclusively "Muslim" and which branch of Islamic faith would be catered for. He believed that the site would become a place of tension and had been chosen on the basis of local demographics ie, that the make up of the local community was such that they were unlikely to object to the proposal. Mr Ludlow commented that he had lived in Stimpson Avenue but had moved from there because of the impact of a similar facility and felt that he may have to consider moving again if the application were approved. In answer to questions Mr Ludlow commented that whilst the former pub had been busy people did not tend to arrive or leave enmasse; accepted that as private land it was up to the landowner as to whether parents were to be given access to the car park; and believed that the afternoon peak period would be similar to his experience of Stimpson Avenue as "teaching" was also part of this application.

Councillor B Markham, as ward Councillor commented that it was a Councillor's role to listen to local residents concerns and to advise and inform them on how to make objections. In doing so he had been accused by the BNP who had stated that he should be in jail and by another group as being "shameful". He lived close to the site and was aware of the issues. His concern was in respect of disruption to neighbours and was pleased that the applicant had volunteered restricted hours of use. He was pleased by the proposed conditions and accepted that parking issues were the province of the Police and the Highways Authority. In answer to a question Councillor Markham noted the hours of operation of the former pub and concerns about early morning prayers and that the agreed restriction of hours of use resolved these issues.

Darren Allen, as agent for the applicant commented that as part of the application they were proposing that parents would still have access to the car park to drop off and collect their children and that an "in and out" system would be instituted to help traffic flows. The Head Teacher of the Primary School was aware of this. The hours of use of the premises would be restricted to 10.00am to 11.00pm and so there would be no conflict with the morning school peak period. The Trustees had carried out a survey of the usage of their current premises and the peak usage was on Fridays between 12 noon and 2.00pm by 45 to 60 people and which did not conflict with the start or end of the school day. A noise assessment had been undertaken at 20 metres from similar premises in Luton with the nearest property in this case being 25 metres away and had got readings of 26db where the acceptable standard was 39db.

Hassan Shah, Solicitor for the Applicant and a member of community that would use the facility, commented that the Trustees were from Northampton and had grown up in Northampton. Currently, the Trustees used premises in Wheatfield Road South and had had no complaints over the seven years they had been using them. The people that would be using the facility were Suni and Sufi Muslims who were spiritual people. This project was self funding and the community were raising the £500,000 necessary to bring the buildings back into use themselves. The centre would help women, the elderly and children in particular. This project had received support from other sections of the Community, residents had been leafleted and the applicant had tried to take their concerns on board. Mr Shah believed that opposition to the application had been stoked up: he asked that the Committee approve the application. In answer to questions Mr Shah commented that the Suni community were principally of Pakistani origin but also from East Africa and India; that other sections of the wider community would be invited to use the community centre; that the Trust would move from the premises that they currently used; that the size of the prayer area was largely prescribed by the existing layout of the rooms but would be used for other things; and that the peak use was anticipated to be on Fridays as previously stated- the premises were too small to hold weddings.

The Committee discussed the application.

RESOLVED: That the application be approved, subject to the conditions set out in the report as 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 was, therefore, compliant with the requirements of PPS1, PPS23, PPG13 and PPG24 and Policy E20 of the Northampton Local Plan.

(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

The Head of Planning submitted a report in respect of application number N/2010/1092 and referred to the Addendum that set out comments from Councillor Perkins and the Highways Authority. In answer to questions the Head of Planning confirmed that the Highways Authority had assessed the scheme and provided no objections subject to conditions; that the maintenance of the play area could include whatever the Committee would reasonably require it to cover and that Conditions provided for a Waste Strategy.

Will Charlton, Consultant for the Applicant concurred with the Head of Planning's comments and commented that Orbit Homes had 40 years experience of providing affordable housing. This scheme provided 100% affordable housing through a variety of tenure types in order to help meet an identified housing need. Layout, parking and security were all concerns and measures had been included to prevent on- street parking by Students at the nearby University site. It was hoped that the scheme would receive HCA funding before the end of 2011, otherwise Orbit would fund it in a programme covering 2012- 2014. In answer to questions Mr Charlton commented that Orbit had several schemes where housing surrounded a play area and that Orbit would be happy to provide suitable fencing around it.

In response to a query about the scheme's low score in terms of building sustainability, the Head of Planning noted that the scheme would be built to the minimum requirements in terms of the Building For Life standards.

The Committee discussed the application.

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

- (1) The prior finalisation of a Legal Agreement to Secure section 106 obligations in respect of;
 - The provision of 35% affordable housing
 - The long term maintenance of the play area / open space
- (2) The planning conditions set out in the report as the proposed residential development offered suitable compensation for the loss of green space and the former function of the open space had been superseded by events, therefore the terms of saved Policy E6 of the Northampton Local Plan were met. The development was 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.

(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

The Head of Planning submitted a report in respect of application number N/2010/0785, elaborated thereon and in answer to questions commented that the site boundary did not extend to the river bank; that the parking provision was the same as for the adjacent site; and whilst the possibility of bats being present in the existing buildings was acknowledged he noted that there was no existing planning control in respect of their demolition.

The Committee discussed the application.

RESOLVED: 1. That the application be approved 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 conditions set out in the report:

As 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 were 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.

- 2. That the Head of Planning be authorised to refuse or finally dispose of the application in the event that the mitigation to be secured by legal agreement (paragraph 1.1 A, of the report) are not secured on or before 31 May 2011.

(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

The Head of Planning submitted a report in respect of application numbers N/2010/0906 and N/2010/0320, elaborated thereon and referred to the Addendum that set out letters from the Applicant and a letter of objection from a resident in Tower Square. In answer to questions he commented that the Applicant had not submitted drawings showing the full height of the tower or drawings showing the relationship of the proposed extension with the existing houses.

Abigail Mosley, a local resident, stated that she supported the general idea behind the application but objected to parts of the scheme in terms of parking, the height and mass of the scheme and noise. She commented that TRO was currently being consulted upon that would prevent on street parking: there were currently 422 houses and 432 spaces. There may be a need for traffic calming measures. Mrs Mosely noted that the proposed extension would be as tall as the nearby three storey houses and

that provision for the “free fall” experience was being made although it did not form part of the current application. She had concerns that the scale of the extension was too massive and that there would be noise issues resulting for the conference facilities.

Matt Davies, a local resident, commented that the height of the extension would be similar to the surrounding houses and that the gap between them was one metre plus the width of the road plus a parking bay. He noted that although the Applicant had indicated that the 100 seat auditorium would only be used ten times per year and queried how this would be controlled? There appeared to be contradictions in the application insofar as it was stated that the facility would only be open during normal office hours but the café was to be open seven days a week and ten parking spaces were to be provided when 26 currently existed and were also used by residents’ visitors.

Councillor P. M. Varnsberry, as ward Councillor, commented that she believed that this proposal would be incongruous with its surroundings but that residents accepted that some form of development was necessary. The applicant appeared to contradict himself by making no plans for coaches but talking about conferencing; and by saying that the café was for local trade but now saying that it would be available for conferences. There appeared to be mixed messages about what was envisaged. As had been stated there were car parking issues.

The Head of Planning stated that the footprint of the extension was just smaller than that of the lift tower and if the buttresses were taken into account, just larger.

The Committee discussed the application.

Councillor Hill proposed and Councillor Matthews seconded “That the words “combined with its siting within a residential area” be deleted from recommendation 1.1(2)” Upon a vote the motion was carried.

RESOLVED: 1. That planning application N/2010/0906 be refused:

- (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, 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.

2. That listed building consent application N/2010/0320 be refused:

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.

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

The Head of Planning submitted a report in respect of application no N/2011/0047 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the impacts of the proposed development on the character of the original dwelling, street scene and residential amenity were considered to be acceptable and in accordance with Policies E20 and H18 of the Northampton Local Plan and the Residential Extensions Design Guide.

12. ENFORCEMENT MATTERS

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

The Head of Planning submitted a report in respect of E/2011/0100 and referred to the Addendum that set out a correction to the recommendation.

The Committee discussed the report.

RESOLVED: 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.

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

(Councillor Davies had left the meeting before this item was discussed)

The Head of Planning submitted a report in respect of E/2010/0689 and reported that planning application had been submitted earlier in the day. There were in effect three applications covering material change of use, the chiller units and advertisements. She requested that the Committee consider approving the recommendation as set out in the report but that any action would be held in abeyance until the planning application had been determined.

Hazel Jones, a member of the Brookside Hall Committee, commented that the

Community Centre was now open and that the Committee had been unaware of the situation until the Chronicle and Echo had contacted them. She asked that consideration of the report be deferred pending determination of the planning application. She commented that use of the Community Centre should be encouraged not discouraged.

The Head of Planning commented that the extant planning permission was for a community centre with ancillary uses of a restaurant, hairdressers and taxi office together with defined floor plan. A takeaway was now operating instead of a restaurant and the floor plan was different. In answer to a question the Head of Planning commented that correspondence had been sent to the premises via normal mail, hand delivery and recorded delivery which had resulted in a phone call to the Council, but then no further action.

The Committee discussed the report.

RESOLVED: 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 use including hot food takeaway, hairdressing salon and a 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. That the implementation of 1. above be held in abeyance pending the verification and determination of the planning application received on 8 March 2011.

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

The Head of Planning submitted a report in respect of E/2011/0034 and elaborated thereon.

The Committee discussed the report.

RESOLVED: 1. That the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the non compliance with planning conditions pursuant to planning approval N/2008/811 and with a compliance period of 2 months.

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.

(D) E/2011/0054- UNAUTHORISED CHANGE OF USE TO CAR REPAIRS- 10 PEVERELS WAY

The Head of Planning submitted a report in respect of E/2011/0054 and elaborated thereon.

The Committee discussed the report.

- RESOLVED:**
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 the property for vehicle repairs not ancillary to the use of the dwellinghouse and with a compliance period of 1 month.
 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.

The meeting concluded at 21.24 hours.

Agenda Item 6

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



List of Appeals and Determinations – 5TH April 2011			
Written Reps Procedure			
Application	Del/PC	Description	Decision
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.	DISMISSED
N/2010/0597 APP/V2825/H/10/2138945	DEL	3 x illuminated fascia signs at Plot 2 Zone A, Pineham Barns Area, Northampton.	ALLOWED
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	ALLOWED
N/2010/1013 APP/V2825/A/11/2147185/NWF	DEL	Two storey rear/side extension and division of property into 4no. Apartments - revision of N/2010/0718 at 2 Thornton Road	AWAITED
Public Enquiries			
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/2009/0546 FPS/V2825/5/1	PC	Application to permanently divert public footpath at the former British Timken Works, Duston, Northampton	AWAITED

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.

PLANNING COMMITTEE: 5th April 2011

DIRECTORATE: Planning and Regeneration

HEAD OF PLANNING: Susan Bridge

REPORT TITLE: LA/2006/0007, 166-169 St Andrews Road: Deed of Variation to S106 agreement

1. RECOMMENDATION

1.1 That the committee agree to the variation of the section 106 agreement as set out in this report.

2. BACKGROUND

2.1 Under the terms of a Section 106 Agreement dated 5th September 2006 the developer (Derwent Housing Association) has contributed a sum of £40,000 in respect of Highway Improvement Works along St Andrews Road. This sum is to be expended by Northamptonshire County Council for this purpose.

2.2 Highway Improvement works are specifically defined within the agreement as; "The construction of a new pelican crossing point and associated works on St Andrews Road, Northampton in the vicinity of the Development".

2.3 Following scoping work carried out on the site by the County Council Highways Partners MGWSP it has been identified that a new pelican crossing is not feasible in this area for the following reasons;

2.3.1 "Two pedestrian counts have been carried out along the length of St Andrews Road to try and establish the best location for a crossing. Unfortunately the crossing movements are fairly sporadic and not enough justification of usage can be placed in one location for a crossing."

2.3.2 "Due to the width of the road and the resurfacing that is required for the antiskid treatment, the budget allocated would not cover the cost of a crossing."

3. PROPOSED VARIATION

3.1 As the crossing movements in St Andrews Road are so scattered, MGWSP have made a recommendation to construct 3 no pedestrian refuge islands along the length of the road in lieu of the single pelican crossing. This would provide a choice of crossing points for all users and can be constructed within the S106 budget.

3.2 The County Council have contacted Derwent Housing Association, who paid the contribution for the site, to ask for their agreement in varying the agreement to enable provision of the pedestrian refuge islands and they have given their consent.

3.3 As the enforcing authority consent to vary the agreement is also required from the Borough Council.

4. CONCLUSION

4.1 The original requirement for a pelican crossing near the site is not deemed feasible or practical, however, the proposal of pedestrian refuges would achieve a similar objective and enable pedestrians to make use of a number of crossing sites, other than just one. This would be safer for all road users as the staggered nature of the refuges would act to reduce traffic speed and would enable pedestrians a better choice of safer crossing points along the road, thus the Highway Improvement Works Contribution will still offer community benefit and enhanced safety near the site.

5. LEGAL IMPLICATIONS

5.1 As set out in the report.

6. SUMMARY AND LINKS TO CORPORATE PLAN

6.1 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: Compliance Officer	Name/Signature:	Date:
Author:	S Tindle	22/03/11
Head of Planning Agreed:	G Jones	23/03/11



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

Addendum to Agenda Items Tuesday 5th April 2011

Items for Determination

ITEM 10B

N/2011/0111

Erection of new end terrace house -
Land adjacent to 18 Wallace Road.

The second sentence of paragraph 7.4 should start with the word "No" as below:

- 7.4 The proposed dwelling would have an appropriately sized rear garden measuring 8-12 metres in length due to the angled rear boundary, while the host dwelling, no. 18, would retain an adequate rear garden (12-15m long). **No** on-site parking is proposed, however, there is considered to be sufficient on-street parking available within the vicinity of the site especially during the evening and night.

Applications For Consultation

ITEM 12A

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

Today there has been a formal amendment to this planning application (10/0115/FULWNN), removing the community facility from the development proposed such that the total additional gross floorspace of the proposal is now below 2,500m². This reduction in proposed floor area means that proposed development now falls below the threshold of development determined by the WNDC, therefore resulting in the Borough Council becoming the determining authority.

On this basis, the Borough Council must reconsider the extension proposals as a whole and take into consideration today's changes. For these reasons this item is withdraw from the agenda of this meeting of the Planning Committee. The application will be reported to Planning Committee for determination in course.

Agenda Item 10a



PLANNING COMMITTEE: 5 April 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0117 **Change of use from retail (A1) to house in multiple occupation (HMO) at 48 Adams Avenue**

WARD: Abington

APPLICANT: Mr Richard Lee
AGENT: None

REFERRED BY: Cllr Brian Hoare
REASON: Parking concerns

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to conditions for the following reason:

The proposal would not have an undue detrimental impact on the character of the locality or on residential amenity of the area and would not give rise to highway safety problems. The proposal is therefore compliant with Policies E20 and H30 of the Northampton Local Plan and advice contained in PPS1, PPS3, PPG13 and PPG24.

2. THE PROPOSAL

2.1 The applicant has applied to change the use of the now vacant building which is a "sui generis use" as defined by the Town and Country Planning (Use Classes Order) 1987 (as amended) as the ground floor is a print shop with ancillary offices above to a House in Multiple Occupation for a maximum of 6 persons (class C4).

3. SITE DESCRIPTION

- 3.1 The application site is within a Primarily Residential Area as identified in the Northampton Local Plan and located at the junction of Adams Avenue and Billington Street. The surrounding area comprises residential properties of 2 storey terraced dwellings and parking is generally provided on-street.
- 3.2 The site was previously used as a commercial building with the ground floor used as print shop and is within walking distance of the Wellingborough Road.

4. PLANNING HISTORY

- 4.1 The site has no recent planning applications submitted since 1972 when the property obtained planning permission to provide office 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 and the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

PPS1 - Delivering Sustainable Development
PPS 3 - Housing
PPG13 -Transport
PPG 24 -Planning and Noise

5.3 Northampton Borough Local Plan

E20 – New Development
H30 - Multiple Occupation

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003.

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Public Protection (NBC)** No objection. Recommend a condition governing refuse arrangements.
- 6.2 **Highway Authority (NCC)** No objection. Although there would be no on-site parking provision, I would not be overly concerned with the scale of the proposal as most of the on street parking would be still

available. The location is also close to the local centre facilities and public transport along the Wellingborough Road.

- 6.3 **Private Sector Housing (NBC)** - no objection, the design and layout of the proposed scheme are suitable to meet the needs of the Housing Act for a HMO. My only comments concern the finer details:
- Window to bedroom 3 must be escape window
 - All internal shower rooms must have mechanical ventilation were natural ventilation is not provided
 - The whole property must be fitted with a suitably designed fire alarm system

NB The above matters are dealt with under the Housing Act 2004.

- 6.4 **Cllr B Hoare** - Request that application be reported to committee for determination because of concern of residents regarding parking in the area. The area is already overcrowded with cars and similar concerns were raised at number 54.

7. **APPRAISAL**

Principle of development

- 7.1 The application site is located within an established residential area where residential development is encouraged in principle. PPS3 promotes reuse of previously developed land such as this site. This proposal would result in a vacant building being brought back into use for a purpose that complements the character of this residential area.
- 7.2 Policy H30 of the Northampton Local Plan relates specifically to changes of use to HMOs and states that planning permission will be granted subject to 3 criteria:
- a) The existing property being of sufficient size to accommodate the proposed use;
 - b) The use would not result in an overconcentration of uses; and
 - c) The use would not create a substantial demand for on street parking.
- 7.3 There are a number of properties in the area that have obtained permission to be converted into flats. Council records indicate that there are some 11 existing HMOs on this street out of approximately 111 properties. It is not considered that the proposal would result in an over-concentration of such uses in the locality.

Impact on living conditions of neighbours and residential amenity

- 7.4 Given the size of the existing building combined with the fact that all habitable rooms would be served by windows then it is considered that there would be adequate outlook and amenity afforded to future occupiers of the property.

- 7.5 Furthermore, the use of the property is unlikely to generate additional activity in terms of noise and disturbance over and above the previous commercial uses that would detrimentally affect the amenity and living conditions of adjoining properties on Adams Avenue and the surrounding streets.
- 7.6 Given the existing use of the property and position of existing windows in the property and relationship / separation with other uses it is considered that the proposal would also be unlikely to generate increased overlooking over and above that already experienced.
- 7.7 The Council's Environmental Health Section recommend that a condition be attached to any approval to secure the provision of satisfactory refuse arrangements. These can be located to the front of the property and sited within a bin store with the design to be approved to control visual impact. To this end a condition is recommended to secure satisfactory boundary treatment to help integrate the bins and the property at large with the residential appearance of the area and neighbouring properties.

Parking and Highways

- 7.8 Adams Avenue and the surrounding streets are defined mainly by terraced properties with on-street parking. Whilst it is noted that there would be no off-street parking provision for the proposed use, officers consider that given the sustainable location of the site in proximity to shops and services on the Wellingborough Road that it would be difficult to oppose the scheme on parking grounds.
- 7.9 Furthermore, given the nature of HMOs it is also unlikely that the parking requirements for this use would be significantly greater than the previous use of the site as a commercial operation.
- 7.10 As a consultee on the planning application, the Local Highway Authority raise no objection as the site is close to local services although they recommend a condition be imposed to secure cycle provision for the development. It is officers' view that one cycle space should be provided per unit and that this level of provision could be secured within the building. A condition is recommended to this end.

Impact on appearance and character of host building, streetscene

- 7.11 Part of the proposed plans shows new fenestration to the side building façade and revised fenestration to the front elevation at ground floor level facing towards Adams Avenue.
- 7.12 The proposed fenestration is generally in keeping in proportions and size with the host building. However it is considered that further details should be provided and secured by condition in order to ensure that the

detail would be in keeping with the character of the host building and nearby residential properties.

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 adversely on the residential amenity of the locality or on highway safety.
- 8.2 It is therefore considered that the proposal is in accordance with the relevant local and national planning policies.

9. CONDITIONS

1. The development 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. Full details of the 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 development hereby permitted, provided prior to the development being first brought into use and retained thereafter

Reason: To ensure the provision of adequate facilities in accordance with advice in PPG13.

3. 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 of the building 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.

4. Full details of the method of treatment of the front boundary to the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the building hereby permitted and retained thereafter.

Reason: In the interests of visual amenity to comply with Policy E20 of the Northampton Local Plan

- 5 No development shall take place until further details of the fenestration of the ground floor front windows have been submitted to and approved in writing by the Local Planning Authority. The

approved details shall be fully implemented prior to the commencement of the use hereby permitted.

Reason- In the interests of visual amenity to comply with Policy E20 of the Northampton Local Plan.

- 6 Prior to the occupation of the building, the existing signage to the front of the premises shall be removed in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

Reason- In the interests of visual amenity to accord with Policy E20 of the Northampton Local Plan.

- 7 The use hereby permitted shall be for a maximum of 6 people only unless otherwise agreed in writing with the Local Planning Authority.

Reason- In the interests of residential amenity to comply with Policy H30 of the Northampton Local Plan.

8. Details and / or samples of all proposed external facing materials used to close openings and make good the external treatment of the building following alterations to the building (such as alterations to doors, fenestration and removal of signage) 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.

10. BACKGROUND PAPERS

10.1 N/2011/0117.

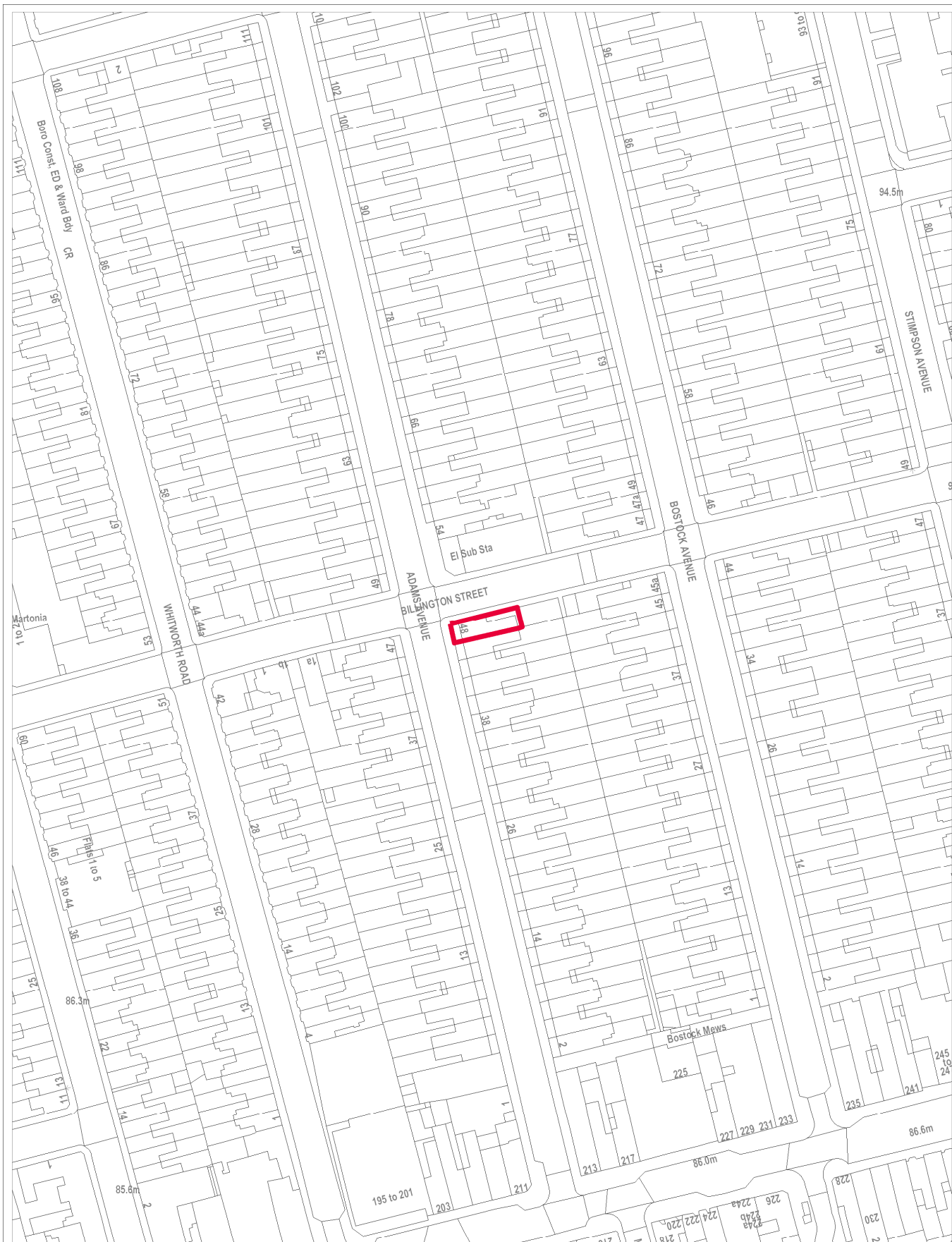
11. LEGAL IMPLICATIONS

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:	Jonathan Moore	17/03/2011
Development Control Manager Agreed:	Gareth Jones	23/03/2011



Name: JC
 Date: 24th March 2011
 Scale: 11250
 Dept: Planning
 Project: Site Location Plan

Title
48 Adams Avenue

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PLANNING COMMITTEE: 5 April 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0111 **Erection of end of terrace dwelling 18 Wallace Road**

WARD: Kingsley

APPLICANT: Mr. A Elderton
AGENT: A C Design

REFERRED BY: Head of Planning
REASON: Part of the application site owned by the Borough Council

DEPARTURE: No

APPLICATION FOR DETERMINATION BY:

1. RECOMMENDATION

1.1 APPROVAL for the following reason:

The principle of using existing predominantly residential land for a new residential use is acceptable. The siting and design of the dwelling will compliment the existing terrace of houses and the wider locality and will not be detrimental to visual or residential amenity or highway safety in accordance with Policies H6 and E20 of the Northampton Local Plan and the guidelines contained within PPS3 and PPG13.

2. THE PROPOSAL

2.1 The erection of a two storey three bedroom end of terrace dwelling attached to No. 18 Wallace Road on a plot measuring 22 metres deep and 8 metres wide. The house would be constructed of brick and render to match the existing properties in the vicinity of the site. No on-site parking provision is proposed.

3. SITE DESCRIPTION

3.1 The site contains the existing side portion of the garden of No. 18 Wallace Road plus a narrow strip of land adjoining to the northeast, which is owned by

the Borough Council. The locality is predominantly residential with a school sited on the opposite side of Wallace Road. The applicant has also submitted a planning application for the erection of two flats on the grassed area adjoining the northeast boundary of the site at the corner of Wallace Road and Fairfield Road. This application is presently undetermined (ref N/2011/0110).

4. PLANNING HISTORY

- 4.1 None relevant to the application site.
- 4.2 Refer to paragraphs 3.1 and 7.2 re the proposed development of the adjoining site (ref N/2011/0110).

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
PPS13 – Transport

5.3 Northampton Borough Local Plan

E20 – New Development
H6 - Housing Development within Primarily Residential Areas

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003.

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **12 Wallace Road** has concerns over the possible effect of this development on the existing sewerage system.

7. APPRAISAL

- 7.1 As the plot measures some 175 square metres, it is considered large enough to contain a dwelling of a similar size and proportions to other houses in the vicinity of the site. It has been designed with a hipped roof to match the existing dwelling at No, 18 Wallace Road and the other three properties that form this terrace. The proposed also takes several detailed design cues from the adjoining terrace including eaves, fenestration, doors, finishing materials, cills and lintels. For these reasons it is considered that the proposed house would complement the existing character and appearance of the locality.
- 7.2 A planning application submitted by the same applicant as the current proposal has been made for the development of two flats on land adjoining the site to the north east which has yet to be determined. Although there are

a number of points of detail which have yet to be resolved re the adjoining scheme such that it is not yet ready to be determined, given the relationship of the two proposed schemes there is no reason to delay the determination of the current application.

- 7.3 The siting of the proposed house is in line with the existing terrace and there are no proposed side facing windows such that it would not fetter the potential development of the site to the northeast. The scheme also respects existing nearby dwellings such that it would not lead to any significant impact on neighbour amenity in terms of light, outlook and privacy.
- 7.4 The proposed dwelling would have an appropriately sized rear garden measuring 8-12 metres in length due to the angled rear boundary, while the host dwelling, no. 18, would retain an adequate rear garden (12-15m long). On-site parking is proposed, however, there is considered to be sufficient on-street parking available within the vicinity of the site especially during the evening and night.

8. CONCLUSION

- 8.1 This application is recommended for approval as the plot is a sufficient size to accommodate a new dwelling and the siting and design of the building will compliment the street scene and not be detrimental to the amenity of the adjoining residential properties.

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. 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 building(s) 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no (additional) window(s) shall be installed in the side elevation of the proposed extension without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H18 of the Northampton Local Plan.

4. 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.

5. No development shall take place until a desktop study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

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.

10. BACKGROUND PAPERS

- 10.1 N/2011/0111 and N/2011/0110.

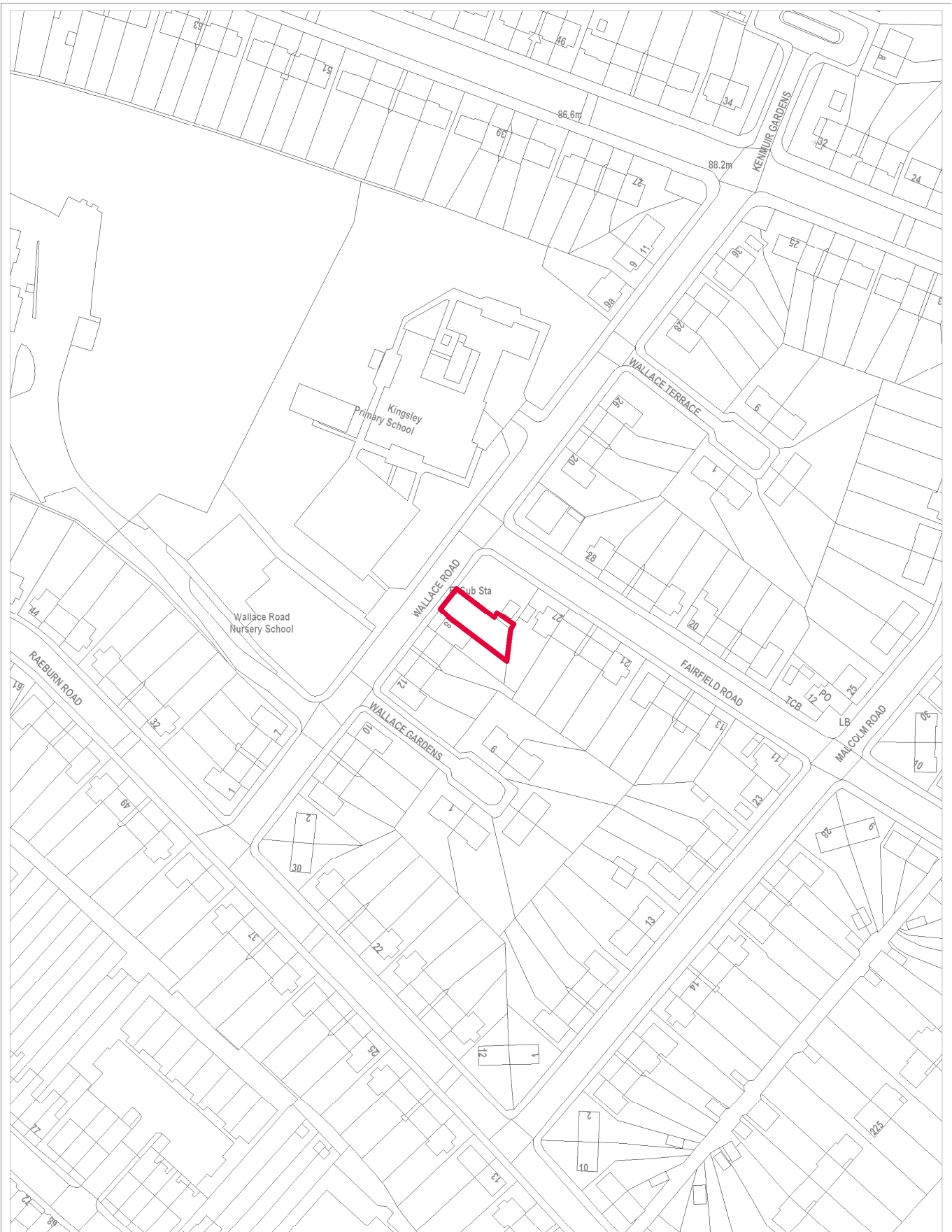
11. LEGAL IMPLICATIONS

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:	Geoff Wyatt	21/03/2011
Development Control Manager Agreed:	Gareth Jones	22/03/2011



Name: JC
 Date: 24th March 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title

18 Wallace Road

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Agenda Item 10c



PLANNING COMMITTEE: 5th April 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0134: Erection of 12.5m telecommunications mast and two radio equipment cabinets
The Headlands Public House, Longland Road, Northampton

WARD: Headlands

APPLICANT: Vodafone (UK) Ltd and Telefónica 02 (UK) Ltd
AGENT: Mr D. Hosker

REFERRED BY: Head of Planning
REASON: Objections received to a Prior Notification application

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 Refusal for the following reason:

The proposed monopole, by reason of its height and positioning would have an intrusive and overbearing affect on the surrounding residential properties, specifically 18 Longland Road and 135 The Headlands and therefore the proposal fails to comply with the requirements of PPG8 – Telecommunications.

2. THE PROPOSAL

2.1 This is a prior notification application for the erection of a 12.5m high monopole and two ancillary equipment cabinets, which are to be located adjacent to the north eastern corner of the Headlands Public House.

3. SITE DESCRIPTION

- 3.1 The application site comprises a two storey building, which is in use as a public house, which is located at the junction of Longland Road, The Headlands and Broadway East. The wider area is used for residential accommodation. The dwelling types are a combination of bungalows and houses.

4. PLANNING HISTORY

- 4.1 None relevant to this application.

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
PPG8 – Telecommunications

5.3 Northampton Local Plan

E20 – New development

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Public Protections (NBC)** – No objections on account of the relevant ICNIRP declaration being submitted.

- 6.2 **Cllr. B. Markham** – The siting of the proposed monopole is visually intrusive and the proposed equipment cabinets could pose a security risk to surrounding properties. There would be a detrimental impact upon the amenity of surrounding residents.

- 6.3 **Letters of objection from the occupiers of 7, 18 and 20 Longland Road, 135 The Headlands and 3 and 5 Whiteland Road.**

Comments can be summarised as:

- The proposed mast would be out of place within a residential area
- The proposal would be detrimental to visual amenity
- It would not be possible to have any form of screening against this development.
- Other sites are more suited to this type of development
- Security levels would be adversely impacted upon.
- Noise may be generated.

6.4 **A petition signed by 66 individuals has been submitted objecting to the proposal.**

7. APPRAISAL

7.1 The development proposed is permitted development due to the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). A condition of the Order requires the prior approval by the Council as planning authority of the siting and appearance of the installation. As such these two matters are the determining issues.

7.2 In terms of the monopole's siting, it is considered that by reason of its close proximity to the boundaries of the adjacent residential properties, specifically 18 Longland Road and 135 The Headlands, the proposal would give rise to a detrimental impact upon residential amenity. This is as result of the overbearing and intrusive affect that the proposed monopole would have on the private amenity space of these dwellings. This situation is exacerbated by the height of the installation and the fact that there is no scope to offer any mitigating screening. As a result of this, it is considered that the proposed development fails to comply with the requirements of PPG8 within this regard.

7.3 Whilst it is recognised that the need for the proposed installation has been demonstrated through the submission of radio coverage plots, it is considered that there are locations within the identified search area where the proposed apparatus could be accommodated without detriment to amenity as previously identified. This option of resiting the proposal has been put to the developer, however at the time of drafting the report the application had not been withdrawn. Nonetheless this remains a possibility.

7.4 It is recognised that the design of the proposed installation is of a monopole type and therefore not substantial in width, however, this does not counterbalance the negative affect that the proposal would have on residential amenity. Although objections have been received regarding the impact on security levels, it is considered that due to the distance from the site boundaries of the equipment cabinets (approximately 2.5m), it is considered that the proposal is unlikely to pose a significant security risk. However, this does not offset the harm to residential amenity as previously identified. The installation would be accessed via the public house car park and therefore there would be no undue detrimental impact upon highway safety.

7.5 It is recognised that telecommunications applications often raise concern regarding the impacts of the apparatus on health. However, Paragraph 30 of PPG8 is of particular relevance, which states:

“...it is the Government’s firm view that the planning system is not the place for determining health safeguards. It remains central Government’s responsibility to decide what measures are necessary to protect public health. In the Government’s view, if a proposed phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider the health aspects or concerns about them.”

7.6 In light of this and on account of no objections being received from NBC Environmental Health, it is considered that no further consideration can be given to this matter.

8. CONCLUSION

8.1 It is considered that although the need for the proposed installation has been demonstrated, there would be a detrimental impact upon residential amenity, which could be adequately mitigated through the resiting of this proposal. As such, the scheme does not comply with the requirements of PPG8.

10. LEGAL IMPLICATIONS:

10.1 None

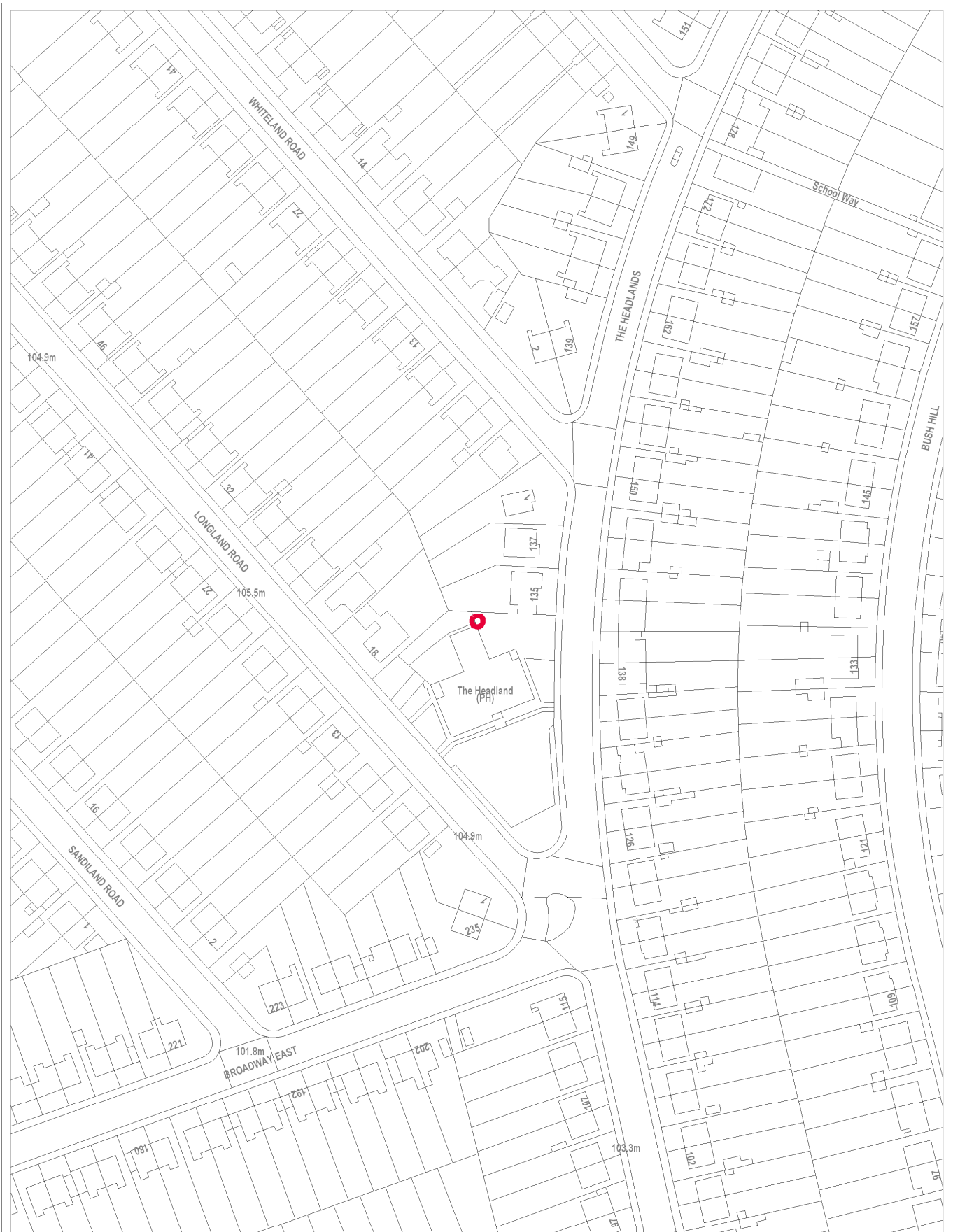
11. BACKGROUND PAPERS

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	23/03/11
Development Control Manager:	Gareth Jones	23/03/11



Name: JC
 Date: 24th March 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
The Headlands PH

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NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 5th April 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 can not be regarded as forming part of an identified centre for the purposes of the application of PPS4 for the reasons set out in this report;
- Tesco Stores Ltd should be requested to submit an impact assessment and a sequential assessment, to an agreed methodology, in accordance with Policies EC3, EC5, EC10, EC14, 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 PPS4.

2. THE PROPOSAL

2.1 The application to extend the existing Tesco superstore at Mereway was submitted to WNDC 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 convenience 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, opportunities which form part of the established or preferred retail hierarchy should be 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 Committee to enable the Sainsbury and Tesco applications to be considered concurrently by WNDC.

3. PURPOSE OF THIS REPORT

- 3.1 One key consideration in the determination of this application is whether or not for the purposes of the application of National Planning Policy PPS4 – Planning for Sustainable Economic Growth on retail development there is an identified centre at Mereway within the 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 PPS4, together with all relevant local policies. *One key consideration is whether or not a proposal lies within an identified centre.* 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 merits of the application within the context of adopted

development plan policy and 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 merits of the application until this information has been received and evaluated.

4. PLANNING CONSIDERATIONS

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 EC3 of PPS4 identifies that when plan making local planning authorities (LPAs) should set out a strategy for the management and growth of centres. EC3.1 b i sets out that as part of their strategy LPAs should define a network (the pattern of provision of centres) and hierarchy of centres (the role and relationship of centres in the network) that is resilient to anticipated future economic changes, to meet the needs of their catchments having made choices about which centres will accommodate any identified need for growth in retail and other town centre uses.

4.3 Policy EC5 concerns site selection for retail and other main town centre uses when plan making. Local planning authorities are required to base their approach on identified need and to identify an appropriate scale of development, ensuring that the scale of sites identified is in keeping within the role and function of the centre within the hierarchy of centres and the catchment served. Sites for growth should be identified through a sequential approach to site selection with appropriate existing centres first, then edge-of-centre, followed finally by out-of-centre locations (EC5.2). In assessing the impact of proposed locations for development on existing centres LPAs should ensure that proposed sites *in a centre*, which would substantially increase the attraction of that centre and could have an impact on other centres, are assessed for their impact on those other centres (EC5.4 b).

4.4 In relation to Development Management, Policy EC10, amongst other things, requires that *all planning applications* for economic development should be assessed against their impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives.

- 4.5 Policy EC14 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).
- 4.6 Policy EC14.4 states that 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 proposals 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.
- 4.7 Policies EC15 and EC16 set out the criteria for sequential assessment and impact assessments respectively when assessing planning applications.
- 4.8 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.
- 4.9 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

- 4.10 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 and as such is not compliant with the current policy requirements contained in PPS4, notably Policy EC3.
- 4.11 Moreover, the Local Plan did not distribute the growth as is laid out by PPS4 Policy EC3.1 b i.

- 4.12 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 seeks to protect the retail function of District and Local Centres by restricting the change of use from shop use has been saved. This policy is therefore the sole extant policy to which Appendix 15 is relevant and for which it performs a residual function.
- 4.13 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). When making submissions to the Secretary of State the Council requested that, of the Plan's retail policies, Policies R9 and R12 should be saved but that Policies R1 and R2 should not. In its assessment the Council commented that Policy R1 is "out of date and does not comply with the sequential approach promoted in PPS6" and Policy R2 is "out of date and does not comply with the requirements and guidelines contained in PPS6."
- 4.14 In short 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.
- 4.15 The issue is, therefore, what weight should be attached to the Local Plan in considering the proposal. It is clear that the relevant unsaved 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.
- 4.16 At the Council's request the Secretary of State saved local Plan Policy R9. The Policy is not concerned with the establishment of a retail hierarchy for the Borough; that was broadly left to the earlier now unsaved Policies R1 and R2. Policy R9 is exclusively concerned with change of use from shop use to other uses within District and Local Centres. Although as a saved Policy it continues to be used in the assessment and determination of applications for change of use in centres identified in Appendix 15 of the Local Plan, it does not establish a PPS4 compliant network or hierarchy essential to the operation of the PPS4. Whilst policy R9 as guided by Appendix 15 has the effect of protecting existing retail use it is not determinative of whether or not a group or grouping of retail facilities is or is not a centre having regard to the up to date advice in PPS4.
- 4.17 For the foregoing reasons therefore, there is no PPS4 compliant retail hierarchy in the Local Plan and the status of Mereway in extant approved development plan policy is at best ambiguous.

- 4.18 It is important to apply PPS advice in a purposive way. It seeks to establish a staged process with the local planning authority taking the lead in establishing a network and hierarchy through their development plan documents. Within that process all issue of need, sequential testing and impact assessment will have been thoroughly undertaken. Once that process is complete there should be no need for applicants to repeat work already undertaken in the preparation of the development plan. The emphasis on *applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date development plan* within EC14, EC15 and EC16 and EC17 is clearly directed at those circumstances in which there has been no development plan process compliant with the Plan Making Policies. That is the case here.
- 4.19 Where a proposal would substantially increase the attraction of a centre to the possible detriment of other centres, a plan making authority must assess impact [EC5.4]. Where that has not been done (e.g. because the development plan is old or did not anticipate development) and an applicant proposes development of like effect, an impact assessment is logically required [EC14.6].
- 4.20 It follows that even where there is a development plan identification of a centre, it is important to have regard to other material considerations that may outweigh that identification. Such material considerations would include the terms of PPS4 and also changes to the mix and composition of a centre which have occurred since its identification.
- 4.21 It is relevant here to consider how the shopping centre at Mereway has changed and evolved since it was identified as a Centre in the Local Plan in 1997. Relevant also is the up-to-date evidence base used to prepare the policies contained in the emerging development plan.

Evolution of Mereway Shopping Centre

- 4.22 Mereway has not developed its non-supermarket commercial offer in any substantial way since the adoption of the 1997 Northampton Local Plan. The five smaller adjacent shop units have remained, but two have changed from A1 to A2 use in 1997 and 2001 followed by a change of use to café in 2003. The commercial vitality of these units appears to have little to offer due to their size and their proximity to the larger adjoining superstore. The nearby public house (Horts Bar) has evolved to an Indian restaurant.
- 4.23 The Tesco superstore has been extended since its original permission in 1985, with one extension approved in 1997 and another in 2003. These two 'post Local Plan' extensions have enlarged the store's offer and increased its dominance of the handful of small businesses present. The increasing size of the Tesco and the stagnating status of the other traders has led to an offer that is significantly less like a District Centre than first envisaged and one that has the characteristics of an out of centre store. Mereway has, in reality, never offered the diverse range of facilities laid out in PPS4 (banks, shops, etc) in the

definition of a District Centre and this limited offer has only been further marginalised by Tesco's continued growth.

The Pre-Submission Joint Core Strategy – January 2011

- 4.24 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.
- 4.25 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.
- 4.26 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. The evidence base for retail development for the Core Strategy prepared by Roger Tym and Partners concludes that Mereway is an out of centre location.
- 4.27 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. The evidence base supports this. 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.
- 4.28 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.

- 4.29 It is also worth noting that the former Emergent Joint Core Strategy published for consultation in 2009 did not identify a district centre at Mereway.
- 4.30 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 and it is entitled only to very limited weight, regard may be had to the supporting evidence base which is up to date and identifies Tesco, Mereway as a stand alone out of centre foodstore.
- 4.31 The Pre-Submission Joint Core Strategy does not propose Mereway as a District Centre nor proposes its growth.

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 the Appendix 15 listing 'recognised shopping centres' is questionable in the light of this save as an aid to the interpretation of Policy R9. In any event Appendix 15 does not constitute a network and hierarchy of centres as required by Policy EC3 of PPS4.
- 5.3 The development plan status of Mereway as a District / Local Centre should now be accorded little if any weight in determining its status within the context of PPS4. There is no PPS4 compliant definition of the network and hierarchy of centres within the Borough and Mereway does not in any event now satisfy the PPS4 definition of a centre. It is an out of centre development. The ambiguous status of Mereway dating from the 1997 Local Plan is now outweighed.
- 5.4 As the application is not in accordance with the development plan and at circa 2,500 square metres of new sales floorspace, substantially increasing the retail attraction to the extent that the development could have an effect on other centres, EC14.6 of PPS4 requires an impact assessment dealing with the affects on other centres. Similarly, the applicant has must show compliance with the sequential test in accordance with Policies EC17 and EC15 of PPS4.
- 5.5 The applicants have not submitted an impact or sequential assessment with the application as required by PPS4. With a paucity of necessary information, WNDC are advised not to determine the application without the requisite additional information and in the event that it is not forthcoming, to refuse the application.
- 5.6 The applicants have recently argued that Mereway is a District Centre in development plan terms. For the foregoing reasons officers even were that accepted, the impacts of the proposed store extension

should be assessed having regard to the terms of Policies EC 10.6 and EC14.6 to analyse and prevent significant adverse impacts harming other centres, particularly Northampton town centre in this case. The impact of the present proposal has not been assessed by any plan making authority in the preparation of a development plan (or otherwise) and it therefore falls to the applicant to undertake this assessment.

- 5.7 Again, Tesco have not carried out an impact assessment that enables NBC or WNDC to determine whether the proposals will significantly adversely affect the other centres.

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.*

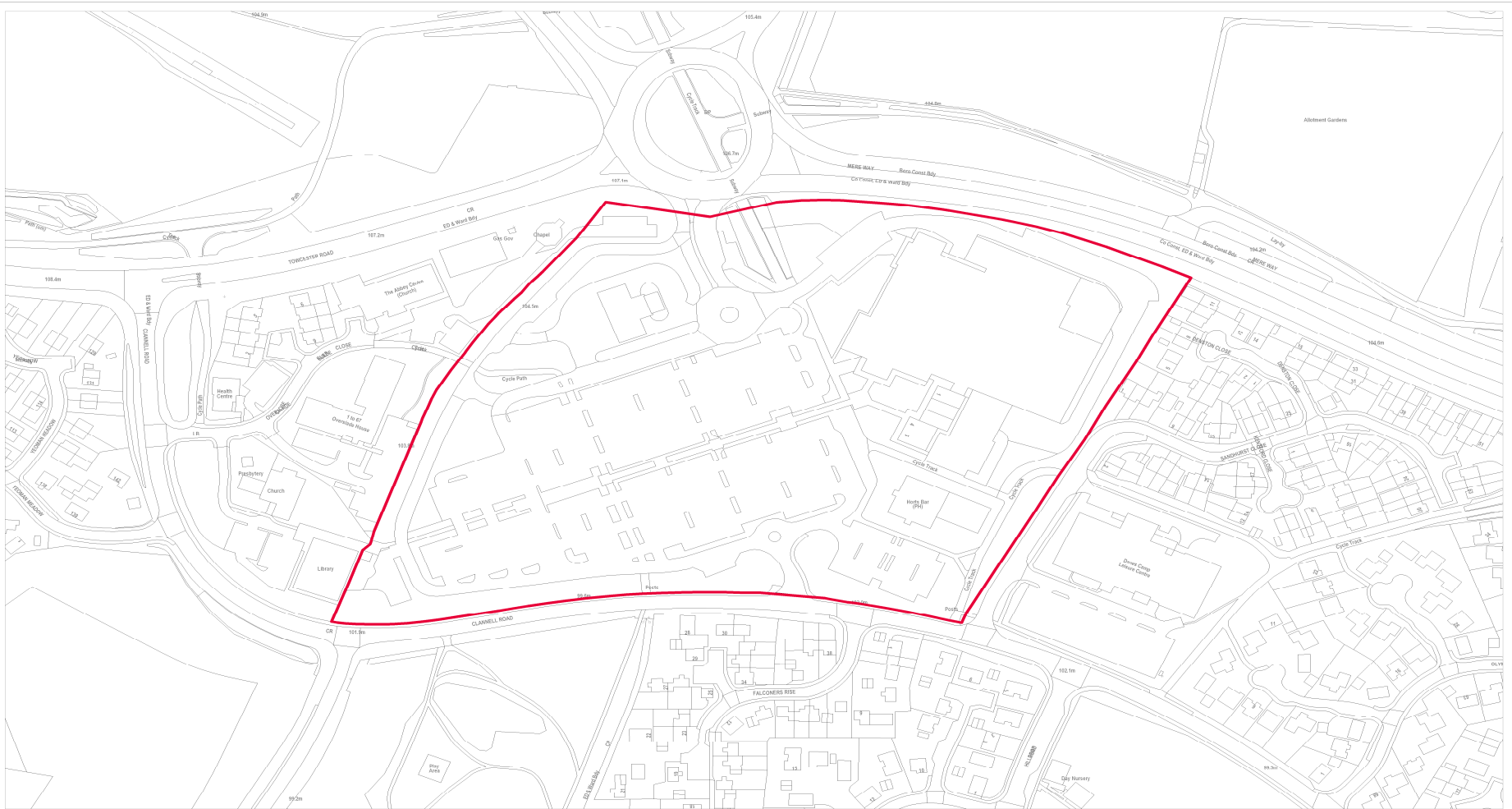
7. LEGAL IMPLICATIONS

- 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 / R Boyt	24.03 2011
Development Control Manager Agreed:	G Jones	24.03.2011



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

Title
Tesco, East Hunsbury

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