

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT THE JEFFREY ROOM, ST. GILES SQUARE, NORTHAMPTON, NN1 1DE. ON TUESDAY, 13 SEPTEMBER 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 8014
Report of Head of Planning (copy herewith)
7. OTHER REPORTS
None.
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/2011/0323- EXTENSION TO THE EXISTING FOOD STORE, ERECTION OF A NEW NON-FOOD RETAIL UNIT (AS REPLACEMENT FOR THE LOSS OF AN EXISTING UNIT), NEW BUS WAITING FACILITY, PROVISION OF NEW PEDESTRIAN FOOTPATHS, LANDSCAPE WORKS, LIGHTING WORKS AND REVISIONS TO THE CAR PARK LAYOUT AT TESCO, MEREWAY T.
BOSWELL
X 8724

Report of Head of Planning
(copy herewith)

Ward: East Hunsbury
 - (B) N/2011/0403- ERECTION OF TWO AND A HALF STOREY DWELLING AT LAND AT 1-3 HESTER STREET G. WYATT
X 8912

Report of Head of Planning
(copy herewith)

Ward: Semilong

- (C) N/2011/0635- INSTALLATION OF TWO STORAGE TANKS FOR CONTAMINATED WATER AND PROCESSED OIL AT DUSTON OILS, 70 PORT ROAD, DUSTON R. SIMPSON X 7848

Report of Head of Planning
(copy herewith)

Ward: New Duston

- (D) N/2011/0722- CHANGE OF USE FROM COMMERCIAL (USE CLASS B1) TO SINGLE DWELLING HOUSE (USE CLASS C3) AT 40-42 GUILDHALL ROAD E. WILLIAMS X 8306

Report of Head of Planning
(copy herewith)

Ward: Castle

- (E) N/2011/0759- INSTALLATION OF FIRST FLOOR REAR BAY WINDOW AT 201 ABINGTON AVENUE R. SIMPSON X 7848

Report of Head of Planning
(copy herewith)

Ward: Abington

11. ENFORCEMENT MATTERS

None.

12. APPLICATIONS FOR CONSULTATION

None.

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>
A6793

Agenda Item 2

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 23 August 2011

PRESENT: Councillor Flavell (Chair); Councillor Golby (Deputy Chair);
Councillors N. Choudary, Davies, Hallam, Hibbert, Lynch, Markham,
Mason, Oldham and Aziz

1. APOLOGIES

Apologies for absence were received from Councillor Meredith.

2. MINUTES

The minutes of the meeting held on 19 July 2011 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That Councillor Strachan and Messrs Conrad and Clarke be granted leave to address the Committee in respect of application number N/2011/0305.

That Councillor Hill and Messrs Sellers, Underwood, Brice and Johnson be granted leave to address the Committee in respect of application number N/2011/0437.

That Councillor King, Mrs S. Andrews, Miss Betts and Mr Waine be granted leave to address the Committee in respect of application no N/2011/0588.

4. DECLARATIONS OF INTEREST

Councillor Flavell declared a Personal and Prejudicial interest in item 12A, N/2011/0558 as being a member of WNDC's Northampton Planning Committee.

Councillor Golby declared a Personal and Prejudicial interest in item 12A, N/2011/0558 as being a member of WNDC's Northampton Planning Committee.

Councillor Davies declared a Personal and Prejudicial interest in item 12A, N/2011/0558 as having made representations to WNDC on this application.

Councillor Hallam declared a Personal interest in item 12A, N/2011/0558 as being a substitute member of WNDC's Northampton Planning Committee.

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

There were none.

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Head of Planning submitted a List of Current Appeals and Inquiries and elaborated thereon.

RESOLVED: That the report be noted.

7. OTHER REPORTS

(A) DEVELOPMENT CONTROL AND ENFORCEMENT PERFORMANCE QUARTER 1 (2011-12)

The Head of Planning submitted a report that set out a summary of Development Control and Enforcement Performance for the first quarter of 2011/12 and elaborated thereon.

RESOLVED: That the report be noted and that the Development Control and Enforcement officers be congratulated upon the performance results for Quarter 1 (2011-12).

10. ITEMS FOR DETERMINATION

(B) N/2011/0437- ERECTION OF FIVE DWELLINGS - OUTLINE APPLICATION LAND TO THE REAR OF 29-31 AND 33 ASH LANE, COLLINGTREE, NORTHAMPTON

The Head of Planning submitted a report in respect of application number N/2011/0437 elaborated thereon and referred to the Addendum that set out an objection from Mrs T Crake and further comments from the occupiers of 27 Ash Lane.

Mr Sellers, a neighbour, expressed concern that he had to ask for information about this application and had only found out about the Committee meeting earlier in the day. He believed that the Committee had to consider the impact of the proposal on residents and the village. The planners had judged the application as a minor matter but there had been three recent applications for this site and it had only come to the Committee because of the concerns of the Ward Councillor. The Motorway had grown busier and buffers of open space were therefore, precious. The Parish Council had opposed the infill development at Collingtree Court and their fears about the non-adoption of the access road and protected trees being felled had been realised. Air quality was an issue in this area further development should not make this worse. He was aware that residents opposite the site already had existing breathing problems. He also noted that Ash Lane was the only route through the village and that the Police had recorded average traffic speeds of 36mph.

Mr Underwood, a neighbour, commented that the site was immediately north of the M1 and that land further to the north had been CPO'd by the Highways Agency for widening of the M1, but had subsequently released the land and it had now been developed. The M1 was and would remain a major factor as part of the major road network. A previous application had been made for five houses right up to the M1 boundary. Noise and air quality reports indicated that the levels were too high and the application had been reduced to three houses. Given the prevailing winds from the north and the high noise and pollution he believed that the site was only boarder line developable. If the winds moved from the South West then the boundary was pushed back. Mr Underwood observed that the mitigation on page 19 of the report that construction vehicles would turn their engines off would mean that there would be no power to the site.

Mr Brice, Chairman of Collingtree Parish Council, commented that the current application was for five dwellings on a smaller site than previously. The Parish Council had concerns in respect of the density of the site. In terms of air quality pollution would travel from the M1 towards these houses. He queried the effectiveness of the mitigation measures. Junction 15 of the M1 already had poor air quality issues and a local doctor had previously stated that there should be no children living that close to the motorway. He felt that to say that this land was suitable for development was ludicrous. Mr Brice noted that they was no indication as to what would happen to the small area of land adjacent to the boundary of the motorway. He speculated that as this was an outline application whether another application would be subsequently made for more houses. He believed that the report did not reflect the environmental issues that had been raised. He suggested that the traffic issues were similar to the situation at Glebe Farm Close and that a 20mph speed limit should be imposed. The cost of those measures had been £68,000.

For clarification the Head of Planning noted that a previous application for five dwellings on a larger site that took the development nearer the motorway had been withdrawn.

Councillor Hill, as Ward Councillor, commented that the residents were willing to accept suitable developments, however, there were issues such as noise. The Parish Council were seeking to get a noise reduction surface put on the M1. He had used County Councillor funding for speed cameras in Ash Lane. He felt it unlikely that air quality would improve. He believed that the proposal would be out of character with the area and noted that the site already had permission for three houses. He believed that five dwellings represented overdevelopment. If the Committee were minded to approve the application he asked that trees on the site be protected.

Mr Johnson, the agent, thanked the Officers for what he believed was a considered report and the site visit that had been arranged. This application was for outline permission. The principle of development on the site had already been established. The extant permission was for three larger houses. The indicative layout in the current application showed just one way that the dwellings might be laid out. The proposal reduced the scale of the development and would be less visually intrusive and would have less impact on neighbours. The dwellings would be of a comparable design to the neighbours and at a similar density. In terms of air quality and noise no objections had been raised nor had issues been raised about trees. He believed that

the application was within planning policy and hoped that the Committee would approve it. In answer to questions Mr Johnson stated that in terms of air quality the proposal was not to develop to the boundary of the site, no trees would be removed and reasonable large gardens would be retained; the development complied with Highways Authority (HA) requirements: he did not agree with the Environmental Health comments; and confirmed that the strip of land between the site and the M1 boundary was not included in the site boundary.

The Head of Planning commented that in respect of the Environmental Health comments that these reflected a professional debate. There had not been any changes to Guidance or Policy in respect of air quality. The site already had residential use as garden land. He also noted that the HA had not requested a traffic scheme for Ash Lane.

The Committee discussed the application.

The Chair moved and Councillor Golby seconded "That the recommendation in the report be approved."

Upon a vote the motion was lost.

Councillor Hibbert moved and Councillor Oldham seconded "That insufficient information had been provided in support of the application to demonstrate that five dwellings could be satisfactorily accommodated on the site whilst adequately reflecting the character of the surrounding area in terms of layout, siting, form and scale in accordance with Policies E20 and H6(a) of the Northampton Local Plan. In particular the development needed to demonstrate that an acceptable relationship could be secured between the proposed dwellings and that sufficient garden space would be provided in accordance with the requirements of Policies E20 and H6 of the Northampton Local Plan."

Upon a vote the motion was agreed.

RESOLVED: That insufficient information had been provided in support of the application to demonstrate that five dwellings could be satisfactorily accommodated on the site whilst adequately reflecting the character of the surrounding area in terms of layout, siting, form and scale in accordance with Policies E20 and H6(a) of the Northampton Local Plan. In particular the development needed to demonstrate that an acceptable relationship could be secured between the proposed dwellings and that sufficient garden space would be provided in accordance with the requirements of Policies E20 and H6 of the Northampton Local Plan.

(A) N/2011/0305- CONVERSION OF A SINGLE DWELLING INTO THREE FLATS: ONE TWO-BEDROOM AND TWO ONE-BEDROOM (AS AMENDED BY REVISED PLAN RECEIVED ON 4 JULY 2011) AT 22 WATKIN TERRACE.

The Head of Planning submitted a report in respect of application number N/2011/0305 elaborated thereon and referred to the Addendum that set out an objection from 32 Watkin Terrace and the response to it.

Mr Conrad, a neighbour and on behalf of 50 residents, commented that he could not agree that there would be no car parking impact. Previously, the house had been occupied by a large family that had had one car. He believed that the situation in respect of rubbish was an environmental one and was therefore a planning matter. Putting rubbish in the gardens was not practicable, they were really large yards, and in any case he believed, would attract rats. He queried why policy H23 was being ignored and stated that the property was a four bedroom house and not eight as described in the report. He commented that the house had been consistently occupied by a single family. Mr Conrad believed that that the proposal was contrary to Policy H21 and prejudicial to the area. In answer to questions Mr Conrad commented that 50 residents had signed a petition and that others had objected too and that black sacks of rubbish in gardens would just attract vermin.

County Councillor Clarke, on behalf of residents, expressed concern that County Councillors did not have a right of address at the Committee. He believed that the application should be refused, as the previous agenda item had been. He understood that the density of this proposal equated to 120 per hectare. He questioned the accuracy of the report- it was not an eight bedroom house; the discussion in respect of policies H21 and H23 was, he believed, questionable and the statement that the street was part of a residents parking scheme was disputed. County Councillor Clarke believed that there were serious planning issues concerning noise and nuisance and that the proposed bin store was a red herring in respect of the rubbish issues; it would not work. He believed that the report was not helpful to the Committee.

Councillor Strachan, as Ward Councillor, commented that he would be disappointed if members of the Committee did not have copies of the residents petition in front of them. The Northampton Plan was the guiding document. Residents disagreed with the content of the report and had made their comments in great detail; they had submitted floor plans of the properties already in multi occupancy. He believed that the application would not have even been considered if the Council's policy had been stuck to: Policy H23 said that the minimum floor space of dwelling units had to be 100sq mtres; so why was the application being considered at all? Policy H25 said that off road parking must be provided but this proposal provided none. Councillor Strachan urged the Committee to refuse the application.

The Head of Planning commented that the floor plans indicated that the property was an eight bedroom house. Policy H23 was unusually prescriptive and had been designed to deal with a particular problem concerning the division of small terraced properties. Applications had to be determined in accordance with the development plans unless there were other material considerations. Although this property had a narrow frontage this was balanced by the fact that it was a large three storey building and had a basement and developed roof space. The material considerations were set out in the report and that the recommendation was that in this case, these other considerations outweighed a strict interpretation of Policy H23. In respect of car parking, the Highways Authority had advised that the street was within a designated residents parking area and that residents could request that it be implemented.

Maximum parking standards were now in place but in any case the provision of off street parking in terraced streets could not be insisted upon. He confirmed that the issues raised about rubbish were not a planning consideration over and above the proposed condition requiring the provision of a bin store. The area had a mix of different property types and therefore the proposal would not prejudice the character of the area in compliance with Policy H21. In answer to questions, the Head of Planning commented that the owner could, at present, rent rooms up to six unrelated people without requiring planning permission and with the current application there would only be four bedrooms; that he was not aware of a response from the Secretary of State to the residents letter referred to in paragraph 6.9 of the report; and that other properties in the area had been developed along similar lines.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the proposed conversion to three self-contained flats would not cause substantially more harm to the amenity of the area than the permitted uses of the house, would bring a vacant property back into use and would not prejudice the established character of the area in accordance with Policies H24, H3, H6, E26 and H21 of the Northampton Local Plan and PPS3 – Housing.

(C) N/2011/0588- CHANGE OF USE OF PART OF DOCTORS SURGERY (USE CLASS D1) TO PHARMACY (USE CLASS A1 ABINGTON HEALTH COMPLEX, BEECH AVENUE, NORTHAMPTON

The Head of Planning submitted a report in respect of application number N/2011/0588 elaborated thereon and referred to the Addendum that set out an amendment to paragraph 7.2 of the report and an objection from Mr C Richardson.

Mrs Andrews, on behalf of local residents commented that the proposal was for a proper commercial pharmacy and not just a dispensary. The operation of the pharmacy would impact on residents and the contract applied for included a needle exchange scheme. She believed that there were issues of security that were not compatible with the residential nature of the area and the school adjacent to the site. Mrs Andrews queried the car parking provision for the pharmacy out of hours and believed that this commercial use would impact unfavourably on the nearby local centre as would the loss of a consulting room at the existing doctors' surgery. The proposal would be a loss of amenity to residents.

Miss Betts, a neighbour, commented that the health complex already attracted a lot of visitors for which the existing car park was inadequate. When the Normed Service had been located there the situation had been unacceptable in terms of noise and anti social behaviour from youngsters. She believed that the proposal would attract similar problems. The existing pharmacy provided a good service and there were other pharmacies for out of hours needs in non residential areas of the Town. She had already found discarded methadone bottles and questioned the suitability of the

proposal given the close proximity of the school. She supported the refusal of the application. In answer to questions Miss Betts commented that the existing pharmacy had started a petition against the proposal and that she had lived at her current address for 24 years and could easily recall the problems caused by Normed that had abated once that service had moved to a different location.

Councillor King, the Ward Councillor, stated that the majority of residents had objected to the proposal and she confirmed the anti social behaviour problems caused by youngsters when the Normed service had been at the site. Residents did not want a return to this. She did not believe that there was the need for another 100hour opening pharmacy when there was an existing one only 1.2 miles away and buses to Weston Favell Centre running to 21.23hours. The existing pharmacy served the community providing consultations etc which the proposal might adversely effect.

Mr Waine, the agent, commented that the recommendation for refusal in the report was based upon issues raised by Environmental Health and in particular about late night customers. National advice about noise in residential areas defined daytime as 07.00 to 23.00 when heavy traffic was acceptable. The location was not suburban at it was just three kilometres from the Town Centre. The car park was private and the situation would not be the same as for a night club, for example. There had not been an objection from the Police and the situation was not comparable to when the Normed service had operated from the site. He suggested that the Committee consider if the refusal was focussed and whether the reasons were robust. No noise study had been completed. The proposal would be a local facility and bring local benefits with it. In answer to questions Mr Waine commented that he believed that clear cut reasons had not been given for a refusal; and that the situation with Normed which had involved Doctors and Nurses was very different from this situation.

The Head of Planning commented that the Police had not made any comments about any anti social behaviour but would offer advice to the applicant if the application were to be approved. The proximity of another pharmacy to the site was not a planning matter. The question of needles was a site management matter. The PCT monitored sites on this type of issue. It was felt that the potential benefits of the proposal did not outweigh the loss of amenity to the residents.

The Committee discussed the application.

RESOLVED: That the application be refused by reason of the proposed operating hours, intensification of use and proximity of the site to residential properties, the proposed development would have a significant detrimental impact upon residential amenity as a result of increased noise and disturbance. The proposal therefore fails to comply with the requirements of PPG24 – Planning and Noise.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

(A) N/2011/0545- CHANGE OF USE FROM SHOP (USE CLASS A1) TO TAKEAWAY/RESTAURANT (USE CLASS A3/A5) AND INSTALLATION OF EXTRACTION DUCTING FLUE SYSTEM AT 1 LORNE ROAD, NORTHAMPTON.

The Head of Planning submitted a report in respect of application number N/2011/0545 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the proposed use as a takeaway (Use Class A5) would not adversely impact upon the amenity of neighbouring properties or the area as a whole; would not lead to unacceptable traffic problems; and would not be detrimental to the shopping character of a Centre, in accordance with Policy R9 of the Local Plan.

(B) N/2011/0614- LISTED BUILDING CONSENT FOR VARIOUS INTERNAL AND EXTERNAL REFURBISHMENTS AND IMPROVEMENTS 1-2 ABINGTON COTTAGES, ABINGTON PARK, NORTHAMPTON>

The Head of Planning submitted a report in respect of application number N/2011/0614 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That as the consultation period from the newspaper advertisement did not conclude until 25th August, the Head of Planning be delegated the decision to approve in principle the proposed works, provided that no additional material considerations were raised. The application would be subject to referral to the Secretary of State and subject to the conditions set out in the report and was considered acceptable for the following reason; as the proposal would not unduly impact upon the fabric, character and appearance of the Grade II Listed Building within Northampton's historic Abington Park. The proposal therefore complied with PPS5 – Planning and the Historic Environment and Policies E20 and E26 of the Northampton Local Plan.

10 ITEMS FOR DETERMINATION (CONTINUED).

(D) N/2011/0622- TWO STOREY SIDE EXTENSION (AS AMENDED BY REVISED PLANS RECEIVED 27/07/2011. 4 BLACKWELL HILL NORTHAMPTON NN4 9YB.

The Head of Planning submitted a report in respect of application number N/2011/0622 and elaborated thereon. In answer to a question he commented that the lawful use of the property was as a domestic house any other use would be subject to enforcement action.

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 was considered to be acceptable and in accordance with Policies E20 and H18 of the Northampton Local Plan and Residential Extensions Design Guide.

(E) N/2011/0694- DEMOLITION OF EXISTING GARAGE, ERECTION OF TWO STOREY FRONT, REAR AND SIDE EXTENSIONS AND ERECTION OF GARAGE BUILDINGS TO FRONT OF DWELLING. SHALIMAR, WELLINGBOROUGH ROAD, NORTHAMPTON NN3 9BQ.

The Head of Planning submitted a report in respect of application number N/2011/0694 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the application be approved as the proposed development would have no adverse impact on the street scene or on the amenities of existing neighbouring residents. The proposal would therefore comply with Policies E20 and H18 of the Northampton Local Plan.

11. ENFORCEMENT MATTERS

None.

12. APPLICATIONS FOR CONSULTATION

(A) N/2011/0558- PLANNING APPLICATION FOR A NEW ROAD TO LINK NUNNS MILLS ROAD WITH RANSOME ROAD. THE SCHEME INCORPORATES THREE NEW BRIDGES, INCLUDING A SINGLE BRIDGE OVER THE EXISTING RAIL CROSSING, TOGETHER WITH IMPROVEMENTS AT THE BEDFORD ROAD/NUNN MILLS ROAD JUNCTION AND RECONFIGUREMENT TO THE EXISTING PUBLIC CAR

PARKING LOCATED ADJACENT TO BEDFORD ROAD. (WNDC CONSULTATION).

Councillors Davies, Flavell and Golby left the meeting in accordance with their respective declarations of interest set out in minute 4 above.

The Borough Solicitor invited nominations for Chair for the remainder of the meeting.

Councillor Oldham proposed and Councillor N Choudary seconded "That Councillor Mason Chair the remainder of the meeting". The proposal was agreed.

The Head of Planning submitted a report in respect of application number N/2011/0558 elaborated thereon and referred to the Addendum that set out the result of further discussions with WNDC and the subsequent amendment of the recommendation so as to delete paragraph 1.2. In answer to questions he commented that the final flood mitigation methods and drainage details would depend upon the development proposals that were brought forward following the provision of this infrastructure and that the stretch from Bedford Road to Avon was likely to be a first phase as it could stand alone from the rest of the project. The remainder to Ransome Road would be a second phase of construction. Discussions with Network Rail were continuing in respect of the bridge. The first phase was likely to start in 2013.

The Committee discussed the application.

RESOLVED: That WNDC be advised that the Borough Council raises **NO OBJECTION TO THE PRINCIPLE** of the proposed development, provided that the issues set out in the report are fully addressed and the recommended planning conditions as set out in the report being attached to any grant of planning permission.

The meeting concluded at 21.06 hours.

Agenda Item 6

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



List of Appeals and Determinations – 13th September 2011

Written Repts Procedure			
Application	Del/PC	Description	Decision
N/2011/0122 APP/V2825/A/11/2152205	DEL	Change of use of ground floor from betting office (Class A2) to café/restaurant and take-away (Class A3 & A5) with installation of extraction/flue system at 45 Kingsthorpe Road.	AWAITED
N/2009/0566 APP/V2825/A/10/2123568	DEL	Change of Use to 4no. bedsits at 1 Humber Close, Northampton – Retrospective.	AWAITED
N/2011/0287 APP/V2825/A/11/2154166/NWF	DEL	Change of use from retail (Use Class A1) to financial and professional services (Use Class A2) at 63A Abington Street	AWAITED
N/2010/1078 APP/V2825/A/11/2156204	DEL	Erection of 1no. one bed dwelling with integral parking at Land to the rear of 2 Trinity Avenue	AWAITED
N/2011/0207 APP/V2825/D/11/2156900	DEL	Two storey side extension and rear dormer window. (As amended by revised plans received 19th April 2011) at 56 Friars Avenue	AWAITED
N/2011/0493	DEL	Erection of railings to parapet wall and existing extension	AWAITED
N/2011/0270 APP/V2825/A/11/2158240	DEL	Change of use of ground floor from light industrial/warehouse (Use Class B1/B8) to Dance studio (Use Class D1)	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 838014 Planning and Regeneration The Guildhall, St Giles Square, Northampton, NN1 1DE	



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

Addendum to Agenda Items Tuesday 13th September 2011

Items for Determination

ITEM 10a N/2011/0323

Extension to the existing food store, erection of a new non-food retail unit (as replacement for the loss of an existing unit), new bus waiting facility, provision of new pedestrian footpaths, landscape works, lighting works and revisions to the car park layout at Tesco, Mereway.

Amendments/Additional Information:

Paragraph 1.1 (d). It emerges that the Bus Service 28 which it was proposed to replace with a new Tesco funded Service 12 is still running on a non-subsidised basis and First Group have not (yet) given notice of any intention to remove that service. That being the case the report should be amended to read:

"The Applicant shall make a payment to Northampton CC for the provision of public bus services to the Development. Such services to be as considered appropriate by NCC".

Paragraph 1.1 (add to report). Tesco have agreed in writing to fund improved pedestrian crossing facilities north of the Mereway underpass – subject to design criteria in compliance with DfT Local Transport Note 1.95.

Paragraph 2.7. The applicants have pointed out that relocation options for the revised entrance to Clannell road was rejected by Northampton CC as Highway Authority - rather than Tesco as applicants.

Paragraph 2.8. Mention is made of the new recycling facility being 25 metres from the nearest home in Falconer's Rise. That should read 75 metres.

Paragraph 6 (add to report). A petition in favour of the current planning application dated the 8th of September 2011, signed by 19 persons who have signed their names to – *"We, the undersigned, support the plans for an extended and improved Tesco store along with new Jobs and investment in Mereway District Centre"*.

Paragraph 6 (add to report). A letter dated 1st May from a resident of Sandhurst Close (*sent to an incorrect e-mail address and received only on 13th September*). In summary:

- Detract business from the town centre
- Increased traffic on the congested ring road
- Increased lorries containing non-food items on the local transport network
- Increased traffic and speeding on Clannell Road which already serves the Leisure Centre, Park, Library, Abbey Centre, Church and Primary School.
- Service road entrance on already congested Sandhurst close.
- Another not needed Community Building. Residents do not want another community centre. (*As featured in the former application to WNDC but not in the current application to NBC*)
- Tesco monopolising Northampton.

The respondent in this case made similar objections in an e-mail submission dated the 12th August 2010 to WNDC regarding the former application.

Paragraph 6.9 (add to report). L&G (on behalf of the Northampton Shopping Partnership) wrote two earlier and broadly similar letters to WNDC dated the 19th of August 2010 and 8th September 2010 dealing with impacts of the ten proposed development – primarily upon regeneration prospects within the Central Area Action Plan.

Paragraph 6,20 regarding the former application to WNDC (add to report)

A petition with 214 signatures objecting to the former application on two grounds:

- The expansion would lead to a significant and potentially hazardous increase in congestion, noise and pollution in this predominantly residential area.
- Expansion will contribute to the demise of Northampton Town Centre where increasing numbers of retail outlets stand empty.

An undated letter to WNDC adding to one earlier emphasizing:

- Tesco could resolve acknowledged problems at the store without the proposed extension.
- Significant adverse impacts on local environment and vitality and viability of Northampton town Centre.
- Not in accordance with Development Plan policy or national planning policies.
- Planning obligations or conditions are not capable of overcoming these adverse impacts.

A letter dated 6th February 2011 to WNDC stating:

- The entrance from Clannell Road should be moved further away from Falconers Rise.
- There should no new entrance from Sandhurst Close that creates more traffic along Clannell road.

That earlier letter to WNDC on the 15th August made the following points:

- Additional traffic around the area is unwelcome. Suggest that the *existing entrance* from Clannell Road creates an average of one accident per month.
- Too much parking in Sandhurst Close, new entrance will create a bottleneck. (*Note the new parking restrictions and pedestrian crossing now proposed*).
- Traffic entering Clannell Road from Falconers Rise already suffers delay.
- The Mereway roundabout is often congested and lorries may seek to use the Clannell Road entrance as an alternative. (*Note by officers, as now revised, that will not be possible*).
- Increase in noise and pollution from vehicle waiting at the new traffic light controlled entrance from Clannell Road.

A letter to WNDC dated 10th August 2010 making the following points:

- Revised entrance from Clannell Road will make it more difficult to exit Falconer's Rise.
- Pedestrians have difficulty crossing Clannell Road. (*Note that the traffic lights now proposed will include a pedestrian phase*).
- Traffic lights will be opposite respondent's garden. Will traffic lights intrude into garden?
- Queuing vehicles will cause pollution.

An e-mail to WNDC dated 13th January 2011 objecting to the proposed new entrance from Sandhurst Close, due to traffic hazard to pedestrians and children in particular. Would also de-value the Mere Park estate.

A further e-mail to WNDC dated 3rd September 2010 stating:

- Objecting to the new vehicular entrance from Sandhurst Close for Tesco.com delivery vehicles.
- The A45 Mereway roundabout is already at capacity. Suggests that the strategy is then to divert vehicles via local roads.
- Traffic light junction to the Clannell Road entrance is to accommodate this excess growth. No consideration has been given to the rat running which presently takes place along Penvale Road to avoid peak hour congestion at Mereway roundabout.
- Will harm town centre regeneration.
- Inadequate on-site parking will cause on-street parking in adjacent residential streets.
- The Highways Agency have only commented on the Travel Plan and not the Transport Assessment.

A further e-mail to WNDC dated 14th November 2010 stating:

- "As a resident with a family, Tesco is very overpowering in this local area and has in my eyes out grown the Clannell Road site".

A further e-mail to WNDC dated 17th August 2010 stating:

- Concerned about detrimental retail impact upon Northampton town centre.

A letter to WNDC dated 9th August 2010 making the following points:

- Revised entrance will effect the value of adjacent property in Falconers Rise
- Will make exiting from Falconers Rise more difficult
- Elderly residents will find it difficult to cross to Tesco. (*Note that the revised traffic controlled junction will include a pedestrian phase*).
- Queuing vehicle will cause pollution.
- Commercial vehicles will use the entrance from Clannell Road. (*Note that under the current and revised proposals this will not be possible*).
- Request that the revised entrance is moved further away from Falconer's Rise.

A very similar letter dated 2nd August 2010 to WNDC making the same points – but adding that the current A45 Mereway roundabout is inadequate.

An e-mail to WNDC dated 27th July 2010 making the following points:

- Impact of Tesco traffic within a mainly residential area.
- Noise and other Intrusion of traffic using the proposed traffic light controlled entrance from Clannell Road.

An e-mail to WNDC dated the 28th July 2010 making the following points:

- Sandhurst Close is seriously congested, creating problems for emergency vehicles etc and inhibiting children's play.
- Dane's Camp Leisure Centre needs additional car parking capacity.
- Parking controls are not a solution as parking would be diverted further into Sandhurst Close.

Paragraph 6,24 regarding the former application to WNDC (add to report). Wootton and East Hunsbury Parish Council additional comments regarding ***the current application*** were originally sent to an incorrect e-mail address but are summarised as:

- Concerned at future management of landscaping and litter (*see paragraph 1.1 (g) and recommended conditions 4 and 5 of the officer's main report*).
- Suggest that tables and benches alongside the adjacent public library might cause anti-social behaviours. Suggest that better facilities might be funded by Tesco in the nearby Grangewood Park.
- Concerned at parking congestion in Sandhurst Close. (*Note that Tesco are to fund a new RTO to better control parking and a new pedestrian crossing in Sandhurst Close – see paragraph 1.1 (d) of the officer's main report*). Suggest relocation of the proposed vehicular entrance to the Tesco.com service yard to increase parking capacity that might then provide overflow parking for Danes Camp Leisure Centre. Remain concerned at the noise and forward visibility provided for the revised entrance from Clannell Road and suggest it be relocated towards Towcester Road. (*See paragraph 2.7 of the officer's main report*).
- Seek Tesco's financial support for improvements to facilities in the nearby Grangewood Park.

Paragraph 6,25 (add to report). Two additional letters from Councillors Larratt and Gonzalez de Savage dated the 25th September 2010 and 8th March 2010. Fully endorse the earlier observations by the Parish Council (in paragraph 6.24 of the main report). In addition:

- Suggest a new roundabout junction at the junction of Clannell Road and Sandhurst Close.
- Concerned at impact of new building on nearby homes and gardens in Sandhurst Close.
- Concerned at potential noise nuisance from new building plant. (*See condition recommended*).
- Concerned that some of the proposed new pedestrian cycling links might lead to anti-social behaviours.
- Continue to support the seeking of Section 106 funds from Tesco to subsidise local projects as advocated by the PC from that earlier application. Repeat their plea that Tesco should also fund the development of an Urban Farm in the locality.
- Ask that determination of any application be delayed until enactment of the Localism Bill.

Paragraph 10 (recommended conditions). Amend recommended conditions as follows:

- Conditions 4, 8, 9,10,11 – Replace the words "planning application for that purpose" with "written application for that purpose".
- Conditions 8 and 9. Amend cited drawing number to – "F/EXT/1112/SK36 A".
- Condition 13. Insert the words "...unless otherwise agreed in writing with Northampton Borough Council".

ITEM 10b

N/2011/0403

Erection of two and a half storey dwelling at Land at 1- 3 Hester Street.

Nothing to add

ITEM 10c

N/2011/0635

Installation of two storage tanks for contaminated water and processed oil at Duston Oils, 70 Port Road, Duston.

WITHDRAWN FOR THE AGENDA

ITEM 10d

N/2011/0722

Change of use from commercial (Use Class B1) to single dwelling house (Use Class C3) at 40 - 42 Guildhall Road.

Response received from Town Centre Conservation Area Advisory Committee stating that they had no objections to this change of use, but would prefer that any new windows be of timber rather than upvc. Note: the applicant subsequently has confirmed that he does not intend to make any changes to the exterior of the building.

ITEM 10e

N/2011/0759

Installation of first floor rear bay window at 201 Abington Avenue.

Letter received from occupier of **88 Ashburnham Road**. States that in principal has no objection however having viewed the plans online is concerned about the finished external appearance of the proposed bay window. States that the ground floor extension being built does not blend in with the existing brickwork and questions whether the proposed first floor bay will match existing brickwork.

Also expresses surprise that only immediate neighbours were consulted given the applicant's position on the Council. States that no.s 86, 84 and 82 Ashburnham Road all have sight of the property.

If application does get granted, feels the unsightly RSJ above the first floor window should be covered to improve the overall appearance of the property.

Letter received from **Ground floor flat, 203 Abington Ave**. Notes from the plans that there are discrepancies. The ground floor extension is shown as a sloping roof but having spoken to the builder his instructions are to build a flat roof. This will cut out the diminishing amount of light to my garden. Add this to the proposed bay window and privacy is destroyed. Points out also that that the ground floor window shown on neighbouring rear elevation is in fact a door. Considers anomalies result in reduced sunlight to the rear of his home and pleasure of sitting in his tiny garden will be lost.

Applications For Consultation

NONE



PLANNING COMMITTEE: 13th September 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0323: Extension to the existing food store, erection of a new non-food retail unit (as replacement for the loss of an existing unit), new bus waiting facility, provision of new pedestrian footpaths, landscape works, lighting works and revisions to the car park layout at Tesco, Mereway.

WARD: East Hunsbury

APPLICANT: Tesco Stores Ltd
AGENT: Martin Robeson Planning Practice

REFERRED BY: Head of Planning
REASON: Major Development of more than a local significance

DEPARTURE: No

APPLICATION FOR DETERMINATION BY:

1. RECOMMENDATION

- 1.1 **GRANT PLANNING PERMISSION** for the reason set out below and subject to the conditions recommended below and, with an informative note regarding the applicant's duties under the Wildlife and Countryside Act; subject to prior completion of planning obligations on terms acceptable to the Council's Head of Planning and the Borough Solicitor within three calendar months of the resolution to so grant conditional planning permission. In brief, the relevant planning obligations should address:

- a) Notwithstanding the proposed internal floor uses indicated on submitted drawings; the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended) or, any future enactments to similar effect, the net retail sales area within the proposed major store as proposed to be enlarged shall at no time exceed 7,894 sq metres. In addition, the net retail sales area used for the display and sale of all goods other than “convenience goods” shall at no time exceed 3,470 sq metres.
- b) Prior to the new element of the enlarged building being brought into use, an agreed payment for the enhancement of cycle routes which link the Tesco Mereway store to other destinations within 1.7 kilometres of the application site. And,
- c) Prior to the new element of the enlarged building being brought into use, an agreed payment to Northampton County Council to be used to enact and implement measures to prevent future on-street parking congestion on Sandhurst Close. And,
- d) Prior to the new element of the enlarged building being brought into use, an agreed payment to Northampton County Council for the purposes of funding and maintaining a frequent and high quality bus service number 12 for not less than three years. (Bus service 12 will replace the expiring service 28 to connect the Tesco store with nearby areas, but not the town centre). And,
- e) Prior to the new element of the enlarged building being brought into use, an agreed and scaled payment will be made towards local fire and rescue service infrastructure costs to reflect the net additional floor space proposed. And,
- f) With effect from the date of the relevant planning permission, Tesco shall use reasonable endeavours to establish and facilitate landowners’ and operators (including bus operators) forum (“The Mereway Forum”). That Forum will drive forward initiatives to better use existing and improved facilities. Membership of the Forum should be limited to owners and operators within Mereway as defined above. The public and other relevant parties may, as appropriate, be invited to its meetings. The Forum will liaise with and consult with statutory and other stakeholders (for example the Borough Council, the County Council, the West Northamptonshire Development Corporation and Parish Councils on matters that involve their roles and functions as those relate to Mereway Forum). The Forum would expect to be consulted by those bodies on initiatives being brought forward that directly or indirectly affect the operation of the Mereway Forum and its

constituent operators. Tesco will fund and facilitate meetings for a period of no less than five years; providing meeting accommodation and a secretariat, using all reasonable endeavours to ensure that the future Mereway Forum meet not less than three times a year. And,

- g) Prior to occupation of the development as permitted, Tesco shall prepare and submit to Northampton Borough Council, a written Method Statement describing management measures, waste bins and other measures which shall be implemented to routinely and frequently cleanse and remove litter and detritus from the exterior of the application site (including the car park and peripheral landscaped areas). And,
- h) From the commencement of new development Tesco shall fund, manage and proactively implement measures described in the “Green Travel Plan” submitted with the planning application. And,
- i) Tesco will facilitate the use and availability of their car park for visitors to other uses within Mereway for a period of up to three hours without charge and, signage shall be erected throughout that car park to make this facility apparent.

For the reason that:

The site is within an existing centre identified in Northampton Local Plan and therefore a sequential assessment under PPS4 is not required. The proposal would have a negative impact on Northampton town centre; however this would not be significant and would be outweighed by the benefit of introducing control over the level of comparison floorspace in the enlarged store. Given the location, scale and nature of the development, combined with mitigation secured via legal agreement and conditions, the proposed development would not adversely affect highway safety, the free flow of traffic or residential amenity, would promote the use of alternative modes of transport and improve with energy efficiency / carbon emissions of the store. The proposal therefore accords with Policies 1, 2, 3, MKSM SRS Northamptonshire 2 and MKSM SRS Northamptonshire 3 of the East Midlands Regional Plan and Policies E20, E19, E40 and T12 of the Northampton Local Plan and the aims and objectives of national planning policy, notably PPS1, PPS4, PPG13 and PPS24.

- 1.2 **OR**, if planning permission is not granted in the above terms within three calendar months, REFUSE PLANNING PERMISSION on the grounds that the applicant has not secured adequate mitigation through the Sec 106 for appropriate reasons, the framing of which is hereby delegated to the Council’s Head of Planning.

2. THE PROPOSAL

- 2.1 This application to extend the existing Tesco superstore at Mereway, along with other works, was submitted to Northampton Borough Council on 6 April 2011.
- 2.2 This current submission results from an earlier application submitted to WNDP (application N/2010/0653). The Borough Council was then consulted by WNDP on that proposal. Reducing the floor area and deleting a proposed community use significantly amended the application then before WNDP. As a result, this substantially revised development then fell below the threshold for consideration by WNDP and in April 2011, a new application was submitted to Northampton BC. Briefly described, the proposed development is set out below.
- 2.3 The proposal involves a 2,445 sq metre extension (*gross internal floor area*) to the existing store on 2 sides, of an external design similar to the existing store, which absorbs the existing service road to the smaller units as well as one of the smaller shops.
- 2.4 The net retail floor space of the proposal has therefore evolved as follows:

Table 1: Net Tradable Floor space of the New Proposal

Floor space	Existing Store	July 2010 proposal (to WNDP)	April 2011 proposal (to NBC)	Extension to Existing Store
	Sq m	Sq m	Sq m	Sq m
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 floor space and Comparison goods floor space has also been revised.

Table 2: Convenience/Comparison Goods Floor space split

Floor space	Existing Store	July 2010 proposal (to WNDP)	April 2011 proposal (to NBC)
	%	%	%
Convenience	66	52	56
Comparison	34	48	44
Total	100	100	100

- 2.5 The proposal creates a new non-food retail unit in the small parade of shops to replace the one that would be subsumed into the extended

Tesco and a new service road access (taken from Sandhurst Close), opposite the Danes Camp leisure centre to the east.

- 2.6 The car park is to be extended on to land that is currently a redundant service road around the western side of the site. New lighting is to be created and the bus waiting area enhanced, with improved disabled facilities and a second bus shelter. The zone immediately adjacent to the main store entrance and the frontage to smaller shops would be significantly enlarged and de-cluttered by relocation of trolley bays and the ATM unit. This would improve the visibility of the forecourt and pedestrian access to the small shop units, thus improving of the public realm around the retail units
- 2.7 The southern vehicular entrance from Clannell Road is to be improved with the mini-roundabout within the site removed and a wider two-way access road and improved junction arrangement provided. That present entrance would be reconfigured to provide an enlarged and light controlled junction. Traffic lights would provide a pedestrian phase to better enable safe access from residential areas to the south of Clannell Road. Alternative locations were considered for the junction after local residents and Wootton & East Hunsbury Parish Council expressed concerns at the time of the original proposals then submitted to WNDC. Those alternatives were however rejected as they would suffer reduced forward visibility; a substantial reduction in car park capacity or, seriously reduced length of internal access lane for peak hour off-highway queuing purposes.
- 2.8 The existing area for customer recycling would be relocated to a new location to the west of the road entrance from Clannell Road. This would be well screened from Clannell Road by pre-existing landscaping. It would be some 25 metres or more from the nearest homes and gardens in Falconers Road, Condition 15 is recommended to control any audible nuisance arising from that location.
- 2.9 The proposal includes improved pedestrian crossing areas on the roads surrounding the site and with new/improved pedestrian access routes to the site, through the dense tree-belt surrounding the site. New tree planting would be provided at various locations to better frame and render the legibility of the re-planned car park and retail units rather better than now. Existing pedestrian routes would be improved by better signage and CCTV coverage. New pedestrian and cycle way links are proposed, to improve connectivity between the superstore, the car park, the library and Abbey Centre and the Leisure Centre. This will involve new lighting, disabled access and CCTV coverage.
- 2.10 The applicant is proposing to establish a Mereway Forum to ensure that the enhancements to the environment around the superstore are

maintained. The Mereway Forum will comprise a landowners and operators forum, including the bus operators, who will engage with statutory and other stakeholders, including the Council and Parish Council on matters that involve the role and functionality of Mereway and the accessibility of the area.

2.11 The applicant is also to fund and enable Northants CC as Highway Authority to undertake circa £1.3 million in necessary improvements to the roundabout on the A5076 Mereway; improvements to the Clannell Road/Towcester Road junction and, a new pedestrian crossing over Sandhurst Close adjacent to the Danes Camp Leisure Centre. Those matters would be the subject of an agreement under Section 278 of the Highways Act 1980 which is the subject of condition 2 recommended below.

2.12 The application is accompanied by a range of Plans and technical documents, including:

- PL01 – Location Plan
- PL02 – Existing Site Plan
- PL04 – Existing Elevations
- PL06 – Existing Store Plan
- PL08 – Existing Roof Plan
- PL12 – Elevation
- PL21 A – Proposed Elevations (Dec 2010)
- PL22 – Proposed Store Plan
- PL23 – Proposed Roof Plan
- PL24 – Existing and Proposed Sections
- SK36 A – Proposed Site Plan (Nov 2010)
- Air Quality assessment
- Contamination report
- Daylight & Sunlight Assessment
- Design & Access Statement
- Ecology Assessment
- Environmental review & update letter (21st Dec 2010)
- Flood risk assessment and update letter (21st Dec 2010)
- Landscape statement & update letter (21st Dec 2010)
- Lighting scheme
- Noise analysis
- Statement of Community consultation
- Transport Assessment and travel plan
- Suggested conditions and terms of 106 agreement
- Planning & Retail Statement & updates (updated January 2011 and subsequent letters dated 17th June 2011 and 30th June 2011).

3. SITE DESCRIPTION

- 3.1 The existing Tesco Extra store has its principal vehicular entrance from the main roundabout on Mereway, the A5076 dual carriageway. This leads to an internal mini-roundabout within the northern part of the site and with a public service bus waiting area and a filling station also at the northern end. The A5076 Mereway is a key part of Northampton's peripheral primary road network. A further secondary access with a further internal mini-roundabout is currently situated at the southern side of the site from Clannell Road. Clannell Road functions as a local distributor road providing access from residential areas to the south, without need to encounter or make use of the A5076 roundabout that accesses the site from the north.
- 3.2 These road entrances then serve a network of circulation lanes and aisles which access extensive car parking. The main store building is situated at the eastern end of the site, nearest to Sandhurst Close.
- 3.3 The site as a whole is largely level and is almost completely surrounded by dense boundary planting. Along with Clannell Road this screening quite effectively isolates adjacent areas to the south, east and west that comprise homes and gardens, commercial and community uses. The Tesco store is however visually prominent from the A5076 dual carriageway.
- 3.4 At its southern side, and so facing the public realm within the site as pedestrians approach the main store entrance is a modest parade of 4 non-food retail shop units. There is also a further freestanding unit that operates as Chillies restaurant to the south of the parade of 4 shops units.
- 3.5 Surrounding the site on 3 sides are substantial areas of housing with Danes Camp Way Leisure Centre to the west of the car park. A range of community facilities – churches, library, health centre and leisure centre are located along Clannell Road. The site is visually dominated by the Tesco store and its extensive car park, but the relationship between the store and the community facilities is poor as each been developed in a largely independent manner and with little evidence of integrated and beneficial place making applied to the location as a whole. The current application seeks to address some of these issues, particularly in terms of better linking the Tesco store with its neighbours as set out above.

4. PLANNING HISTORY

- 4.1 The site has an extensive planning history in excess of 44 applications (although most are advertisements and minor works). The most significant planning history is shown below:

DC 3011 – (25th January 1985). Original planning permission for “superstore, including restaurant and storage facilities, shop units, petrol filling station, public house and car parking”. Permitted.

N/1995/0591 – (30th May 1997). Subsequent “extensions to provide additional retail floor space and new storage area together with revised car parking layout”. Permitted.

N/2001/181 – (15th August 2003). Subsequent “extension to existing foodstore and internal parking reorganisation and ancillary works”. Permitted.

N/2004/0092 – (12th February 2004). Application for a certificate of lawfulness for proposed development regarding the installation of a mezzanine – Granted but not implemented.

N/2007/0937 - New extension and canopy structure to be used for Tesco home delivery service at Tesco superstore. – Permitted.

- 4.2 The previous and rather larger proposals that were submitted to WNDC were the subject of a report to this Committee as consultees on the 8th of March 2011 and, again on the 5th of April. That earlier proposal was subsequently withdrawn and, after amendments, resubmitted to Northampton BC as reported in paragraph 2.2 above. These reports were withdrawn from the agenda at the request of the applicant, but considered the key planning considerations in the determination of that planning application in the context of PPS4 – “Planning for Sustainable Economic Growth”. The key consideration in those reports was whether or not the proposed development lies within an identified centre. The key elements of those reports have been incorporated into this report and are therefore principally of historic interest as they were not subject to resolution by this Committee. However, they are within the public domain.

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 the saved policies of the Northampton Local Plan 1997.

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS4 – Planning For Sustainable Economic Growth
PPS9 – Biodiversity and Geological Conservation
PPG13 – Planning and Transport
PPS23 – Planning and Pollution Control
PPG24 – Planning and Noise
PPS25 – Development and Flood Risk

PPS4 is particularly relevant as it contains policies EC10, EC14, EC15, EC16 and EC17 regarding the determination of significant retail development proposals.

5.3 East Midlands Regional Plan

Policies 1 and 3 – Seek to direct new development to sustainable locations and reduce reliance on the private car
Policy 2 – Promoting Better Design
Policy 22 - Regional Priorities for Town Centres & Retail Development
Policy MKSM SRS Northamptonshire 2 – Northampton Implementation Area
Policy MKSM SRS Northamptonshire 3 - Northampton Central Area

5.4 Northampton Borough Local Plan (NLP)

E20 – New Development
E19 – Implementing Development
E40 – Planning and crime and anti-social behaviour
T12 – Development requiring servicing

5.5 Supplementary Planning Guidance

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

5.6 Emerging Planning Policies

The government’s “Draft National Planning Policy Framework” (NPPF) is referred to and has informed some parts of this report. When finally published after current consultations, the NPPF will replace the still material Planning Policy Statements and East Midlands Regional Plan that have guided the administration of this planning application to date. The

Planning Inspectorate has indicated that the NPPF is capable of being considered as a material planning consideration, although the weight to be given to it will be a matter for the decision maker in each particular case.

- 5.7 It is considered that for the purposes of considering this particular application, the NPPF largely reflects the general thrust of existing national policy as set out in PPS4: Planning for Sustainable Economic Growth. The application will therefore be considered primarily against the provisions of PPS4. However the definition of Sustainable Development as set out in Para 14 of the NPPF and the Written Ministerial Statement 'Planning for Growth' dated 23rd March 2011 may be a particular material consideration and this will be referred to in more detail below.
- 5.8 In addition, the following emerging policy documents have also informed certain parts of this report:
- The published Pre-submission Northampton Central Area Action Plan (CAAP).
 - The published Pre-submission West Northamptonshire Joint Core Strategy (PSWNJCS).

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 This report of the response to public consultations is in two parts. Those listed in paragraphs 6.2 to 6.18 are made specifically in relation to the current planning application. Those listed later under the sub-heading – "The former Planning Application to WNDC" – relate correspondence received by WNDC concerning that former proposal, before its amendment and re-submission to Northampton BC.
- 6.2 **The Current Planning Application to Northampton Borough Council.** A total of 51 near neighbours of the proposed development were notified of the current planning application to Northampton BC by mail on the 18th of April 2011. A press notice was published on the 22nd of April 2011.
- 6.3 A 2,000 name petition of support of the proposals has been submitted by "Tesco Community Champions for the Mereway Store". Petitioners signed their names to – *"We the undersigned support the plans for an extended and improved Tesco store along with new jobs and investment in Mereway district Centre"*.
- 6.4 An e-mail response states – "In favour – looks a little tired now – access needs to be improved, particularly at rush hours".
- 6.5 A further e-mail response – "we wholeheartedly support ..."

- 6.6 A third e-mail response – “Fully support the project in terms of local employment”.
- 6.7 Two letters of support (which in fair summary):
- Support proposals as extension will improve an already excellent local store
 - Our adjacent shop ‘unit’ is to be relocated as part of the works and our hairdressers has traded here for 13 years and employs 17 staff.
 - The centre is always busy and, as Tesco is not involved in hairdressing, they have encouraged our operation.
 - This will support jobs and help the community.
- 6.8 An e-mailed objection from a resident of Kentford Close to the proposed new service entrance from Sandhurst Close. In fair summary this states. *“Would devalue area – might be expanded in future to serve more than the (limited) use as now proposed. Hazard to pedestrians including children using Danes Camp Leisure Centre. Will encourage on street parking in Sandhurst Close”*. (Note by Northampton BC officers. The objector may not be aware of the proposed new developer funded pedestrian crossing or, the planning obligation to fund regulation of on-street parking within Sandhurst Close – see paragraph 1.1(c) and paragraph 2.10 earlier).
- 6.9 A letter of objection from Legal and General (Northampton Shopping Centre Partnership). Continue to express concern (see paragraph 6.22 below) at the cumulative impact of retail proposals that have been approved in Northampton since this proposal was submitted to WNDC in its original form. Draw particular attention to paragraph 52 of the *“Northampton Foodstores Cumulative Impact Study Report”* (AECOM for WNDC, April 2011). This states – *“Either of the proposed superstore extensions on its own would be less likely to put at risk the emerging policy for a large new foodstore in the town centre; but either would make it significantly harder to achieve a major comparison goods retail development in the town centre”*. (Note by Northampton BC officers. The cumulative impact study was finalised *before* opening of the new Tesco food store at Abingdon Street within the town centre. The other “foodstore extension” referred to in paragraph 52 quoted above is that at Sainsbury’s, Sixfields store. At the time of writing, WNDC have resolved to permit that development, but with a condition restricting the scale of future comparison goods floor space). The objector also makes reference to other aspects of that same cumulative impact study to similar effect.

6.10 A further letter of objection states (in fair summary):

- Retail assessment states the store is over-trading, but any problems arise from poor management of the store – cramped aisles, crowding and congestion and a lack of operators at the tills.
- Problems at the store could be resolved by better management and staff training rather than a 40% extension.
- Whilst anti-crime measures are supported, the dark areas can be addressed by re-opening the circulation road, removing rubbish and improving the lighting/maintenance of planting.
- The reduced footfall to other units would be improved if Tesco better managed the trolley bays, which restrict access to those units
- Will adversely increase traffic congestion contrary to Policy EC10.2(b) of PPS4 – improvements proposed are not improvements, but are to resolve problems they create by extending the store.
- Traffic signals will cause congestion and delay for residents.
- Development will not reduce the need to travel by car.
- Air-quality will be affected, and there is a primary school within 100m.
- Noise information is severely lacking and no ‘modelling’ has been done in relation to noise and extra floor area and changes to deliveries will impact on neighbours.
- What type of community facility is proposed as no amount of financial input will overcome fundamental impact of this store. *(Note by officers. This element of the original proposals as submitted to WNDC has subsequently been deleted).*
- Development fails the sequential test of PPS4 and it will have a detrimental retail impact on centre and Far Cotton.
- Mereway is not in need of enhancement or strengthening as it serves local community well.
- Exceeds 3,700sqm ‘rule’ of West Northamptonshire Retail Study and extra floor area not needed.
- Will reduce investment in town centre and affect other stores such as Netto.
- Existing store size is adequate and the extension is inappropriate within an out-of-town centre in a residential area and proposed Core Strategy seeks to downgrade Mereway to a local centre as Tesco has dominated area.
- Policy R9 is not relevant and Local Plan is out of date.
- Retail study shows that there is not a strong need for extra comparison shopping in district centres but proposed development is contrary to this conclusion.
- Development will not generate 125 extra staff as suggested – this is likely to be only part-time staff – around 40 full-time equivalents.
- Retail study states that Town centre must be protected with no extra retail should be permitted.

- Tesco's claims about viability are not correct and claim about leakage to Milton Keynes is exaggerated.
 - Council should commit to the intention to resist out-of-town shopping.
 - Development is contrary to Development Plan and National Policy and no conditions or obligations will overcome this.
- 6.11 **Highways Agency** – No objections.
- 6.12 **Northampton County Council as Highway Authority** – No objection subject to 106 Agreement for contributions and external works. These requirements are as set out in the recommendation.
- 6.13 **NBC Arboricultural Officer** – No objection to removal of trees within planted areas subject to the proposed replacement planting.
- 6.14 **Northamptonshire Police** – No objections as proposals will address current problems of crime and disorder.
- 6.15 **NBC Environmental Health Officer** – No objections on noise/lighting grounds and agree that an air-quality issue is unlikely to arise from the related junction alterations – advises conditions.
- 6.16 **Environment Agency** – No objections.
- 6.17 **Natural England** – No objection, suggest informative regarding duty under Wildlife and Countryside Act and, a condition to prevent disturbance to birdlife within the breeding season.
- 6.18 **Wildlife Trust** – No objections.
- 6.19 **Anglian Water** – No objections as drainage can be accommodated without capacity issues.
- 6.20 THE FORMER PLANNING APPLICATION TO WNDC.**
- 6.21 A letter on behalf of Sainsbury's objecting to the scale of the store extension and its retail impacts as originally considered by WNDC.
- 6.22 Two letters on behalf of Legal and General (Northampton Shopping Centre Partnership) objecting to the scale of store extension and its retail impacts upon town centre regeneration as originally considered by WNDC. (See also paragraph 6.9 above).
- 6.23 41 identical letters of support submitted by Tesco's Regional Corporate Affairs Manager.

6.24 **Wootton and East Hunsbury Parish Council.** The Parish Council were notified of the current planning application to Northampton Borough Council on the 18th of April, but have not replied. They did however submit a number of reasoned points to WNDP regarding the former application. Although the proposed development has somewhat changed since their comments submitted to WNDP in February 2011, those conclusions then included:

- Suggested a substantial financial contribution towards the off-site improvement to local community facilities. (*Note by Northampton BC officers. Such off-site contributions regarding wider community benefits ceased to be lawful in April 2010*).
- “If better managed through careful planning, design and community engagement, the scheme can deliver a better shopping experience with greater footfall, without negatively impacting on the local area”
- Then go on to make a number of detailed criticisms of the scheme that was then before WNDP and conclude – “For the above reasons, we cannot support the application as tabled. However we would be keen to engage with Tesco over potential revisions which could make the scheme desirable and of benefit to local community as well as the developer”.

7. POLICY CONSIDERATIONS

7.1 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.

7.2 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.

7.3 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).

- 7.4 In relation to Development Management, Policy EC10, amongst other things, requires that all planning applications for economic development should be assessed against sustainability objectives, accessibility by a choice of means of transport, design and their impact on the economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives.
- 7.5 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).
- 7.6 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 floor space, or any other locally set floor space 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 is 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.
- 7.7 Policies EC15 and EC16 set out the criteria for sequential assessment and impact assessments respectively.
- 7.8 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. Under the provisions of EC17, where no significant adverse impacts have been identified, then planning applications should be determined having regard to the positive and negative impacts of the proposal in terms of EC10.2 and 16.1 and the likely cumulative effects of recent permissions. Judgements should be formed having regard to the

development plan, town centre health checks and any other published local information such as a town centre strategy.

7.9 Annex B of PPS4 defines centres and types of location, namely

- City Centres, which are the highest level of centre
- Town Centres, which are the second level of centre and will usually be the principal centre in a local authority area. Northampton town centre falls into this category.
- District Centres 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.
- Local centres, which include a range of small shops of a local nature serving a small catchment. They may include a small supermarket, newsagent, sub-post office, pharmacy and the like.

Types of location include town centres, edge of centre, out of centre and out of town. These will be discussed as relevant in the body of the report.

Northampton Borough Local Plan 1997

7.10 The Local Plan was adopted in June 1997. Policies R1 and R2 make reference to 'recognised shopping areas' and refer to Appendix 15 which set out a Schedule of Recognised Shopping Centres and which identified 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 one of these recognised shopping centres. 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.

7.11 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 that relates to the extension of shops and other premises in District and Local Centres also has not been saved although Policy R9 that protects the retail functions of District and Local Centres from inappropriate changes of use has been saved.

- 7.12 In considering whether or not to save policies in a Local Plan beyond September 2007, The Secretary of State 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.
- 7.13 The issue is, therefore, what weight should be attached to the Local Plan in considering the proposal. It is clear that the 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. 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. However, it is clear that in so far as it is part of the saved NLP, Mereway is a recognised centre and falls to be considered as such within the provisions of PPS4 by virtue of Appendix 15 of the NLP.

The Pre-Submission Joint Core Strategy – January 2011

- 7.14 The Pre-Submission Joint Core Strategy was approved for publication by the West Northamptonshire Joint Strategic Planning Committee on 31st January 2011. The purpose of the pre-submission document was 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 were to be made on the grounds of soundness or legal compliance.
- 7.15 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.
- 7.16 Emerging Policy S2 establishes the network and hierarchy of centres. Northampton is established as the Regional Town Centre and within the Borough the Plan 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.

- 7.17 Emerging Policy S9 sets the distribution of retail development and requires an impact assessment for retail development. The emerging 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 emerging Policy S9 establishes that retail floor space will be accommodated first 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.
- 7.18 Emerging 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 floor space is required outside Northampton town centre other than at an appropriate scale to support the vitality and viability of local centres.
- 7.19 It is also worth noting that the Emergent Joint Core Strategy published for consultation in 2009 did not identify Mereway as a centre.
- 7.20 It should be noted that there have been representations received in respect of the JCS retail policies that go to the soundness of the plan. In view of this only limited weight can be given to these policies at this time pending examination of the Plan.
- 7.21 The draft NPPF puts the presumption in favour of sustainable development at the heart of the planning system. Part of the definition of sustainable development requires that Local Authorities should grant planning permission where the development plan is absent, silent indeterminate or where relevant policies are out of date, unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits. Although the draft NPPF can only be given limited weight, it is clear from various ministerial statements, the Coalition Agreement and other announcements that the NPPF will contain a presumption in favour of sustainable development.

8 ANALYSIS

8.1 There are therefore four principal issues pertinent to the determination of this application:

- The role and function of Mereway – whether it is a local, district or an out-of-centre destination
- The impact of the proposed extension on Northampton town centre in terms of both convenience and comparison goods
- The impact of emerging and future retailing trends on levels of available expenditure and
- Consideration of the proposals under PPS4 Policy EC10.2 if the proposals pass the tests under EC15.1, the sequential approach, and EC16.1 assessing the impact.

The role and function of Mereway

8.2 It is clear that the policy position in respect of Mereway is open to interpretation. It is identified as a district/local centre in Appendix 15 Schedule of Recognised Shopping Centres of the NLP (note the plan does not differentiate between the two).

8.3 The applicant, in its submission has made much of the fact that Mereway is a district centre within the definition in PPS4 and that there is, therefore, no need for Tesco to demonstrate that there are no sequentially preferable sites upon which the need could be met or that there would be no unacceptable impacts on the vitality and viability of any other centre within Northampton or elsewhere. (PPS4 Policy EC14).

8.4 However, the current thrust of the emerging policy through the JCS is that the Tesco Mereway is a standalone superstore and is not within a definable local or district centre within the terms of PPS4. This is supported when the Tesco Mereway is compared to the district centres identified in the PSWNJCS as the retail and services range and offer is limited compared to Kingsthorpe and Weston Favell and with reference to Annex B of PPS4, it also does not have the characteristics of a local centre. There has been considerable evolution of policy since the publication of the NLP, in that there is now a stronger town centre first approach than is evident in the NLP. This is supported by the emerging NPPF. The PSWNJCS sets out a retail hierarchy more in step with current and emerging national guidance, but this can only be afforded limited weight at this time pending examination of the plan.

8.5 How much weight should be given to the NLP compared to the Pre-submission JCS with its up-to-date evidence base is a finely balanced decision. In view of the above, the development plan still consists of the

saved policies in the NLP and, notwithstanding its age and changes in national policy since its adoption in 1997, it should be given weight in making development control decisions.

- 8.6 Under adopted policy within the NLP, Mereway is an existing centre by virtue of Appendix 15, a sequential assessment under Policy EC15 of PPS4 is not required.
- 8.7 PPS4 postdates the NLP and therefore the application must be assessed against it as this is the most up to date and adopted national policy guidance. Policy EC14.6 of PPS4 requires assessment of whether or not the proposed retail expansion of Tesco at Mereway would alter its attraction to such an extent that it would have an adverse impact on the vitality and viability of other centres and therefore require a retail impact assessment.

Retail Need

- 8.8 In planning Northampton, the Planning Authority has commissioned a range of retail studies of the town including two by CBRE in 2004 and 2006/7, CACI in 2008/9 and by Roger Tym Partnership through the Joint Planning Unit in 2011, namely The West Northamptonshire Retail Capacity Update. WNDC also commissioned a report from AECOM in April 2011 'The Northampton Foodstores Cumulative Impact Study Report'.
- 8.9 All the aforementioned studies conclude that, to varying degrees, there is a need for additional comparison and convenience retail floorspace to serve Northampton.
- 8.10 PPS4 – The Regional Plan and the emerging Northampton Central Area Action Plan all seek to direct comparison floorspace growth towards the town centre, thus enhancing its vitality and viability in delivering regeneration projects such as the Grosvenor Centre redevelopment. Expansion of retail floorspace that would impact on the town centre and undermine investment proposals would be contrary to national and local policy. Although retail need as a separate planning test in development management is removed in PPS4 when compared to its predecessor PPS6, there remains a requirement for Local Development Frameworks to plan positively by preparing local economic assessments that identify quantitative and qualitative deficiencies in retail provision. Equally, questions of need continue to inform the application of the retained impact test. It is appropriate and reasonable to consider need in determining this application

- 8.11 Shopping patterns for convenience goods, primarily food and daily shopping are localised and regard should be had to responding to the needs of the individual community catchment areas. In most cases, the most sustainable locations for convenience retail growth will be in centres, following the principles set out in PPS4.
- 8.12 The retail studies of Northampton identify varying figures for convenience need (not least due to their different dates of completion), but all suggest there is immediate capacity for growth in convenience retail floorspace in the near term.
- 8.13 The position with regard to comparison goods is somewhat different. There is certainly capacity within this sector for additional floorspace, but this is not reflected in a particularly healthy town centre. In fact, there has been evidence emerging over a number of years of a decline in the town centre, for example in the NBC 2009 Town Centre Health Check. The town centre is in need of new investment to revitalise its performance; again this has been the case for a number of years. The very significant presence of out of centre comparison retailing around Northampton, and the strength of other centres in the sub region (notably Milton Keynes), have also served to undermine the performance of the town centre.
- 8.14 PPS4, the Regional Plan and emerging CAAP and PSWNJCS encourage the growth of the comparison goods floorspace of Northampton to be the substantial engine behind the regeneration of the town centre and a catalyst for a wider positive economic impact. Studies have consistently shown the leakage of comparison spending by Northampton residents out of centre and in many cases out of town. This is unsustainable and it is evident that this trend has detrimentally affected the town centre's viability and vitality.
- 8.15 Tesco proposes an additional 1,547 square metres of comparison goods sales space in their extended store. The resulting sales area overall would be split 56% to 44% between convenience and comparison goods respectively. It is presently split 66%:34% in the smaller existing store. It is acknowledged that modern large floorplate superstores will have a complementary incidental range of non-food merchandise. The proportion of sales area devoted to comparison goods is typically higher in larger stores.
- 8.16 The retail studies of Northampton show a large quantitative need for comparison goods shopping in the town up to 2026. The majority of the comparison goods floorspace headroom should be directed to the towncentre and in particular the planned Grosvenor Centre extension on the basis of national and local policy. In this respect it should be particularly noted that the emerging NPPF continues to promote a town

centre first approach to retail planning. Similarly, there is a need for a qualitative improvement in the comparison retail goods offer in the town, giving a better range of stores and goods, providing unit accommodation of a size and configuration consistent with contemporary retail requirements, and attracting operators to broaden the appeal of the centre, particularly higher quality shops appealing to the upper end of the market.

Retail Assessment

- 8.17 The concern is the potential impact of the additional comparison goods retail floorspace of the proposed extension on the vitality and viability of, principally, Northampton town centre, although the applicant's retail assessment also indicates that there will also be a limited impact on Weston Favell.
- 8.18 The application is for the enlargement of the store comprising an additional 2,161 sq metres (23,252 sq ft) of shopping floor space, of which 614 sq metres would be for the display and sale of convenience goods (i.e. groceries and the like) and 1,547 sq metres for comparison goods.
- 8.19 Convenience goods are defined in the glossary to "PPS4 - Planning for Town Centres: Practice guidance on need, impact and the sequential approach" as:
- "Convenience goods expenditure - Expenditure (including VAT as applicable) on goods in COICOP categories: Food and nonalcoholic beverages, Tobacco, Alcoholic beverages (off-trade), Newspapers and periodicals, non-durable household goods".*
- 8.20 Essentially this definition embraces routine groceries and the like, which generally comprise a household's regular daily and weekly shopping needs. As the name suggests, these are items to which shoppers will seek convenient access. Convenience shopping patterns are typically relatively localised, and whilst customers often exhibit a preference for a particular retailer the nature of these goods is such that they are not compared between different operators but rather bought in a single visit.
- 8.21 On the other hand comparison goods comprise virtually all other types of retail items sold in shops including (for example) durable goods, furnishings, books, fashion and shoes. These tend to be bought less regularly. Comparison shopping patterns are typically more dispersed, with shoppers prepared to travel to visit a number of shops or even a number of locations so that different types of item and prices can be compared before a purchase is made.

Impact upon Convenience Sales:

- 8.22 The town centre should and must retain an adequate main food shopping function for reasons that include social inclusion and accessibility. To safeguard this position the town centre must continue to provide a diverse range of convenience shopping facilities, including the ability to serve main as well as top up needs. These are presently met by Sainsbury's (1,786 sq metres, within the Grosvenor centre); the new Tesco Metro store in Abington Street (900 sq metres, which opened in April of this year); Marks and Spencer, and a number of smaller food stores. These are supplemented by Morrison's Victoria Promenade store, which is within easy walking distance for some town centre residents. These stores presently serve the day to day convenience shopping needs of those who work or shop in and around the town centre and, the main shopping needs of some households who live within or close to the town centre. The nurturing of a healthy range of competing town centre convenience stores therefore serves the interests of accessibility by all members of the community and inclusive non-car dependent access to high quality local services. Although the great majority of people within Northampton's retail catchment live outside the town centre, in future its resident population may well increase as a response to aging, to escalating local travel costs and so for easy accessibility to a wide range of high quality walk to facilities. The nurturing of diverse and high quality local convenience shopping within rather than outside the town centre is therefore a key part of wider town centre policy aims.
- 8.23 Convenience retail does not account for a large proportion of the town centre's total turnover. However, for the reasons set out above, it is an important part of the offer in functional terms, and must be sustained.
- 8.24 The applicant has made submissions demonstrating the recent and positive effect of the impact of the opening of the new Tesco Metro in Abington Street in April 2011. Whilst this store has diverted some trade from other town centre operators it has led to a net increase in town centre convenience spending, and has increase the range and choice available there.
- 8.25 The market served by the town centre convenience operators is not completely distinct from that served by Tesco at Mereway. However, the overlap between the two is not great and the convenience impact of the proposal on the town centre would be limited accordingly. Notwithstanding the opening of Tesco Metro in Abington Street which will have taken trade from the key Sainsbury's store, it is considered unlikely that the combined effect with the current proposal and other permissions would be such that Sainsbury's would be threatened. Indeed, this store has demonstrated over an extended period that it is capable of adapting to changing circumstances.

- 8.26 It is unlikely that an additional 614 sq m of convenience goods floorspace at Mereway would materially adversely affect the town centre's convenience retail offer which or would result in major changes in existing shopping patterns. The applicant's Retail Assessment (July 2010) finds that within the Mereway store's catchment area, 6.3% and 4.9% of household convenience goods expenditure is spent at Sainsbury's Sixfields store and Tesco's own Weston Favell store respectively. The applicant expects that the additional convenience goods floorspace will re-capture some of this spending through improvements to the shopping experience. There will be some trade diversion from the town centre, but this is unlikely to be significant.
- 8.27 On balance therefore it is considered that the adverse impact of 614 sq metres of net additional convenience shopping now proposed at Tesco Mereway on the town centre and Weston Favell would be limited. An increase of this scale in the convenience floorspace at Tesco Mereway would not materially increase the attractiveness of the store in relation to other centres.

Impact upon Comparison Sales

- 8.28 The implications of the proposed additional 1,547 sq metres for display and sale of comparison goods at Mereway need to be assessed separately.
- 8.29 In conducting such an exercise it is necessary to first consider the role and function of the town centre itself. The East Midlands Regional Plan refers to Northampton town centre as a growing regional centre and it is classified as a Principal Urban Area. At this level in the retail hierarchy the town centre provides a predominately comparison role where shoppers will undertake true comparison shopping.
- 8.30 In terms of PPS 4 Policy EC 16.1 it is therefore necessary to assess whether or not the expansion of the comparison goods floorspace at Tesco Mereway from 1,923 sq m to 3,470 sq m is appropriate or alternatively, sufficient to alter the position of the store such that it would have a significant adverse impact on the town centre.
- 8.31 This expansion is certainly large in the context of the existing store; however it is more limited in the context of the very much larger Northampton town centre. That said, the store would remain predominantly a food superstore, with convenience goods accounting for 56% of the extended sales area. Equally, it is generally the case that extended floorspace trades less efficiently than was previously the case in the original parent store, and often less efficiently than entirely new space. Therefore the expansion of an existing superstore would often have less impact than the construction of a new store. This is recognised in the

AECOM report that assesses the cumulative impact of various retail proposals on the town centre. It should be noted that an application to extend Sainsbury at Sixfields has recently been approved by WNDC, but that there are no other applications to extend existing or build new stores currently before the Council or WNDC at this time.

- 8.32 The general thrust of national, regional and local policy is to support investment in the town centre and to maintain its role and function in the hierarchy. There is no doubt that the town centre would greatly benefit from more investment and that it has suffered from competition from out of town retailing. This is well documented in the evidence base. The main consideration is therefore whether the expansion of Tesco Mereway would have a materially adverse impact on the strength and vitality of the town centre, or prejudice future investment there including the redevelopment of the Grosvenor Centre.
- 8.33 The applicant has submitted a retail assessment that has been reviewed by the Council's retail consultant. It is considered that taking the Sainsbury and Tesco applications together and assessing their impact the comparison sales of the extensions would be equivalent to about six months growth in all available spending retained in Northampton as a whole (not just the town centre) and approximately one years growth in comparison goods spending in the town centre. Given the timetable for the redevelopment of the Grosvenor Centre post 2014, there should by then be further meaningful growth in available spending notwithstanding the current economic conditions. The applicant has demonstrated that, using the assumptions in the AECOM report, there should be sufficient comparison goods expenditure growth to support an additional 32,955sqm of comparison floorspace at 2016, sufficient to accommodate the Grosvenor Centre expansion.
- 8.34 In qualitative terms however, as the breadth, depth and quantum of comparison goods sold from superstore expands, even if this is largely in more basic items rather than those which are genuinely compared before being selected, stores selling such items within centres can be adversely affected. A number of operators including at the value end of the market have struggled recently with deteriorating sales. There are wider economic factors behind this but it is reasonable to assume that there is some contribution from trade diversion to superstores.
- 8.35 Comparison retail within superstores competes with that in other superstores, i.e. on a like for like basis. It also competes with conventional provision within centres. However, the nature and scale of this element of the current proposal is not considered such that it would materially harm the trading performance or investment prospects of the town centre.

- 8.36 Equally, whilst the increase in floorspace proposed is locally significant, it is less so in the context of the wider market. It is not considered that it would lead to a material change in the role and function of Mereway as a trading location.
- 8.37 Taking the above into account the balance of impacts on the town centre in terms of PPS4 Policy EC16.1 would be negative. However on balance it is not considered, given all the available evidence and taking into account the objections to the application by Legal and General (see summary at para 6.9) that the Tesco Mereway proposal in relation to any one of the policy criteria in EC16.1 is such that this impact would be sufficiently adverse to warrant a reason for refusal.
- 8.38 Regard has also been had to emerging trends in retailing including the increase in internet sales, the advent of services such as 'click and collect' and foodstore operators moving towards comparison retail only stores. Whilst internet sales are increasing studies show that this expenditure is likely to peak in 2015 then marginally decrease to 2026. 'Click and collect' is becoming increasingly popular, but this form of shopping is still in its infancy and no conclusions can be drawn at this time until it becomes more established as a form of shopping. It is considered very highly unlikely that Tesco would move its foodstore operation at Mereway to a comparison goods only stores, given its current level of successful trading and the company's business model. However the store has an unrestricted A1 retail consent and could move to this form of retailing in theory.
- 8.39 The AECOM report concluded at its paragraph 69 – *“Whichever proposed developments are granted planning permission, we recommend that the permissions be subject to clear and strict conditions to control the size of the development, restrict future increases in floor space, and limit the floor space which may be used for the sale of comparison goods, ...”* Notwithstanding the caution referred to in the previous paragraph, at present the Tesco store at Mereway lies within Use Class A1 of the Use Class Order and, in principal, planning permission would not be required for any internal changes that would enlarge or reduce the proportions of both convenience and comparison goods within its overall floor space. All other things being equal, that would remain the case after the net additional floor space now proposed. However and, subject to a grant of planning permission, the applicants have agreed to accept a restriction that would control that proportionate split within the enlarged store in future. This suggested restriction would be important in securing the capping of those adverse retail impacts which have been identified.
- 8.40 It then falls to consider the proposal under PPS4 Policy EC10.2.

Sustainability

- 8.41 The development entails an enhancement of the present bus waiting area, with extra shelters, seating and paving, as well as introducing additional pedestrian access points linked to existing footways. There will be an improved Real Time Passenger Information (RTPI) display at the bus terminus and prominently displayed in-store. Tesco will continue to operate a number of free to use scheduled bus services numbered T1 to T8 (inc) to and from the local area and destinations as far as Stony Stratford. As a related planning obligation the applicants will fund the number 12 bus service for a period of three years that will replace the service 28 within and around the local area. Officers consider that the measures proposed would, so far as is practicable, include means that would make the development more readily accessible by transport modes other than the private car. As a result and, given the limitations of its location, the development would be more sustainable and would better meet the requirement in Policy EC10.2 of PPS4 for new development to assist in the response to climate change. Similar policy aims are contained within Policies 1 and 3 of the East Midlands Regional Plan, and within the emerging NPPF.
- 8.42 As a substantial expansion of the pre-existing building, the proposed development will clearly be obliged to comply with higher standards than hitherto relating to energy efficiency and carbon emission contained within the evolving and updated national Building Regulations. Beyond the minimum requirements of the Building Regulations the enlarged store is intended to include a new Combined Heat and Power (CHP) plant and other improvements that are projected to reduce current carbon emissions by some 29%. As a tangible improvement to the existing situation the proposed development clearly has sustainability credentials that would serve the aims of Policy EC10.2 in PPS4.

Highway and Transportation Issues.

- 8.43 The proposed development has been subject to negotiation with the Highway Authority, including the requirement for the applicant to fund the improvements to junction signalling and other consequent enhancements to the local road network that serves the development in both its existing and enlarged state.
- 8.44 The proposal also provides additional car parking, an updating of the Tesco store's managed servicing arrangements and access roads. A new service road entrance would be created from Sandhurst Close which would provide access for just the "Tesco.com" fleet of local home delivery vehicles (i.e. MB Sprinter vans and the like) and, the service yard to the rear of the retained small stores and "Chillies" restaurant. That use of that new service road entrance would not be intensive and it is not considered

to have any neighbourly implications for the nearest homes at 2 and 4 Sandhurst Road. (An existing road entrance to the adjacent Danes Camp Leisure Centre is very much closer).

- 8.45 Vehicular access to Tesco's Mereway store already suffers some congestion at peak times and simply increasing pro-rata the Tesco store's capacity to receive car-borne shoppers would be inappropriate and contrary to a number of relevant policy aims. The current car parking provision is 1 car space per 16.9 sq metres of store area. As now proposed, this would be reduced marginally to 1 car space per 17.3 sq metres (excluding disabled parking bays). The Mereway store's bus facilities would be substantially improved and the local number 12 bus service would be restored as a supportable alternative to over reliance on use of the private car for local journeys. Some restraint over on-site car parking will therefore encourage greater use of non-car travel modes – more especially by shoppers who live nearby. In addition, note that electronic in-store Real Time Passenger Information (RTPI) displays will draw constant attention to imminent arrival of bus services and so provide a reminder to all shoppers about the alternative to routine use of cars. Other layout changes will aid pedestrian and cycle movement around the site, improve visual legibility and will enhance pedestrian and cycling links to other facilities around the Mereway store and its residential hinterland.
- 8.46 The proposal is, therefore, in accordance with Policy EC10.2b of PPS4 in that it will improve the accessibility of Tesco Mereway by a choice of means of transport other than the car

Residential Amenity

- 8.47 The proposal should not impact on the amenity of neighbours due noise, as the service roads are moved further away from residential property. The Council's Environmental Health Officer is satisfied that the proposals are acceptable in terms of noise, light pollution and air-quality, subject to the imposition of conditions. (See the previous paragraph regarding the proposed new service entrance from Sandhurst Road). The enclosed rear gardens of around six homes in Falconer's Road might be marginally affected by accelerating and decelerating vehicles using the reconfigured traffic light controlled junction from Clannell Road to the south of the site (see paragraph 2.7 earlier). However, the overall volume of such vehicle movements is unlikely to change significantly as a result of these proposals.
- 8.48 The built store extension would be closer to adjacent homes in Sandhurst Close and Denston Close, although due to the orientation of the dwellings, the height of the extension and the intervening planted areas, no appreciable loss of light or outlook should arise. Conditions are

recommended to control or prevent any other adverse aspects of the neighbourly relationship and, requiring a Construction Site Management Plan (CSMP) to regulate adverse impacts that have the potential to arise during the construction period.

- 8.49 The proposal is, therefore, in accordance with PPS4 Policy EC10.2 in that the character and quality of the area will be improved.

Exterior Design, Landscaping and the Public Realm

- 8.50 The exterior design of the development very closely reflects that of the existing store in terms of scale, materials and fenestration and, subject to compliance with conditions recommended below is considered visually appropriate and acceptable. As a major public venue, with large areas of accessible public realm, a high standard of finish is warranted both to exterior materials and finishes and to surfacing materials. The same consideration has prompted the required method statement regarding litter and detritus recommended as planning obligation (g) on page 3.
- 8.51 A new scheme of exterior lighting is proposed and a condition is recommended to prevent any unacceptable light trespass or sky glow. There would be some loss of still growing boundary planting to allow new and improved pedestrian links, and better visual links to and from surrounding uses including the Leisure Centre and Library. This loss would be minimal in terms of the overall level of existing landscaping at the site – which if anything has become rather overgrown and under managed since its original planting in circa 1986. There are benefits arising from more sustainable methods of locally accessing the Tesco store and improved links to other community uses. These benefits combined with proposed new planting within and around the car park are considered to out-weigh the loss of small areas of pre-existing planting.
- 8.52 It is considered that Tesco's offer to establish the Mereway Forum and to work with adjacent landowners, the bus operators and other interested parties, including the Parish Council is a benefit to the area. This will encourage all operators to improve the functionality of the Centre and improve the character and quality of the area in accordance with PPS4 EC10.2. There may also be a marginal benefit to improving the footfall to the small retail units thus providing a benefit under PPS4 Policy EC10.2 local employment.

9.0 CONCLUSION

- 9.1 The proposal falls within a centre as currently defined in the NLP and therefore a sequential approach is not required. It would help to meet a need for additional provision in the local market.
- 9.2 It is considered that an additional 614 sqm convenience goods floorspace at Tesco Mereway would not result in a significant trade diversion from the Town Centre. The provision of an additional 1,547sqm net comparison goods floorspace would have a negative impact on the Town Centre. However, it is considered after taking all the available evidence into account that this negative impact is unlikely to be sufficiently adverse to warrant a reason for refusal.
- 9.3 In this particular case, the applicants have reduced their original proposal for a total of 2,164 sq metres (23,285 sq feet) of additional comparison good floor space (July 2010) to the current proposal for a net additional 1,547 sq metres. In negotiation they have also offered to accept a restriction that would prevent future reconfiguration of their Mereway store to provide any greater amount of comparison floor space. Given that at present the entire 5,733 sq metres (net retail area) of the existing store is not subject to any such restriction then, officers regard this proposed restriction as material. The beneficial implications of such an agreement are explained in paragraph 8.39. In addition although some improvements to the general environment around Tesco's Mereway store could well be made without the proposed store extension, other aspects of the proposed development, future compliance with recommended planning conditions and implementation of planning obligations agreed with the applicants are also material in the determination of this application.
- 9.4 The more general impact of the proposal, for example with regard to aspects of sustainability, accessibility and design, would also be positive. On balance, therefore, the application is considered to be acceptable in impact terms. This conclusion is reached having regard to the current application and other committed schemes. The cumulative effects of any future proposals for the further extension of this store or for any other retail proposals would not necessarily be assessed in the same way and would have to be carefully considered on their own merits.
- 9.5 In addition, it is considered that the applicant has had regard to the provisions of PPS4 Policy EC10.2 in that provision will be made to improve the environment and amenity of Mereway to shoppers and for the benefit of adjoining land uses, which are currently isolated from the supermarket by poor legibility due to the lack of pedestrian access and overgrown and dense landscaping. Regard has also been had to the benefits of improving access to the store by public transport, thus reducing

the need to travel by car. The re-orientation of the service access road and yard will also benefit adjoining residential properties to the east.

- 9.6 On balance, officers therefore recommend the proposed development, subject to the conditions below and, the planning obligations set out in paragraph 1.1 earlier.

10. CONDITIONS

1. The development hereby permitted shall be commenced within three calendar years from the date of this conditional planning permission. REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to ensure that, if the development as hereby permitted is not promptly commenced then, the very limited scope for out-of-centre retail development within the retail catchment of Northampton town centre without unacceptable impacts on retail led regeneration are then re-allocated to other locations which would be of benefit to the regeneration of those other locations and so the social, economic and environmental well-being of alternative town centre and out-of-centre locations, and of Northampton as a whole.

Pre-commencement conditions:

2. No development in compliance with this planning permission shall take place until an Agreement under Section 278 of the Highways Act 1980 has been reached with Northampton County Council as Highway Authority. REASON: To ensure that the road traffic impacts of the proposed development upon local roads and pedestrian routes are adequately mitigated and in accordance with Policy E19 of the Northampton Local Plan.
3. Notwithstanding the matters disclosed on submitted drawings and other documentation, new external materials, external finishes (including mortar and pointing) and all new surfacing materials, hard surfacing and fencing will match, as close as possible, those of the existing building(s) and within the wider application site. The new materials and finishes shall be completed to a high standard. REASON: To safeguard the quality and finished appearance of this important public venue in accordance with Policy E20 of the Northampton Borough Plan.
4. No new development, works of demolition or site clearance in compliance with this planning permission shall commence until a drawn and annotated scheme of hard surfacing, fencing and new planting has been submitted to and approved in writing by Northampton Borough Council following submission of a planning application for that purpose. That scheme shall include indications of all pre-existing trees, shrub planting and hard surfacing and details of those to be retained and, any retained trees or

shrubs that are to be better cultivated or reduced. New planting should be carried out in accordance with the recommendations of BS3936 and BS4428 or BS4043. Any tree work to existing trees or shrubs should be carried out in accordance with BS3998 (all as appropriate, or replacements thereof). REASON: In the interests of amenity at this important public venue and, to improve biodiversity and feeding opportunities for bird species, to secure a satisfactory standard of finished development in accordance with Policy E20 of the Northampton Local Plan and relevant "Key Principle" (vi) and other policy aims in PPS9 – "Biodiversity and Geological Conservation".

5. All new planting, surfacing and new fencing shown to be undertaken in the details approved under condition (4) shall be carried out before the end of the first planting season following occupation of the proposed building works which are the subject of this planning permission. New planting and fencing shall be maintained for a period of not less than five years; such maintenance to include the replacement during the current or next available planting season of new plants that may die, are removed or fail with others of a similar size and species, unless Northampton Borough Council give written consent to any deviation from this condition. REASON: In the interests of amenity at this important public venue and to secure a satisfactory standard of finished development in accordance with Policy E20 of the Northampton Local Plan.
6. All trees and shrubs which are shown to be retained in the plans hereby permitted or the details to be approved under condition (4) shall be protected by fencing erected and maintained throughout the construction period in accordance with BS 5837: 2005 – "Trees in Relation to Construction", unless Northampton Borough Council give written consent to any deviation from this condition. REASON: To ensure an adequate protection and management of visually important pre-existing trees within and around the site throughout construction works, in compliance with Policies E11 and E20 of the Northampton Local Plan and BS5837.
7. Notwithstanding the matters shown on submitted drawing number LS18704/3, no new development in compliance with this planning permission shall be commenced until written, drawn and annotated details of all new external lamps and luminaries proposed throughout the application site have been submitted to and approved in writing by Northampton Borough Council following the submission of a planning application for that purpose. REASON: To reduce carbon emissions arising from the proposed development, to ensure that an adequate level of external light is provided throughout the proposed development to support pedestrian and vehicular safety and to reduce crime and the fear of crime, and all without any avoidable light trespass onto adjacent

premises and with minimal or no “sky glow” in accordance with Policy E20 of the Northampton Local Plan.

8. Notwithstanding the matters shown on submitted drawing number F/EXT/1112/SK36, prior to the commencement of new development, details of the location, appearance and specification of motorcycle inhibiting bollards on all pedestrian routes into the site shall be submitted to and agreed in writing by Northampton Borough Council following the submission of a planning application for that purpose. Those bollards shall be erected in accordance with the agreed details, and provided before the new element of the enlarged retail building is brought into use. REASON: To safeguard the commodious use of pedestrian routes into and away from the site, to deter misuse of those pedestrian routes and to deter crime and the fear of crime, all in accordance with Policy E20 of the Northampton Local Plan.
9. Notwithstanding the matters shown on submitted drawing number F/EXT/1112/SK36, prior to the commencement of new development, drawn and annotated details shall be submitted to and approved in writing by Northampton Borough Council of the finished construction of the proposed new ramps and enclosures linking the application site to the adjacent library and other nearby community buildings in the south western extremity of the application site, following a planning application submitted for that purpose. Those approved details shall be implemented in full and provided before the new element of the enlarged building is brought into use. REASON: To better integrate the enlarged premises as proposed with adjacent community buildings and in accordance with Policies E19 and E20 of the Northampton Local Plan.
10. Notwithstanding the matters disclosed in submitted documents, prior to the commencement of new development, details of the location, orientation and specification of new CCTV cameras around the site along with details of their future recording, monitoring and maintenance arrangements shall be submitted to and agreed in writing by Northampton Borough Council following submission of a planning application for that purpose. The cameras and related arrangements shall be erected in accordance with the agreed details, and provided before the development hereby permitted is brought into use. REASON: To deter crime and the fear of crime, to better evidence any crime or anti social behaviours throughout the external environment of the development as hereby permitted and, in accordance with Policies E19 and E20 of the Northampton Local Plan.
11. Notwithstanding the details disclosed on submitted drawings and other documents, no works of site clearance, demolition or on-site preparation in accordance with this planning permission shall be commenced until

written, drawn and annotated particulars have been submitted to and approved in writing by Northampton Borough Council following a planning application submitted for that purpose of how the proposed works will comply with a Construction Site Management Plan (CSMP) throughout the duration of the operational works hereby permitted. In particular but not exclusively that CSMP shall address and explain:

- a) The hours and the days of the week during which proposed demolition works and building and engineering works will take place.
- b) Information on the proposed phasing of construction works.
- c) Arrangements for amendment to the site remediation strategy and reporting arrangements hereby approved, in the event that previously unforeseen site contamination is found during the course of works hereby permitted.
- d) The hours during which deliveries will be scheduled to the work area, to mitigate impacts on local traffic conditions and other on-site and off-site management including delivery routing and signage.
- e) Specific measures to be taken throughout the project to avoid or mitigate any nuisance or hazard to nearby homes and gardens (within Sandhurst Close and Denston Close in particular) due to excessive artificial lighting, noise, vibration, smoke, dust or smells.
- f) Arrangements to be made for the protection of trees, boundary planting and ecological habitat throughout construction works (see condition 6 above).
- g) Arrangements to be made to secure work areas from intruders (fencing or hoardings) while leaving safe and commodious routes for pedestrians and those with impaired sight or mobility to circulate and enter or leave retained retail premises while works proceed.
- h) Arrangements to be made for wheel cleaning of vehicles leaving work areas and the routine daily cleansing of local footways, cycleways and roads, to remove mud or detritus.
- i) Arrangements to make good or repair any adjacent or nearby highways, footpaths or footways, hedges, walls, fencing, planted areas or other boundaries at the conclusion of operational works.
- j) The name and contact details of a named individual with responsibility for ensuring compliance with the provisions of the approved CSMP.

REASON: To safeguard the safety, amenity and finished quality of the construction works hereby permitted in accordance with relevant policies of the Northampton Local Plan and lawful obligations under which the works will proceed.

12. Operations that involve the removal or disturbance of vegetation within the application site shall not take place between the months of March to August inclusive, except with the prior written consent of Northampton Borough Council. REASON: to avoid disturbance to nesting birds within

the breeding season in implementation of relevant “Key Principle” (vi) and policy aims in PPS9 – “Biodiversity and Geological Conservation”.

Conditions Regarding the Development in Use:

13. Having regard to the proximity of nearby homes and gardens, prior to completion of any part of the enlarged building hereby permitted, the applicant shall submit an expert report to Northampton Borough Council explaining how the specification, design and installation of all refrigeration, air-conditioning, waste compaction and other mechanical plant or recycling facilities within or around the enlarged premises hereby permitted will be configured and thereafter maintained to avoid the emission of noise or vibration to levels in excess of the “good” standard set out in Table 5 of British Standard 8233, (BSI; 1999) and “Guidelines for Community Noise” (World Health Organisation; 1999). The projected audible noise impacts upon nearby homes, their living spaces, bedrooms and gardens shall be below measured ambient noise levels. REASON: To safeguard the neighbourly interests of nearby homes which ought to be protected in the public interest and in compliance with Policy E19 of the Northampton Local Plan.
14. Having regard to the proximity of nearby homes and gardens, the two service yards to the north and south of the enlarged building as hereby permitted shall not be used unless prominent and illuminated signage is installed and maintained within those service yards to advise that vehicle drivers should disable any audible vehicle reversing alarms between the hours of 21:00 and 07:00. REASON: To safeguard the neighbourly interests of nearby homes which ought to be protected in the public interest and in compliance with Policy E19 of the Northampton Local Plan.
15. Having regard to the proximity of nearby homes and gardens in Falconers Road, containers to be used for the collection of consumer recyclables in the designated new location shown on drawing F/EXT/1112/PL20 shall not be emptied or serviced by container operators between the hours of 21:00 and 07:00. One or more prominent notices shall be erected and thereafter maintained to that effect before any recycling containers are set in place for subsequent use by visiting members of the public. REASON: To safeguard the neighbourly interests of nearby homes which ought to be protected in the public interest and in compliance with Policy E19 of the Northampton Local Plan.
16. Notwithstanding the proposed internal floor uses indicated on submitted drawings; the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended) or, any future enactments to similar effect, there shall be no further subdivision or

amalgamation of the retail units within the extended or altered building(s) hereby permitted, over and above those that are shown on submitted drawings. REASON: To regulate and control the future retail impacts of the enlarged retail building(s) as hereby permitted and, in particular but not exclusively, to safeguard the quality and diversity of the future retail offer within Northampton town centre in a resilient manner as a means to fostering local economic growth and the social, economic and environmental well-being of Northampton's local people. These various policy aims are a reflection of relevant planning policies including those within PPS4 – "Planning for Sustainable Economic Growth".

11. BACKGROUND PAPERS

- Planning Application N/2010/0653 (as submitted to WNDC) and, N/2011/0323 (i.e. this current application).
- "Northampton Foodstores Cumulative Impact Study Report" – AECOM; 14th April 2011.
- "West Northamptonshire Retail Study" – WNJPU; 2009.
- "Northampton Borough Council, Town Centre Health Check" – Roger Tym and Partners; Oct 2009
- "Planning Policy Statement 4: Planning for Sustainable Economic Growth" – CLG; 2009
- "ONS Statistical Bulletin; Retail Sales – June 2011" Office of National Statistics (republished monthly), available on-line from: www.statistics.gov.uk/statbase/product.asp?vlnk=870
- "Draft National Planning Policy Framework" CLG 25th July 2011; available on-line from: www.communities.gov.uk/publications/planningandbuilding/draftframework
- "Planning for Growth" Ministerial Statement – CLG; 23rd March 2011; available on-line from: www.communities.gov.uk/statements/newsroom/planningforgrowth

12. LEGAL IMPLICATIONS

- 12.1 None, other than the recommended Section 106 planning obligation and the required Section 278 agreement (see recommended condition 2) - to be undertaken by Northampton County Council.

13. SUMMARY AND LINKS TO CORPORATE PLAN

13.1 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:	T Boswell / G Jones	02/09/2011
Planning Manager Agreed:	S Bridge	02/09/2011



Name: LZ
 Date: 11th August 2011
 Scale: 1:2500
 Dept: Planning
 Project: Site Location Plan

Title
Tesco Store, Clannell Road

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PLANNING COMMITTEE: 13 September 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0403 **Erection of two and a half storey dwelling (as amended by revised plans received on 28 June 2011) at Land at 1-3 Hester Street.**

WARD: **Semilong**

APPLICANT: **Ms. A. Hawker**
AGENT: **HDA Architecture**

REFERRED BY: **Cllr Marriot**
REASON: **Detrimental impact on the adjoining dwelling No.4 Hester Street**

DEPARTURE: **No**

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 That the application be approved for the following reason

The principle of a residential development in an existing primarily residential area is acceptable and in accordance with Policy H6 of the Northampton Local Plan. The siting, design and appearance of the building will compliment the existing street scene without being detrimental to residential amenity and highway safety in accordance with Policies H6 and E20 of the Northampton Local Plan and the guidelines contained within PPG13.

2. THE PROPOSAL

2.1 To erect a detached two storey dwelling 11 metres deep and 7 metres wide. There would be two small dormers to the front with rooflights to the rear to provide an extra bedroom in the roof. The proposed dwelling would have a design and appearance to match the terraced properties to the west and be constructed of brick.

- 2.2 The property would have a large rear garden but no on-site parking provision. This proposal would result in the removal of a lime tree situated to the front of the site which tree has been heavily pollarded.

3. SITE DESCRIPTION

- 3.1 The plot has a depth of 30 metres; a width of 8 metres and at present forms the side garden to a building used for communal living at 1-3 Hester Street.
- 3.2 Hester Street is a residential street containing predominantly terraced dwellings. Parking is available on both sides of the street.

4. PLANNING HISTORY

- 4.1 None.

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

5.3 Northampton Borough Local Plan

E20 - New Development
E19 - Implementing Development
H6 - Housing Development within Primarily Residential Areas

5.4 Supplementary Planning Guidance

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

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Arboricultural Officer:** No objections as long as Silver Birch in the rear garden is protected during construction of the new dwelling.
- 6.2 **Bosworth Independent College** have concerns that an increase in the number dwellings would result in an extra demand for parking which could be detrimental to highway safety.

6.3 **4 Hester Street – objection:**

- The gap between No. 4 and the proposed dwelling would make maintenance of both properties very difficult;
- An additional multiple occupation house would impact upon residential amenity;
- Would result in parking problems in the street and an impact on highway safety;
- Would result in the removal of the lime tree in the front garden;
- Would result in direct overlooking and shading of the rear garden; and
- Construction work could damage foundations of No. 4.

7. **APPRAISAL**

7.1 The site is located in an existing residential area and, therefore, the principle of a residential development is acceptable. The plot size is comparable in area to the existing dwellings in Hester Street.

Siting and Design

7.2 The proposed dwelling has been sited in line with most of the existing dwellings situated on the Northern side of Hester Street, which results in a uniform and attractive street scene. The size, scale and design of the building also reflects the dwelling situated to the west with windows and doors of similar proportion. The property is to be constructed of brick to match the adjoining dwelling 4 Hester Street.

Residential amenity

7.3 The originally submitted plans showed the proposed dwelling set back by 1.5 metres in order to provide sufficient space for two car parking spaces to the front. This was considered unacceptable as it resulted in an unattractive street frontage and would have an impact on the outlook and amenity of the occupiers of the adjoining dwelling at 4 Hester Street as the building would have had a corresponding set back to the rear of 4.4 metres. By moving the dwelling forward there is a significant improvement on the amenity of the adjoining property as the two storey rear addition is reduced to a depth of only 3 metres and sited 2.2 metres from the boundary with 4 Hester Street.

7.4 The occupiers of that 4 Hester Street requested that there should be no attachment with the proposed dwelling and this was achieved on the revised plans. Although a separation distance (7.5 centimetres) is relatively minimal, it is considered that a more substantial gap would impact upon the continuity of the street scene, which this proposal would create.

7.5 The proposed development could potentially cause some overlooking, overshadowing and loss of outlook to the adjacent properties at 1-3 and 4 Hester Street. The rear gardens of 1-3 and 4 Hester Street would potentially be overlooked primarily from the rear elevation

windows of bedroom 2 on the first floor and bedroom 4 on the second floor. However, it is considered that this overlooking would not be significantly adverse given that the proposed windows would look out over the most northern parts of the adjacent rear gardens with the areas of garden nearer to the rear elevations being only potentially viewed at an oblique angle.

- 7.6 The proposal would partially infill the gap between 1-3 and 4 Hester Street and thereby cause some loss of light and outlook to the western side elevation windows at 1-3 Hester Street and a small amount of overshadowing to the rear garden of 4 Hester Street. However, the impact upon 1-3 Hester Street would be mitigated by the current orientation of the existing side elevation windows and the fact that a separation distance of about 3 metres would be maintained between the two buildings. Hence, it is considered that the proposed development would not have a detrimental impact upon 1-3 Hester Street in terms of overshadowing and overbearing impacts. It is also considered that any overshadowing of the rear garden at 4 Hester Street would be slight and not impact upon the adjacent property significantly more than the existing two/three storey properties situated to the east and south.
- 7.7 The wider area of Semilong and Hester Street is characterised in part by houses in multiple occupation (HMO). High numbers of HMOs have the potential to change the character of an area and impact upon residential amenity. In order to limit the spread of HMOs an Article 4 Direction will come into force in March 2012, which will remove permitted development rights for change of use from C3 to C4. Hence from March 2012 planning permission will be required to change a dwelling house to a small HMO. In light of the impending Article 4 and the potential impact of an additional HMO on Hester Street, it is considered that a condition removing permitted development rights for a change of use from C3 to C4 would be necessary to safeguard residential amenity.
- 7.8 It is noted that the occupier of 4 Hester Street raised concerns that the proposed development could effect the foundations and damage the property. However, this issue cannot be taken into consideration, as it does not constitute a material planning consideration. Moreover the applicant has submitted details that indicate that the development, including the footings, would not encroach on neighbouring properties.

Highway matters

- 7.9 The revised proposal provides no on-site parking provision but as the site is in a very sustainable location being adjacent to a bus route and close to a local centre and the facilities of the Town Centre, the proposed occupiers would not need car ownership. There is parking available on Hester Street but it is recognised that there is little capacity in the evening period.

Trees

- 7.10 The lime tree situated to the front of the site is to be removed. The Arboricultural Officer noted that although the tree's retention is desirable it has been previously heavily pollarded and has a considerable aphid infestation. Therefore the tree's amenity value does not warrant legal protection via Tree Preservation Order.
- 7.11 There is also a large silver birch to the rear of the site and a condition is required to ensure this tree is protected during the construction of the proposed dwelling.

8. CONCLUSION

- 8.1 The proposal is considered acceptable, as it would result in a new dwelling, which would reflect other properties in Hester Street and would enhance the street scene without being detrimental to the residential amenity of nearby 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) 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.

- (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 windows shall be installed in the side elevations 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 H6 of the Northampton Local Plan.

- (4) 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 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.

- (5) No development shall take place until a desk top 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.

- (6) All trees shown to be retained in the approved plans shall be protected for the duration of the construction of the development by stout fence(s) to be erected and maintained on alignment(s) to be approved in writing by the Local Planning Authority before any development works shall take place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials nor waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy E20 of the Northampton Local Plan.

- (7) The window in the ground floor eastern side elevation shall be glazed with obscured glass and be of fixed type before the development hereby permitted is first occupied and shall thereafter be retained in that form at all times.

Reason: To safeguard the privacy of the adjoining property in accordance with Policy H6 of the Northampton Local Plan.

- (8) The premises shall only be used as single unit of residential accommodation within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (As amended).

Reason: For the avoidance of doubt and in the interests of residential amenity in accordance with Policy E20 of the Northampton Local Plan.

10. BACKGROUND PAPERS

10.1 N/2011/0403.

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:	Geoff Wyatt	28/08/2011
Principal Planning Officer Agreed:	Gareth Jones	01/09/2011



Name: LZ
 Date: 11th August 2011
 Scale: 1:500
 Dept: Planning
 Project: Site Location Road

Title

Land at 1-3 Hester Street

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PLANNING COMMITTEE: 13th September 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0635: Installation of two storage tanks for contaminated water and processed oil.

WARD: New Duston

APPLICANT: Mr Nicholas Page
AGENT: None

REFERRED BY: Cllr Matthew Golby
REASON: Public Fear of fire / explosion at the site

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

- 1.1 **Approval** for the following reason:
The proposed development would not result in the undue extension or intensification of the site and would have no adverse impact on the visual or residential amenity of the area in accordance with Policies E19, E20 and B19 of the Northampton Local Plan.

2. THE PROPOSAL

- 2.1 This is a full planning application for the installation of two storage tanks for contaminated water and reclaimed fuel oil at Duston Oils. The tanks will be located in separate locations. They comprise cylindrical tanks contained within a rectangular open top bund and each will measure 10.7m long x 3.1m wide x 3m high. They will be constructed from mild steel and painted grey.

3. SITE DESCRIPTION

- 3.1 The application site consists of an industrial site with access from Port Road, in New Duston. The main use of the site is for the reclamation

and recovery of oil. There is a small car parking area at the front of the site which can accommodate up to 10 cars parked off road. Further off road parking is accommodated within the grounds of the adjacent site. The site is located within a primarily residential area as allocated in the Northampton Local Plan and is surrounded by residential properties.

4. PLANNING HISTORY

4.1 The site has a long and complex planning history. More recent history is as follows:

N/2008/1268 - Proposed installation of an above ground self bunded 55000 litre water storage tank (retrospective) - Approved

N/2007/0616 CLEUD - use for treatment by thermal means, storage and transfer of waste oils principally for use as fuel, the recovery of chlorinated solvents for reuse by distillation, management of hazardous and non-hazardous wastes by treatment, storage and transfer - permitted

N/2004/1636 – Removal of condition 1 of 91/532 to allow the use of the building for Biodiesel production under Duston Oils – Refused and allowed on Appeal

N/2001/0942 – Open sided enclosure for shredding machine – Approved with conditions

N/2001/0358 – retrospective application for the moving of boiler chimney – Refused and allowed on Appeal

91//0532 – Change of use from garage/store to general industrial – Approved with conditions

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
PPS23 – Planning and Pollution Control

5.3 Northampton Borough Local Plan

E19 – Implementing Development
E20 – New Development

B19 – Business Development within Primarily Residential Areas

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Environment Agency:** No objection. The site benefits from Pollution Prevention and Control and Environmental Permits which are regulated by the Environment Agency.
- 6.2 **Anglian Water:** No comments received.
- 6.3 **NBC Public Protection:** proposals will be covered by the Environmental Permit for the premises and noise and smell issues are controlled by the permit administered by the Environment Agency. Understand therefore that it would be inappropriate to apply planning conditions relating to these matters.
- 6.4 **NCC Highways:** No observations.
- 6.5 **Duston Parish Council :** No comments received.
- 6.6 **22 Alpine Way** – asks that applications for Duston Oils submitted over last three decades are investigated along with comments and complaints of local residents. States this application is an extension of works and a consequential increase in problems – noxious smells, vibrations, continuous machinery uses, early transport movements, unsightly chimney stacks. Consider the installation of another 2 tanks will increase problems.
- 6.7 **20 Alpine Way** – Consider proposal will cause greater congestion in the yard with barrel and vehicle movements and more of a hazard if a fire occurs. Need to check that proposed reclaimed oil tank is not in a position where vehicles turn and park. If minded to approve should consider and ensure that tanks are not used for the storage and transfer of inflammable liquids, pipework or gantries are no higher than the height of the tank, any additional pumps to be subject to noise control and the small brick wall adjacent to boundary with 20 Alpine Way be raised in height.
- 6.8 **84 Port Road** – refers to fires at waste oil and solvent works in Kent and Sandhurst. States that the application should be refused as more oil stored on site increases fire risk. Refers to previous letters of objection submitted to the Authority concerning risks to nearby residents.

7. APPRAISAL

Main issues

- 7.1 Class B2 General Industrial use of the site is well established and lawful. The site has been used for oil reclamation since the mid 1960's

and the use of the site has been investigated and has been the subject applications and appeals on several occasions.

- 7.2 The application now is for the siting of two storage tanks at the site. The issues to consider are the impact on the character and appearance of the area and the impact on neighbouring properties. Matters regarding environmental impacts and risks to safety are also subject to other controls.
- 7.3 The applicant states there is no intention to increase operations at the site. The proposed water tank (located to the south west of the site adjacent to an existing contaminated water tank approved in November 2008) is required to replace one of the seven underground tanks that have been decommissioned. The proposed reclaimed oil tank (located to the east of the site) is required because of new legislation regarding the grading of reclaimed oil. The design and access statement further describes the requirement for the tanks.
- 7.4 With regard to the water storage tank the design and access statement states “Due to the nature of the arising of the contaminated water, often as a result of flooding or spillage, we have found the single tank to be insufficient to balance the unpredictable demand with the ability to onwardly dispose of the water and are therefore applying for a second tank to stand alongside the existing one.”
- 7.5 With regard to the oil tank “the implementation of the “end of waste protocol for fuel derived from waste oil” has created a situation where we are forced to store two grades of the fuel oil we produce termed Reclaimed Fuel Oil (RFO) and Processed Fuel Oil (PFO). The PFO has to be pretested before sale and then sold as a discreet batch which therefore requires the use of our existing storage tanks leaving a requirement for a third tank for the storage of RFO.
- 7.6 The water tank is required to replace the decommissioned underground tanks. Drums that are currently stored in this area will be moved to a storage area at the north end of the site. The applicant states that a new system of onward disposal of wastes in drums has been put in place over the past few months which has improved efficiency. The result is that they now store much less in the yard. The oil tank is required because of new legislation that requires an operational change. It is considered that the provision of the tanks does not represent the extension or intensification of the site over and above and above the existing usage.

Neighbouring Amenity

- 7.6 The location of the tanks is within the existing yard area. Both are well hidden from neighbouring properties by tall tree screening and by 1.8 to 2 metre tall wooden fencing located inside the tree screen. The proposed tanks would not be readily visible from the street or

neighbouring properties and will therefore not be detrimental to the visual amenity of the area. Furthermore given the boundary treatment between the application site and neighbouring properties there will be no impact in terms of overshadowing or overlooking.

- 7.7 With regard to noise there are no objections from the Environment Agency or Public Protection Officers who state that it would be inappropriate to add a noise condition to any consent as matters regarding noise are controlled by the Environment Agency under their regulations.

Other Matters

- 7.8 One of the main concerns of neighbouring residents is the risk of fire at the site and concerns that additional tanks at the site will increase this risk. The production of biodiesel is an operation that requires a Pollution Prevention and Control Permit and an Environmental Permit. This legislation is enforced by the Environment Agency and addresses emissions to air, water and land, odour, waste, noise, energy use, vibration, accident prevention (including fire risk) and site restoration. The Environment Agency have been consulted on the application and have no objections. They state that the proposed use is covered by the existing permit for the site and that they regularly inspect the site, often unannounced. The Environment Agency state that the proposals would actually result in a reduction in waste materials stored on site.
- 7.9 One objector has requested that the new RFO tank is not sited in an area allocated for vehicle parking and turning as specified in the Appeal decision relating to N/2004/1636. This appeal decision related to one building on the site and although allowed on appeal it would appear the permission was not implemented. Regardless of this it is noted that siting of the tank would smaller vehicles would have to manoeuvre and the situation will remain as existing where articulated vehicles reverse into the site.

8. CONCLUSION

- 7.10 It is considered that the provision of the tanks does not represent the extension or intensification of the site over and above the existing usage and the proposal would not have a significant adverse affect on visual or residential amenity.

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.

10. BACKGROUND PAPERS

10.1 Application files N/2008/1268, N/2007/0616, N/2004/1636, N/2001/0358, 91/0532

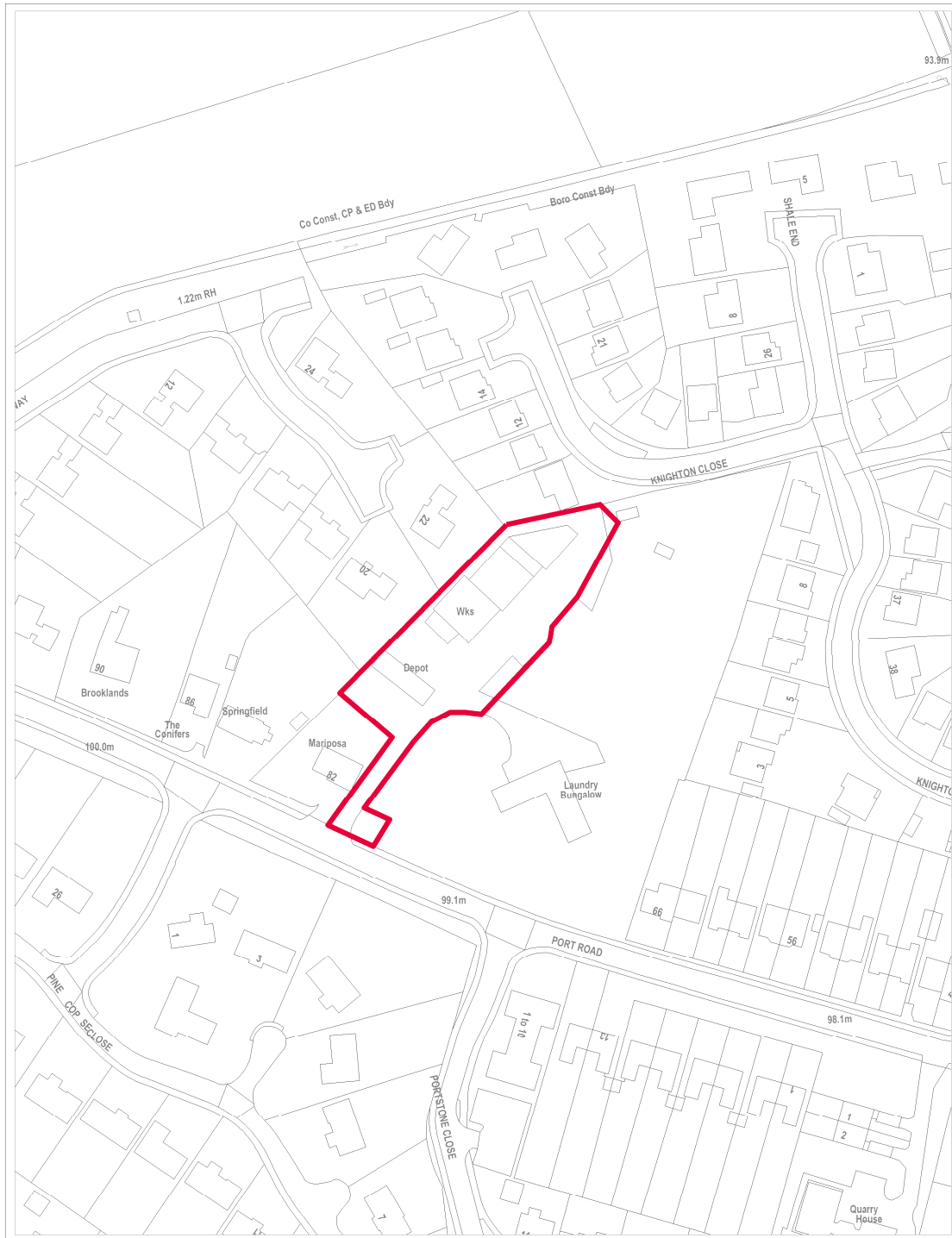
11. LEGAL IMPLICATIONS

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:	Rowena Simpson	31/8/11
Development Control Manager Agreed:		



Name: SW
 Date: 1st September 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
Duston Oils, 70 Port Road

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Agenda Item 10d



PLANNING COMMITTEE: 13 September 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0722: Change of use from offices/training facility (Use Classes B1/D1) to single dwelling house (Use Class C3) at 40-42 Guildhall Road, Northampton

WARD: Castle

APPLICANT: Mr. D. Frost
AGENT: None

REFERRED BY: Head of Planning
REASON: Council-owned property

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** for the following reason:

1.2 The proposed use as a single dwelling house will bring back into sustainable use a vacant property in the town centre, and is in accordance with Northampton Local Plan Policy H7; with the emerging Central Area Action Plan; and with National Guidance PPS3 – Housing.

2. THE PROPOSAL

2.1 Permission is sought for a change of use of the premises from offices/training uses to a single family dwelling.

3. SITE DESCRIPTION

3.1 These two Victorian era former houses date from 1860 and form part of a terrace extending down to St. Johns Street. The buildings are red brick with decorative window surrounds, four storeys high with dormer windows and mansard style slate roofs. The site is within the Derngate Conservation Area and the buildings are Non-Designated Heritage Assets

(i.e. on the Local List), adjacent to the former Vulcan Iron Works which is a Listed Building towards the southern end of Guildhall Road.

- 3.2 The two buildings are already conjoined internally. It has been confirmed by the applicant that there are to be no changes to the exterior of the property.

4. RELEVANT PLANNING HISTORY

- 4.1 A number of changes of use to residential / residential redevelopments have been granted planning permission in the vicinity of the site including:
- 1993/0488 – conversion of 48-56 Guildhall Road (Bassett Lowke House) to 22 flats – approved
 - N/2003/0863 – change of use to residential of 46 Guildhall Road – approved
 - N/2004/1071 & 72 – conversion of Bloomsbury House 27-20 Guildhall Road to 130 flats – approved
 - N/2003/0340 – change of use of 40 Guildhall Road from beauty salon to beauty training facility – approved

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS5 – Planning and the Historic Environment

5.3 Northampton Local Plan

E20 – New Development

E26 – Conservation Areas

H7 – Housing Development Outside Primarily Residential Areas

D22 – Angel Street / Bridge Street Development Site

5.4 Central Area Action Plan emerging policy

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **NBC Built Conservation** – no objections.

- 6.2 **Town Centre Manager** – no objections to residential use, but would like to ensure there are adequate waste/rubbish facilities to avoid any on-street waste bins which would have a detrimental affect on the street scene.

- 6.3 **NCC Highways** – comments:
1. that on-street parking is very tight at the moment, and the current proposal will impact on the current parking arrangements;
2. the current proposal will be inconsistent with the other dwellings in the area.
- 6.4 **Town Centre Conservation Area Advisory Committee** – no response.
- 6.5 **NBC Public Protection** – verbal consultation – recommended informative note recommending that an area in the rear garden be set aside for storage of refuse/recycling.
- 6.6 A site notice was posted and the application was advertised in a locally circulating newspaper. Neighbour notification letters were sent to adjacent property. At the time of drafting the report the consultation period of the press notice had not yet expired; any additional representations received (and pursuant changes to the report / recommendation) will be reported to the Committee via the Addendum to be circulated at the Committee meeting.
- 7. APPRAISAL**
- 7.1 The main issue to consider is the acceptability of residential use in this location.
- 7.2 In the Northampton Local Plan the site is in an area designated as the Angel Street/Bridge Street Development Area with Policy D22 applying. This policy states that, subject to compliance with other policies, planning permission will be granted for retail or office development. This Policy D22 redevelopment area, which extends south from Angel Street to St John's Street to the south and bound to the east by Guildhall Road, has not yet come forward for development. The emerging Central Area Action Plan (CAAP) proposes to retain this as a development area (Policy 22 - Angel Street) but with a revised boundary which excludes the application site. This Policy 22 area proposes a mix of office, hotel and residential uses, with small scale retailing, financial services and restaurant/cafes.
- 7.3 In light of this changing policy context it is not considered that the proposed change of use would compromise the Council's regeneration objectives for this part of the town centre. Moreover the proposed residential use would complement the range of uses identified in emerging CAAP Policy 22.
- 7.4 When considering an application for residential development outside primarily residential areas as identified on the Local Plan Proposals Map, Policy H7 states that planning permission will only be granted where (a) a satisfactory residential environment can be achieved; (b) the development would not be at a scale and density which would be detrimental to the character of the surrounding area or would result in an over-intensive use of the site; (c) the development would comply with the Council's Highway

Design Guide relating to parking; (d) the development would not be piecemeal in character and likely to prejudice the possible satisfactory development of a larger area; (e) the development would not result in the loss of facilities for which there is a need in the area, or trees or land of significant amenity value.

- 7.5 It is considered that this proposal to convert these premises to a single dwelling is in accordance with the above policy, except for the parking requirement.
- 7.6 It is noted that, although this site is not in a primarily residential area, there has been significant other residential development in the vicinity, i.e. across the road (Bloomsbury House 130 flats) and further down the terrace (Basset Lowke House and 46 Guildhall Road). The house next door (no.44) is also a private dwelling. The proposed residential use would therefore be in keeping with surrounding use.
- 7.7 No external changes to the buildings are proposed and therefore there would be no impact upon the character or appearance of the Conservation Area. It is considered that bringing a vacant building into use will enhance the vitality of the Conservation Area.
- 7.8 In considering parking requirement under Policy H7, no off-street parking is provided at this site, and no on-street parking is permitted on this section of Guildhall Road. However, year round permit parking is available to town centre residents in the long stay car parks, and St. John's multi-storey car park is within close vicinity of the application site. This site is also very sustainably located, within easy walking distance to facilities and public transport. It is considered that these factors suitably address the issue of parking at this site.
- 7.9 In considering the matter of refuse/recycling facilities (as raised by the Town Centre Manager), there is presently weekly bag collection for refuse along this street and also a weekly collection of recyclables from boxes. It is noted that the current lawful uses of these properties would also have generated refuse and recyclables and that this would have been placed outside in the public domain on collection day. It is not considered that the proposed use would generate significantly different levels of refuse and recyclables compared to those of the existing lawful use.

8. CONCLUSION

- 8.1 It is considered that the proposed use of the property as a single dwelling is acceptable as it will be in keeping with surrounding development and will have no adverse impacts upon the character of the Conservation Area.

9. CONDITIONS

- 9.1 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.

10. BACKGROUND PAPERS

10.1 None.

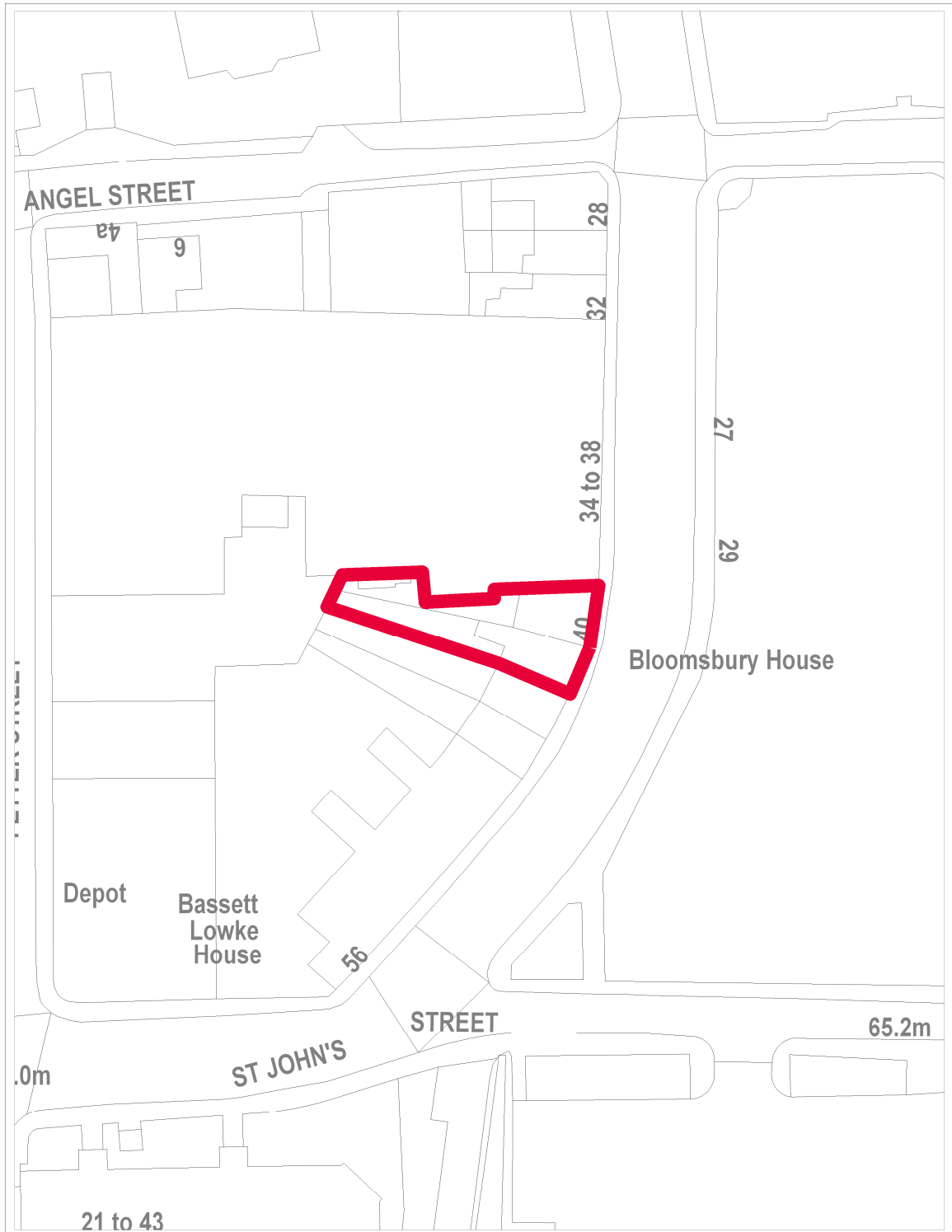
11. LEGAL IMPLICATIONS

11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

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

Position:	Name/Signature:	Date:
Author:	E. Williams	01/09/2011
Development Control Manager Agreed:	Gareth Jones	01/09/2011



Name: SW
 Date: 1st September 2011
 Scale: 1:500
 Dept: Planning
 Project: Site Location Plan

Title
40-42 Guildhall Road

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Agenda Item 10e



PLANNING COMMITTEE: 13th September 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0759: Installation of first floor rear bay window

WARD: Abington

APPLICANT: Mr Mohammed Azizur Rahman
AGENT: Mr Charles Brett

REFERRED BY: Head of Planning
REASON: The applicant is a Borough Councillor

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** for the following reason:

1.2 The proposed bay window by reason of its siting and design will not adversely affect the appearance of the dwelling, the character of the area nor adversely affect the amenity of neighbouring properties in accordance with Policies E20 and H18 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 The proposal is to install a first floor bay window which would be situated on a rear outrigger to serve a bedroom.

3. SITE DESCRIPTION

3.1 The property is an established mid terraced Victorian dwellinghouse situated in a primarily residential area as allocated in the Northampton Local Plan. The two storey property fronts onto Abington Avenue. To the rear the property has an outrigger and single storey extension which is in the process of being built. At the rear there is pedestrian access onto a private backway that runs between Abington Avenue and Ashburnham Road.

4. PLANNING HISTORY

- 4.1 N/2010/0092 – Single storey extensions to rear and side, installation of rear dormer, new access and steps to front basement – Approved
- 4.2 N/2009/0961 - Two storey rear extension, single storey side extension, installation of dormer window to the rear, new access and railings to front basement - Refused

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:

PPS 1 – Delivering Sustainable Development
PPS 3 - Housing

5.3 Northampton Borough Local Plan

E20 – New Development
H18 - Extensions

5.4 Supplementary Planning Guidance

Residential Extensions Design Guide

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Neighbouring properties** – no comments have been received at the time of writing this report.

7. APPRAISAL

- 7.1 The issues to consider are the impact on the character and appearance of the existing dwelling and surrounding locality and on the amenities of adjoining occupiers.

- 7.2 A previous application for a two storey rear extension to the existing outrigger was refused as it was considered that it would overshadow the adjoining neighbouring property. A subsequent approved application for single storey extensions is in the process of being built. The proposal now is for a bay window to be built at first floor level. This would be 0.8 metres deep, 3 metres wide and 2.9 metres high including a hipped tiled roof. The side projection adjacent to the boundary with 203 Abington Avenue would consist of a solid brick wall. The remainder of the bay would be glazed.

7.3 It is noted that rear bay windows are a design feature of several nearby properties so the proposal is not out of character with the locality. The dimensions of the bay window would not result in undue overshadowing of neighbouring property. The side of the bay adjacent to the adjoining outrigger would be constructed with brick so no direct overlooking of the neighbours garden would occur. The other side of the bay would be glazed, however this would be located 2.5 metres from the side boundary. This neighbouring property also has a bay window on the rear. It is not considered that the privacy of neighbouring properties will be unduly affected.

8. CONCLUSION

8.1 It is considered that due to its siting and design the proposed development would have no adverse impact on the appearance of the existing dwelling, character of the surrounding area or on the amenities of existing neighbouring residents.

9. CONDITIONS

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

(2) The external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.
Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy H18 of the Northampton Local Plan.

10. BACKGROUND PAPERS

10.1 Application files N/2010/0092, N/2009/0961.

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:	Rowena Simpson	26/08/11
Development Control Manager Agreed:	Gareth Jones	01/09/11



Name: SW
 Date: 1st September 2011
 Scale: 1:500
 Dept: Planning
 Project: Site Location Plan

Title
201 Abington Avenue

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