

# **NORTHAMPTON BOROUGH COUNCIL**

## **PLANNING COMMITTEE**

**Tuesday, 24 July 2012**

**PRESENT:** Councillor Golby (Deputy Chair); Councillors Aziz, N Choudary, Hallam, Hibbert, Lane, Lynch, Mason, Meredith and Oldham

### **1. APOLOGIES**

Apologies for absence were received from Councillors Davies and Flavell.

### **2. MINUTES**

The minutes of the meetings held on 26 June and 10 July 2012 were agreed and signed by the Chair.

### **3. DEPUTATIONS / PUBLIC ADDRESSES**

**RESOLVED:** That Messrs Cook, Crutchley and Millett be granted leave to address the Committee in respect of application no. N/2011/0998.

That Messrs Costello and Wright and Councillors Hill and Nunn be granted leave to address the Committee in respect of item 10B-N/2011/1160.

That Messrs Lewis and Stockdale be granted leave to address the Committee in respect of application no. N/2012/0465.

That Mr Anderson and Mrs Jaffes be granted leave to address the Committee in respect of application no. N/2012/0553.

### **4. DECLARATIONS OF INTEREST**

Councillor Aziz declared “predetermination” of application no. N/2011/0998 as having submitted an objection to the application.

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

None.

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

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

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

**7. OTHER REPORTS**

None.

**8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None.

**9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

None.

**10. ITEMS FOR DETERMINATION**

**(B) N/2011/1160- DEMOLITION OF GARDEN CENTRE CONCESSION BUILDINGS AND ERECTION OF NEW SUPERMARKET; ERECTION OF NEW RETAIL BUILDING AND STORAGE BUILDING TO SERVE GARDEN CENTRE; RECONFIGURATION OF SERVICE AREA AND SERVICE ROAD AND ALTERATIONS TO VEHICLE ACCESS FROM NEWPORT PAGNELL ROAD. ADDITIONAL WORKS TO PARKING, LANDSCAPING AND LIGHTING. (AS AMENDED BY REVISED PLANS RECEIVED 16 JANUARY 2012 AT NORTHAMPTON GARDEN CENTRE, NEWPORT PAGNELL ROAD**

The Head of Planning referred to the Addendum in respect of application no N/2011/1160 that set out representations from Councillor Larratt and Andrea Leadsom MP and in particular referred to the supplementary report and the revised recommendation that the application be approved in principle subject to conditions and a Section 106 Agreement. She referred to paragraph 5.1 of the supplementary report and commented that following further representations made by the Applicant and their Counsel reconsideration had been given to the weight that should be given to Policies N6, N10 and S9 of the Pre- Submission West Northamptonshire Joint Core Strategy that were the subject of extant objections by a number of parties including the applicant. Accordingly, it would be difficult to substantiate a decision made based on these disputed policies and therefore the Committee was asked to consider the revised recommendation.

The Head of Planning referred to the report published with the agenda in respect of application no. N/2011/1160 and elaborated thereon.

Councillor Hill, as Ward Councillor, stated that he was pleased to that the recommendation had been altered to approval and commented that the site had established retail use and that the proposal had the overwhelming support of the residents of Wootton and Hardingstone; the area did not have many facilities and there was a need for a supermarket. He also noted that there was some sheltered housing near-by as well as other housing so that people would be able to walk to the supermarket.

Mr Costello commented that although the application site was not within Wootton and East Hunsbury Parish Council's area, he was representing the Parish Council who

supported the proposal and were pleased that the recommendation had been changed to approval. He stated that this facility was much needed in this part of the town. The Parish Council only had one concern that was to do with the speed limit on the Newport Pagnell Road and whether it should be reduced. He hoped that the Committee would approve the application.

Councillor Nunn, as Ward Councillor, commented that he had never received so many representations in favour of a project as he had for this planning application. He had not received any representations against it. He believed that it was a good location for a supermarket; the Wyvale Centre was more than just a garden centre and that there were too many outstanding issues and delays surrounding the alternative site for it to be a viable option. He also believed that the revised recommendation to approve was correct following careful consideration of the issues and he urged the Committee to approve the application.

Mr Wright, the Agent, stated that he was delighted that the recommendation had been revised and thanked the Head of Planning for their reconsideration of the issues. He stated that the HCA site had been examined and their reasons for excluding it had previously been submitted to the Planners. Waitrose would be able to open next year and the store would create 120 jobs for local people who would become partners in the business as throughout the John Lewis Partnership. Mr Wright noted that local residents widely supported the proposal. The supermarket would be in walking distance for some residents and they would be making a contribution for transport issues: the site was accessible and made good use of it. They did have queries about the opening hours. In answer to questions, Mr Wright commented that they had a good relationship with the Garden Centre and hoped to conclude an agreement with them shortly and that they should be able to trade beside each other easily; and that he did not believe that this proposal would adversely affect Legal and General's proposals for Grosvenor/Greyfriars- their supermarket was aimed at people living in Wootton and the surrounding area and that their Retail Impact Study confirmed this.

The Head of Planning noted that the impact of the proposal on other centres was considered in the report and confirmed the comment made by Mr Wright.

The Committee discussed the application.

**RESOLVED:** That the application be approved in principle subject to the conditions set out in the supplementary report, part of the Addendum, and Section 106 Agreement as below as the proposed development could not be reasonably located within an established centre, would not unduly impact upon the viability and vitality of the hierarchy of centres and would have a neutral impact upon general amenity and highway safety. The proposal is therefore in accordance with the National Planning Policy Framework, Policy 22 of the East Midlands Regional Plan and Policies E19, E20 and E40 of the Northampton Local Plan.

This recommendation is subject to the prior finalisation of a Section 106 Agreement to secure a financial payment to fund enhancements

to bus routes within the vicinity of the site to mitigate the general lack of accessibility to the application site.

In the event that the Section 106 Agreement is not completed within three months of the date of this Committee meeting, the Head of Planning be given delegated authority to refuse or finally dispose of the application, at their discretion, for the reason that the necessary mitigation measures had not been secured in order to make the proposal acceptable in line with the requirements of Northampton Local Plan Policy E19 and the National Planning Policy Framework.

**(A) N/2011/0998- DEMOLITION OF FORMER ROYAL MAIL TRANSPORT WORKSHOP AND CHANGE OF USE FORMER ROYAL MAIL SORTING OFFICE WITH ASSOCIATED ALTERATIONS INCLUDING NEW ATRIUM, CAR PARK DECK AND SERVICE RAMP AND YARD TO PROVIDED A FOOD STORE (5,218SQ METRES NOT SALES AREA), CAFE AT FIRST FLOOR LEVEL, WITH PARKING AT BASEMENT AND LOWER GROUND WITH ASSOCIATED LANDSCAPING WORKS AT ROYAL MAIL, 55 BARRACK ROAD**

Councillor Aziz left the meeting in accordance with his declaration of “predetermination” set out in minute 4 above.

The Head of Planning submitted a report in respect of application no. N/2011/0998, elaborated thereon, referred to the Addendum that set out further correspondence from the applicant responses to it and further correspondence from the Agents and the response to it and referred to correspondence from agents on behalf of Asda dated 24 July 2012. The Head of Planning referred to paragraph 7.47 of the report and noted that the Environmental Health Officer had confirmed that proposed condition 15 would meet the issues that they had raised. He also commented that Tesco’s recent announcement that they were withdrawing from the scheme did not affect the Committee considering the application as Royal Mail were the applicants, the operational elements were generic to any similar operator to Tesco and the retail impact study was also relevant for any similar operator. He also noted that in terms of the requested opening hours that Bank Holidays should remain as the same hours for Sundays. In answer to questions, the Head of Planning commented that the provision of travelators would be required by any supermarket operator; that no further comments had been received from Legal and General other than those set out in paragraph 6.19; and although Legal and General had not stated that a large supermarket could not be accommodated within their proposals, equally, the details submitted so far did not indicate provision for one.

Mr Crutchley, on behalf of Semilong Community Forum, commented that concerns had been raised in terms of the impact of the proposal on local businesses and access to the store. The Forum had asked for extra lighting and facilities for the local community. Semilong was a deprived area and there was a feeling that a supermarket would not help the local community and that the application failed to address the issues in the area. The Forum were concerned about street drinking and

nuisance and trolleys being abandoned in the surrounding streets and had previously asked how regeneration of the site would benefit Semilong.

Mr Cook, the Agent, welcomed the report, the thorough consultation that had taken place and noted that the one and a half hectare site was very accessible. The main structure of the existing building was sound and the site offered a major brownfield regeneration opportunity; little alteration would be necessary for supermarket use. If the building were to be demolished this would probably take three months in itself. Mr Cook noted that few objections had been received and alterations to the proposals had been made following discussions and these included improvements to the public realm and highways. The Highway Authority and Environmental Health had not raised any objections and the Retail Impact Study had not raised any issues. He noted that the situation in respect of trolleys could be conditioned. He hoped that the Committee would approve the application.

Mr Millest on behalf of Royal Mail, commented that he had extensive retail experience and that travelators would be necessary for any operator. He commented that the building was one of a kind, built in the 1970's but had now outlived its usefulness. The investment involved was approximately £12million, with a further £2million for fitting out and £1million for highway improvements. He stated that approximately 350 jobs would be created with around 120 being full-time and 230 part-time. If the Committee approved the application it would make the task of finding an operator easier. Mr Millest noted that the former Royal Mail premises had operated 24 hours a day and so if the premises operated on this basis as a supermarket, it would not be any different. He noted that in respect of alcohol, supermarkets tended to manage sales very strictly.

The Head of Planning commented that Section 106 Agreements had to be related to the development in question hence the proposed agreement in this instance for highway and public realm improvements. Unfortunately it would not be legitimate to seek the money for community uses. Developing the site would help to regenerate the local community. In answer to questions, the Head of Planning noted that the potential loss of trade to the Town Centre would not reach an unacceptable level if this application were to be approved and displayed the drawings showing the relationship of the delivery ramp to the neighbours.

The Committee discussed the application.

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

- a) A Section 106 Legal Agreement to secure:
  - Financial payment dedicated towards NCC's Kingsthorpe Corridor Improvement Scheme;
  - Financial payment for town centre public realm enhancements, focused on Sheep Street / Regents Square;
  - Agreement to a construction training programme to provide on-site training for local construction trainees; and
  - The submission and implementation of a work place travel plan to encourage non-car modes of travel;
  - Completion of a scheme to enhance linkages between the

site and the town centre, in line with the principles and interventions outlined in the Strategic Urban Design Appraisal Connections Study

- A payment towards air quality management.
- b) The referral of the application to the Secretary of State under the provisions of The Town and Country Planning (Consultation) Direction 2009 to consider if he wishes to call-in the matter for his determination;
- c) The conditions set out in the report and additional condition in respect of the control of trolleys;

As the proposed superstore would respond to an identified need for further retail floorspace within Northampton and bring significant regeneration and job creation benefits through the re-use of the existing building. It was considered that there were no sequentially preferable sites that were available, viable and suitable for the proposed development and the implementation of the scheme would not result in any significant adverse impact upon the town centre or district / local centres within the area. In addition, the proposed scheme would enhance the setting of the adjacent Barrack Road Conservation Area through the sustainable, sensitive refurbishment and alteration of the existing building. There were no other constraints to development that could be adequately mitigated through the use of conditions or obligations under s.106 of the Town and Country Planning Act. Consequently, it was considered that the proposal was compliant with the advice contained within the National Planning Policy Framework; the saved policies of the Northampton Local Plan; emerging policies in the submission version of the Northampton Central Area Action Plan; and MKSM Sub-Regional Strategy Northamptonshire Policy 2 MKSM Sub Regional Strategy Northamptonshire Policy 3, contained within the East Midlands Regional Plan (RSS8).

Councillor Aziz rejoined the meeting.

**(C) N/2012/0465- INSTALLATION OF SOLAR POWERED GATES AT ENTRANCE TO DRIVEWAY LEADING TO NO'S 21 TO 23 RAVENSCROFT AT SHARED DRIVEWAY LEADING TO 21 TO 23 RAVENSCROFT**

The Head of Planning submitted a report in respect of application no. N/2012/04654, elaborated thereon and referred to the Addendum that set out additional representations from residents of Ravenscroft.

Mr Lewis, a neighbour, stated that he was offended by the proposal and that there had been no dialogue with the applicant except through Solicitors letters; he had not been able to determine exactly where the gates would be. It appeared that the gates would be attached to his property and he noted that the ownership of the strip of land

alongside his house was disputed; he had not seen any conclusive proof that the applicant owned it. He had proposed a joint approach to ascertain ownership but had not had a response to this. He believed that the proposal was not to do with security but was more to do with enhancing the value of the three properties. He believed that the land ownership issue was pivotal to the application. In answer to questions, Mr Lewis confirmed that he was unclear as to the exact location of the gates and that although he had a rear access the applicant was disputing his right to use it.

Mr Stockdale, the applicant, commented that his application met the formal planning requirements and that he had taken on board all the objections received. He noted that the neighbours at number 20 Ravenscroft were in support of the proposal. The positioning of the gates satisfied the Highway Authority; they would open automatically and quietly. He had tried to place any restrictions on Mr Lewis using his rear access. In answer to questions Mr Stockdale commented that the gate posts would be free standing, in the drive itself and that the proposal was also about a perception of security.

The Head of Planning displayed a photograph showing the positioning of the gates and confirmed that the gate posts were positioned on the applicant's land. He commented that the Applicant had signed a certificate, part of the planning application form, stating that all of the site was in his ownership and this had been confirmed by the Land Registry and noted that having satisfied this point from the planning perspective any other land ownership issues were not a planning matter. The Head of Planning commented that the Committee had to consider the application on its merits taking any material comments, including those made by neighbours, into account.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the proposed development due to its scale, siting and design would not have an undue detrimental impact on the appearance and character of the area nor on highway safety in accordance with Policy E20 of the Northampton Local Plan and guidance in the NPPF.

**(D) N/2012/0553- SINGLE STOREY AND FIRST FLOOR DORMER EXTENSIONS AT 379 BILLING ROAD EAST**

The Head of Planning submitted a report in respect of application no. N/2012/0533, elaborated thereon and referred to the Addendum that noted the receipt of revised plans.

Mr Anderson, a neighbour, noted that the bungalows were semi-detached and he had objected because of the effect of the first floor dormer extension on natural light to the roof lantern over his kitchen which was the main source of light to the kitchen especially from the Spring to Autumn. He believed that the box like structure would be overbearing and darken his kitchen so that electric lighting would have to be used much more frequently. He also believed that that the proposal would ruin these 1920's bungalows that he understood were unique.

Mrs Jaffes, the applicant, commented that the bungalows were set back from the road and therefore the impact on the street scene would be limited. She had explored a number of schemes and a previous one with a larger dormer extension had also been objected to by the neighbour. Although this proposal was smaller by 92cm the neighbour was still claiming that it would be overbearing. In the proposal she was happy to accept that the windows to the proposed bathroom should be high level and she noted that timber cladding would be used to lesson the impact of the dormer extension from the garden. Mrs Jaffes commented that she believed that she had done everything possible to meet the neighbour's objections and asked the Committee to approve the application. In answer to questions Mrs Jaffes commented that previous discussions had taken place with the neighbour about reroofing the both properties and that the property needed remodelling and updating to make it better suited for modern living; the neighbour had undertaken some remodelling himself.

The Head of Planning noted that the materials used would need to match the existing and that this was conditioned; that the high level windows could be conditioned to match the existing windows and the roofing material for the dormer extension was most likely to be felt. In terms of permitted development he noted that the single storey extensions and hip to the gable conversion could take place without planning permission so that in effect it was only the dormer extension that required consent. In answer to a question the Head of Planning commented that the property was not in a conservation area.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the receipt of amended plans showing high level windows to the rear dormer as referred to in the report and the conditions set out in the report as the proposed development would have no significant adverse impact on the streetscene or on the amenities of existing neighbouring residents. The proposal thereby complied with policies E20 and H18 of the Northampton Local Plan.

**(E) N/2012/0588- CHANGE OF USE TO GARDEN AND ERECTION OF 1.8M FENCE AT 143 CHURCHILL AVENUE**

The Head of Planning submitted a report in respect of application no. N/2012/0588 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 development, due to its siting, scale and design, would not have an undue detrimental impact on the appearance and character of the area and complied with Policy E20 of the Northampton Local Plan and guidance in the NPPF.



**(F) N/2012/0638- RETENTION OR REAR CONSERVATORY AT 22 MANORFIELD CLOSE**

The Head of Planning submitted a report in respect of application no. N/2012/0638 and elaborated thereon.

The Committee discussed the application.

**RESOLVED:** That subject to no new objections being received by the expiry of the consultation period that raise new material planning considerations, the application be approved as the impact of the development on the character of the original building, street scene and residential amenity was considered to be acceptable and in accordance with Policies E20 and H18 of the Northampton Local Plan.

**11. ENFORCEMENT MATTERS**

None.

**12. ITEMS FOR CONSULTATION**

**(A) N/2012/0122- HYBRID PLANNING APPLICATION COMPRISING: FULL APPLICATION FOR THE ERECTION OF A HOME AND GARDEN CENTRE, RETAIL UNITS, DRIVE THRU RESTAURANTS AND BOAT HOUSE, TOGETHER WITH PROPOSALS FOR ACCESS INCLUDING A LOCK. OUTLINE APPLICATION FOR THE ERECTION OF A HOTEL, CRECHE, LEISURE CLUB AND MARINA WITH SOME MATTERS RESERVED (APPEARANCE). PLUS REMOVAL OF SKI SLOPE AND ASSOCIATED SITE LEVELLING, LANDSCAPING HABITAT MANAGEMENT AND IMPROVED WORKS, VEHICULAR ACCESS AND SERVICING PROPOSALS TOGETHER WITH THE PROVISION OF CAR AND CYCLE PARKING AND A BUS STOP (EAST NORTHAMPTONSHIRE CONSULTATION) AT LAND ADJACENT TO SKEW BRIDGE SKI SLOPE, NORTHAMPTON ROAD, RUSHDEN.**

The Head of Planning submitted a report in respect of application no. N/2012/0122, elaborated thereon and in particular referred to paragraph 7.1 of the report that set out the additional information supplied by the applicant.

The Committee discussed the application.

**RESOLVED:** That Northampton Borough Council **objects very strongly** to the application for the following reasons:

- The Retail Assessment submitted with the scheme fails to pay adequate regard to the impact of the development upon Northampton Town Centre or Weston Favell District Centre. The application site is within 13km (8 miles) of the eastern edge of Northampton and the catchment of a development of this nature and scale would clearly cover Northampton and the residential areas served by its town centre. The Retail Assessment currently submitted makes unrealistic assumptions regarding the catchment of the proposal and thus, fails to pay adequate regard

to the requirements of the National Planning Policy Framework in terms of the retail impact and the sequential approach (paras 24-27).

- The sequential assessment conducted in relation to Northampton town centre is flawed and fails to adequately assess the ability of Northampton town centre to accommodate development of the scale proposed. NBC, along with its partners, are currently in detailed discussions with Legal and General (the key landowner) relating to a major town centre redevelopment incorporating a substantial increase in retail floorspace at the Grosvenor Centre. The submission version of the Northampton Central Area Action Plan identifies that the Grosvenor Centre will accommodate between 32,000 – 37,000 (gross) A1 comparison goods floorspace. NBC maintain that Northampton Town Centre is a sequentially preferable site that is supported in planning policy. The application should therefore be refused in line with the NPPF (para. 27).
- The assessment of the retail impact provided by the applicant is based on unrealistic assumptions regarding the trading patterns and catchment of the proposed development. NBC consider that the sub-regional scale of the development, and its location on the principal highway network, are such that the retail catchment would be significantly wider than suggested by the applicants and would directly compete with Northampton Town Centre. Northampton Town Centre is identified as the Principal Urban Area within RSS8 and the development of an out of centre retail scheme of this magnitude within easy reach of its catchment is contrary to the aims of Policies MKSM SRS Northamptonshire 1, MKSM SRS Northamptonshire 2, MKSM SRS Northamptonshire 3 and MKSM SRS Northamptonshire 4 which set the spatial framework for the sub-region.
- The independent retail assessment of the impact of the Rushden Lakes proposal, conducted on behalf of the North Northamptonshire Joint Planning Unit (NNJPU) by GVA Grimley Ltd is considered to be a more realistic assessment of the likely impact of the scheme. This identifies that the proposal will have a significant negative impact upon Northampton Town Centre resulting in a cumulative trade diversion of between 9 and 15% of turnover at 2016. Therefore, it is considered that the proposal will have a *significant* detrimental impact upon the vitality and viability of the Town Centre and make planned investments within the centre significantly more difficult to achieve. Where significant retail impact on existing centres is anticipated the NPPF directs that applications should be refused (para. 27).
- The proposal is considered to be an unsustainable form of development by virtue of its location to the major highway network and poor accessibility in relation to non-car based modes of travel. The nature of the proposal and the likely catchment area is such that the scheme would result in a significant increase in the level of vehicular traffic movements, contrary to the aims of paragraph 34 of the NPPF.

The meeting concluded at 20.17 hours.