

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT THE GREAT HALL - THE GUILDHALL, ST. GILES SQUARE, NORTHAMPTON, NN1 1DE. ON TUESDAY, 4 SEPTEMBER 2012 AT 6:00 PM.

**D. KENNEDY
CHIEF EXECUTIVE**

AGENDA

1. APOLOGIES
2. MINUTES
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST/PREDETERMINATION
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
- 6. LIST OF CURRENT APPEALS AND INQUIRIES
Report of Head of Planning (copy herewith)
7. OTHER REPORTS
 - (A) N/2011/1160- DELEGATED AUTHORITY FOR THE HEAD OF PLANNING REGARDING PLANNING CONDITIONS IN RESPECT OF 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 NEW SERVICE ROAD AND ALTERATIONS TO ACCESS FROM NEWPORT PAGNELL ROAD. ADDITIONAL WORKS TO PARKING, LANDSCAPING AND LIGHTING NORTHAMPTON GARDEN CENTRE, NEWPORT PAGNELL ROAD, NORTHAMPTON.

Report of Head of Planning
(copy herewith)

Ward: Nene Valley

- (B) N/2011/1262, N/2011/1263, N/2011/1264, N/2011/1265, N/2011/1266, N/2011/1267 & N/2011/1268- SUPPLEMENT TO COMMITTEE RESOLUTIONS OF 26 JUNE 2012 TO ALLOW ADDITIONAL TIME TO CONCLUDE THE NEGOTIATION OF PLANNING OBLIGATIONS FOR THE APPLICATIONS TO EXTEND TIME LIMIT FOR IMPLEMENTATION OF OUTLINE PLANNING PERMISSIONS FOR RESIDENTIAL DEVELOPMENT AT FORMER ABINGTON VALE, EMMANUEL CHURCH, BLACKTHORN, ST MARY'S, AND GOLDINGS MIDDLE SCHOOLS AND ECTON BROOK AND MILLWAY PRIMARY SCHOOLS.

Report of Head of Planning
(copy herewith)

Wards: Park, Brookside, Rectory Farm, Billing, Eastfield, Talavera & Old Duston.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS
None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

- (A) N/2012/0623- CHANGE OF USE OF WALLED GARDEN TO USE FOR WEDDING RECEPTIONS AND OTHER FUNCTIONS, TOGETHER WITH THE ERECTION OF MARQUEES AT DELAPRE ABBEY, LONDON ROAD.

Report of Head of Planning
(copy herewith)

Ward: Delapre & Briar Hill

10. ITEMS FOR DETERMINATION

An Addendum of further information considered by the Committee is attached.

- (A) N/2012/0606- CHANGE OF USE OF PART OF DWELLING AS DENTAL SURGERY AT 41 STATION ROAD

Report of Head of Planning
(copy herewith)

Ward: Billing

- (B) N/2012/0608- ADDITIONAL USE OF LIFT TOWER FOR ABSEILING AT THE NATIONAL LIFT TOWER, TOWER SQUARE

Report of Head of Planning
(copy herewith)

Ward: St James

- (C) N/2012/0637- TWO STOREY SIDE/REAR EXTENSION AT 32 ROSEMOOR DRIVE

Report of Head of Planning
(copy herewith)

Ward: East Hunsbury

(D) N/2012/0690- APPLICATION FOR A NON-MATERIAL AMENDMENT OF PLANNING PERMISSION N/2011/1070 FOR THE ERECTION OF 17 NEW DWELLINGS, TO RE-POSITION PARKING AT PLOT 13, CHANGES TO ACCESS TO PLOTS 15 & 16, CHANGES TO SITE ENTRANCE ROAD, LAYOUT CHANGES TO 3 BED/5 PERSONS AND 2 BED/4 PERSONS DWELLINGS, REVISED WINDOW SIZES CHANGES TO FINISHED FLOOR LEVELS AND RELOCATION OF PHOTO VOLTAIC PANELS AT SITE OF FORMER ROBINSON HOUSE, 11 BURROWS COURT

Report of Head of Planning
(copy herewith)

Ward: Brookside

(E) N/2012/0752- CHANGE OF USE FROM INFO CENTRE/CRECHE (USE CLASS D1) TO RETAIL (USE CLASS A1) AT 134 ST JAMES ROAD

Report of Head of Planning
(copy herewith)

Ward: St James

11. ENFORCEMENT MATTERS

None.

12. ITEMS 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:-**

A7100

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 Millest 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.

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



List of Appeals and Determinations – 4th September 2012			
Written Reps Procedure			
Application	Del/PC	Description	Decision
N/2011/0605 APP/V2528/A/12/2175827	DEL	Construction of extension to existing mezzanine floor within existing retail unit at Next Group Plc, 8-10 Fairground Way	AWAITED
N/2011/1076 APP/V2825/A/12/2168847	DEL	First floor front extension and clear glazed window at 1st floor level in side elevation of original house at 17 Codlin Close (As amended by revised plans received 5th December 2011).	ALLOWED
N/2011/1002 APP/V2825/A/11/2166759	DEL	Erection of new dwelling at 1A Arnold Road. Re-submission of application N/2011/0554	AWAITED
N/2011/1128 APP/V2825/D/12/2173219	COM	Single storey rear extension (retrospective) - resubmission of application N/2011/0495 at 94 Greenwood Road	ALLOWED
N/2011/1071 APP/V2825/A/12/2176757	DEL	Demolition of boiler house and construction of single storey extension at Church Of St Mary The Virgin, High Street, Great Houghton	AWAITED
N/2011/1201 APP/V2825/A/12/2176731	DEL	Erection of two 1 no. bed dwellings at 141 Adnitt Road	AWAITED
N/2012/0080 APP/V2825/D/12/2175017	DEL	Conversion of storage/garage to single dwelling including alterations and first floor extension at 110 Adams Avenue	AWAITED
N/20120058 APP/V2825/A/2179314/NWF	COM	Application for variation of condition 3 of planning permission N/2011/0588 to allow the pharmacy to be open to customers between the hours of 07:30 to 22:30 on Mondays to Friday, 08:00 to 22:30 on Saturdays and 08:00 to 18:30 on Sundays, Bank Holidays and Public Holidays at Abington Health Complex, 51A Beech Avenue	AWAITED
N/2012/0318 APP/V2825/A/12/2177724	DEL	Change of use of pavement area to outside seating area at 5 Mercers Row	AWAITED
Public Inquiry			
N/2009/0536 (WN/0002/FP) FPS/M9570/5/2	COM	Application to permanently divert public footpath at the former British Timken Works, Duston.	DIVERSION CONFIRMED
Local Hearing			

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.planningportal.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



PLANNING COMMITTEE: 4 September 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

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; re-configuration of service area and new service vehicle road and alterations to access from Newport Pagnell Road. Additional works to parking, landscaping and lighting Northampton Garden Centre, Newport Pagnell Road, Northampton

WARD: Nene Valley

APPLICANT: Waitrose Ltd and Northampton Garden Centre

AGENT: Mr. A. Nicholls; Alyn Nicholls and Associates

REFERRED BY: Head of Planning

REASON: Application previously considered by committee

DEPARTURE: No

ITEM FOR CONSIDERATION:

1. RECOMMENDATION

1.1 That notwithstanding the decision of the Planning Committee at its meeting on 24 July 2012 in respect of this planning application, delegated authority be given to the Head of Planning to finalise the wording of appropriate planning conditions.

2. BACKGROUND AND APPRAISAL

2.1 At the last meeting of the Planning Committee meeting held on 24 July, members considered a planning application (N/2011/1160) to erect a supermarket, in addition to other ancillary works to the existing garden

centre facilities. The Addendum report outlined a number of conditions that were considered necessary and reasonable to render the scheme acceptable. These covered; amongst other matters, highways considerations, building materials, opening hours, delivery times and landscaping.

- 2.2 Following the approval in principle of the planning application by the Planning Committee, the applicant has made representations with regards the phrasing of the conditions approved by the Committee and therefore seeks to vary their wording in order to better reflect the nature of the development. These include seeking clarifications to delivery times, landscaping and protection of trees.
- 2.3 Provided that the amendments are worded in such a way that the aims and objectives of the original conditions are not compromised, it is considered that further discussions with the applicant would be beneficial in order to ensure that appropriate controls and mitigation are secured. It is likely that following such discussions with the developer, a certain amount of redrafting would be required. Therefore, it is requested that authority be delegated to the Head of Planning to agree any appropriate revisions to the conditions prior to the formal approval notice being issued. It is anticipated that this process would take place in tandem with dialogue regarding the S106 Agreement and would not therefore delay the issuing of the decision notice / commencement of the development.

3. BACKGROUND PAPERS

- 3.1 N/2011/1160.

4. LEGAL IMPLICATIONS

- 4.1 None.

5. SUMMARY AND LINKS TO CORPORATE PLAN

- 5.1 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.



Name: BG
 Date: 23rd August 2012
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title

Garden Centre, Newport Pagnell Road

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PLANNING COMMITTEE: 4 September 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

REPORT TITLE: N/2011/1262 – Application to extend time limit for implementation of 06/0022/OUTWNN for residential development (all matters reserved except access) at former Abington Vale Middle School, Bridgewater Drive.

N/2011/1263 - Application to extend time limit for implementation of 06/0029/OUTWNN for residential development and means of access at Emmanuel Church Middle School, Birds Hill Walk.

N/2011/1264 - Application to extend time limit for implementation of 06/0030/OUTWNN for residential development and means of access at Blackthorn Middle School, Blackthorn Road.

N/2011/1265 - Application to extend time limit for implementation of 06/0074/OUTWNN for residential development all matters reserved except for access at Ecton Brook Primary School, Ecton Brook Road.

N/2011/1266 - Application to extend time limit for implementation of 06/0130/OUTWNN for residential development including means of access (all other matters reserved) at former St Mary's Middle School, Grange Road.

N/2011/1267 - Application to extend time limit for implementation of 06/0131/OUTWNN for residential development including means of access (all other matters reserved) at former Goldings Middle School, Crestwood Road

N/2011/1268 - N/2001/1264 - Application to extend time limit for implementation of 06/0153/OUTWNN for residential development including means of access (all other matters reserved) (80 houses) at Millway Primary School, Millway.

Supplement to the Committee resolutions of 26 June 2012, to allow additional time to conclude the negotiation of planning obligations.

1. RECOMMENDATION

- 1.1 That in addition to the resolutions of 26 June 2012, the Committee agree to delegate authority to the Head of Planning to extend the periods of time for prior completion of planning obligations, for additional periods as may be determined by the Head of Planning, in order to complete negotiations and secure the necessary mitigation measures, to make the proposed developments acceptable.

2. BACKGROUND

- 2.1 On 26 June 2012, the Planning Committee resolved to approve the above applications subject to prior completion of planning obligations within three calendar months of the resolution.
- 2.2 The three month period following the Committee resolution expires on 25 September 2012. Although negotiations on the terms of the agreement are well advanced, due to the volume of agreements, precise details of the planning obligations are still under negotiation. The applicant has indicated that these matters are capable of satisfactory resolution in a reasonable period of time.

3. PROPOSAL

- 3.1 It is considered that the negotiations can be completed in a reasonable period of time and that the periods for the prior completion of the planning obligations should be extended, in order to conclude the negotiations on the planning obligations, in accordance with the Committee resolutions of 26 June 2012.
- 3.2 All other aspects of the decisions remain as previously resolved.

4. CONCLUSION

- 4.1 It is important that the discussions are not unnecessarily protracted and that further periods, as may be determined by the Head of Planning, would be appropriate. Officers request that members agree to the recommendation to facilitate the prompt conclusion of negotiations.

5. LEGAL IMPLICATIONS

5.1 As set out in the report.

6. SUMMARY AND LINKS TO CORPORATE PLAN

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



PLANNING COMMITTEE: 4 September 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/0623: Change of use of walled garden to use for wedding receptions and other functions, together with the erection of marquees at Delapre Abbey.

WARD: Delapre and Briar Hill

APPLICANT: Northampton Borough Council
AGENT: Northampton Borough Council

REFERRED BY: Scheme of Delegation
REASON: Council application and Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions and for the following reason:

On a temporary basis the proposal would have no adverse impact on the character and setting of the listed building and any impact on adjoining occupiers can be satisfactorily controlled under the premises licence. The proposal will assist in ensuring the viability of the listed building in the long term.

2. THE PROPOSAL

2.1 Use of the walled garden for the holding of wedding receptions, including the erection of marquees (only one marquee at any one time).

3. SITE DESCRIPTION

3.1 The site comprises the Walled Garden of Delapre Abbey, a Grade II* listed building. The Walled Garden is located to the east and north of

the main Abbey building.

4. PLANNING HISTORY

- 4.1 The most significant planning applications for the Abbey site are two separate applications for a change of use to a conference centre and to a hotel which were approved in 1988. These consents have now lapsed.
- 4.2 An application in 2010 enabled the temporary use (to 2015) of the stable block as a tea rooms.

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:

National Planning Policy Framework.

5.3 Northampton Borough Local Plan

Policy E26 - Conservation Areas: development and advertisements
Policy D6 – Development Site Policy for Delapre Abbey

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Conservation** - The walled garden forms a key space within the Delapre Abbey complex and therefore the proposal to enable the erection of a marquee needs careful consideration. It is considered that the proposal to erect a marquee will intrude on the specialness of the space and therefore will have an adverse impact on the significance of the walled garden as a space and the setting of the heritage assets within the vicinity of the application site. However, it is understood that the number of events is to be restricted to 12 during the course of a year, which will assist in minimising the impact. The impact could be further minimised by the dismantling of the marquee following each event. It is not clear from the details submitted if this is to be the case [*this has now been clarified as being the case*]. It is also important to be aware of the Council's long-term aspirations for this site and whilst weddings may form an important part of the events hosted at the site, a marquee in this location may not be appropriate in the longer term and therefore I would recommend that only a temporary consent be granted. No objection is raised subject to consent being granted for a maximum period of three years and to conditions being applied relating to the total number of events hosted being restricted to

a maximum of 12 events annually and that the marquee be dismantled following each event. Only one marquee is to be erected.

6.2 **Regeneration and Development** - Delapre Abbey, a Grade II* listed building which is registered 'At risk', is the Council's priority heritage project. The principle consideration will be the impact the proposed development may have on the emerging Heritage Lottery Application and the associated emerging Business Plan for Delapre Abbey. It is important to be aware of the Council's long-term aspirations for this site. Weddings may form an important part of the events hosted at the site. The ability to hold weddings and other events in a marquee at Delapre in the immediate future may help generate a market interest in the Abbey, which can be built upon once the Abbey is restored. This development may therefore be beneficial to the financial sustainability of the Abbey. However a marquee in this location may not be appropriate in the longer term. In the future there is likely to be a mixed number of uses for the main Abbey building including hiring out main rooms for events and functions. Therefore any use of marquees for income generation and events once Delapre Abbey is fully operational needs to be carefully considered as part of the overall operation of the site so that there is no competition or duplication. Therefore I would recommend that only a temporary consent be granted.

6.3 **Environmental Health** - The proposals could give rise to noise problems due to music being played loudly out of doors. However, the site already has a Premises Licence that allows and controls such activities and provides a mechanism to prevent Public Nuisance. Therefore, it is assumed that it will not be necessary to duplicate these controls under Planning. Regulatory Services have no objections to the proposal.

7. APPRAISAL

7.1 The main issues to consider are the impact on the setting of this important listed building and on the amenities of adjoining residents.

7.2 The marquee would be erected within the existing walled garden. Although the description of development states "marquees" in the plural there would only be one marquee in place at any one time and in order to control this a conditions is recommended.

7.3 The walled garden is an important historical feature of the Abbey and includes the original and restored glasshouses as well as planting beds. A marquee in this area is clearly not a feature which would have existed historically and could, therefore, be detrimental in visual terms to the setting of the building. However, the marquees would only be in place for one day at a time and only for 12 days in any year. Coupled with the temporary nature of the permission it is considered that the visual impact would be limited. Conditions are proposed to ensure that

these limits are adhered to.

- 7.4 The proposed use would provide an economic use for the Abbey in the short term, whilst the historic buildings are restored. It would also help to establish the Abbey as a venue for weddings and other similar functions to the benefit of its long term viability and maintenance.
- 7.5 As referred to by the responses of consultees, in the long term it is hoped that functions such as wedding receptions and other similar functions will be held within the Abbey buildings and as such it would not be appropriate for this use to continue within the marquee in addition to this planned use. Therefore it is recommended that a three year temporary permission is required by means of a condition.
- 7.6 In respect of the impact on adjoining and nearby residents, clearly a wedding reception or other such uses has the potential to cause some noise and disturbance. However, such events will require a licence and this will control hours of operation and noise levels.
- 7.7 The proposed conditions limiting the number and length of events will also reduce the impact on residents. Subject to the recommended conditions and with reference to the advice of the Council's environmental health service it is considered that the use would be reasonably controlled to prevent undue impact on residential amenity

8. CONCLUSION

- 8.1 Subject to the controls to be secured by the recommended conditions the proposal would have no adverse impact on the character and setting of the listed building and any impact on adjoining occupiers can be satisfactorily controlled. The proposal will assist in ensuring the viability of the listed building in the long term.

9. CONDITIONS

- (1) The use hereby permitted shall be discontinued on or before 5th September 2015.

Reason: In the interests of amenity and to ensure the long term viability of the listed building, in accordance with The National Planning Policy Framework.

- (2) The total number of events hosted shall not exceed a maximum of 12 events annually. Each event shall be limited to one day only. Events shall take the form of a wedding reception or similar function only. The dates of events past and proposed shall be provided on request to the Local Planning Authority.

Reason: In the interests of the amenities of adjoining residents and to minimise the adverse impact on the listed building, in accordance with The National Planning Policy Framework.

(3) The marquee shall be dismantled and removed from the site on the day following each event unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the amenities of adjoining residents and to minimise the adverse impact on the listed building, in accordance with The National Planning Policy Framework.

(4) Only one marquee shall be erected at any one time and only during the course of an event as specified under condition 2 and shall be within the area as delineated on the approved plan.

Reason: In the interests of the amenities of adjoining residents and to minimise the adverse impact on the listed building, in accordance with The National Planning Policy Framework.

10. BACKGROUND PAPERS

10.1 N/2012/0623.

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.



Name: BG
Date: 23rd August 2012
Scale: 1:1250
Dept: Planning
Project: Location Plan

Title
Delapre Abbey

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Addendum to Agenda Items Tuesday 04th September 2012

2. MINUTES

MINUTE ITEM 10(C)

Correction to printed Minute pages 6-7 revised second and third paragraphs (revised text in bold):

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 **although he had a rear access the applicant had withdrawn his permission for Mr Lewis 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 **not** 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.

5. MATTERS OF URGENCY

N/2011/0241: Erection of 52no. dwelling houses and associated parking and open space. (As amended by revised plans received 9th December 2011), Land at Millway Primary School, Millway, Duston

Report regarding S106 Agreement appended.

7. OTHER REPORTS

ITEM 7A

N/2011/1160

Delegated authority for the Head of Planning regarding Planning Conditions in respect of: Demolition of Garden Centre concession buildings and erection of new supermarket; erection of new retail building and storage building to serve Garden Centre; re-configuration of service area and new service vehicle road and alterations to vehicle access from Newport Pagnell Road. Additional works to parking, landscaping and lighting (as amended by revised plans received 16th January 2012) at Northampton Garden Centre, Newport Pagnell Road.

A letter has been received from the applicant requesting longer periods of opening. Opening hours of 7.00-11pm on Mondays to Saturdays and 10am-6pm on Sundays. It is contended that the hours contained within July's Committee report were not necessary and therefore contrary to the requirements of Circular 11/95 (which, amongst other tests, requires that conditions be 'necessary') and that the submitted noise assessment demonstrates that the store operating during these longer times would be not be detrimental to amenity.

Officers Response:

It is necessary that a condition is used in relation to opening hours in order to ensure that there is no undue detrimental impact upon the amenities of the surrounding residential properties. The hours that were listed upon July's Committee Report were taken from the application form (as submitted on behalf of the applicant) and therefore were the subject of consultations with, amongst others, local residents and the Council Environmental Health Service and therefore these hours are the basis on which representations have been made. As a result of this, it is considered that any prospective increase in opening hours should be subject to formal consultation and as a result of this an application pursuant to Section 73 of the Planning Act is the correct mechanism for considering revised opening times.

Representations have been received from **Wootton and East Hunsbury Parish Council** requesting the members give consideration to the creation of a Traffic Regulation Order (TRO) within Newport Pagnell Road to reduce the speed limit from 40mph to 30mph.

Officers Response:

There have been no requests from the Highway Authority to reduce the speed limit within this section of Newport Pagnell Road. As a result of this, it is considered that the proposed development would not be detrimental to highway safety. Furthermore, the very limited time that has elapsed since the consideration of the application at July's Committee meeting and now means that there has been no material change in circumstances to warrant the stipulation of this amendment.

ITEM 7B

N/2011/1262, N/2011/1263, N/2011/1264, N/2011/1265, N/2011/1266, N/2011/1267 and N/2011/1268

Supplement to Committee resolutions of 26th June 2012 to allow additional time to conclude the negotiation of planning obligations for the applications to extend time limit for implementation of Outline Permission for residential developments at Former Abington Vale, Emmanuel Church, Blackthorn, St Mary's and Goldings Middle Schools and Millway Primary schools.

Nothing to add

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

ITEM 9A

N/2012/0623

Change of use of walled garden to use for wedding receptions and other functions, together with the erection of marquees at Delapre Abbey London Road.

Nothing to add

10. ITEMS FOR DETERMINATION

ITEM 10A

N/2012/0606

Change of use of part of dwelling to dental surgery at 41 Station Road

A petition has been received with 41 signatories objecting to the application for the following reasons:

- Consider the application at the gateway to the village would affect and destroy ambience and image of village
- Concerns about parking on highway close to busy junction
- If permission is granted concerned about future uses and impact on traffic, both pedestrian and vehicular
- Community has no confidence in quality of application, appearance of property and behaviour of occupants over the last two years

ITEM 10B

N/2012/0608

Additional use of the lift tower for abseiling at The National Lift Tower, Tower Square

Additional objections have been received from numbers 10 the Approach and 52 Nearside on the following grounds:-

- Concern that the application is not solely used for charitable purposes but for commercial reasons
- Concerned about the lack of experience of officers on the site which have taken precedence over local residents who know the area better
- Would request that conditions be applied to reduce the negative effect on residents amenity not allowing onlookers to come within 5 metres of any private dwelling and prohibit use of mobile catering units
- Concern that private parking spaces are being used by attendees of abseiling
- Spectators are very noisy with shouting and cheering outside residential properties
- Object as the refuse provision is not sufficient
- Increase in smells from catering van and noise from generators
- Concern that number of events will increase in time.

ITEM 10C

N/2012/0637

Two storey side / rear extension at 32 Rosemoor Drive

Nothing to add

<p>ITEM 10D N/2012/0690 Application for a non-material amendment to Planning Permission N/2011/1070 for the erection of 17 new dwellings, to re-position parking at plot 13, changes to access of plots 15 & 16, changes to site entrance road, layout changes to 3bed/5persons and 2bed/4persons dwellings, revised window sizes, changes to finished floor levels and re-location of photo voltaic panels at Site of former Robinson House, 11 Burrows Court</p>
<p>Nothing to add</p>
<p>ITEM 10E N/2012/0752 Change of use from Info Centre / Crèche (Use Class D1) to Retail (Use Class A1) at 134 St James Road</p>
<p>Nothing to add</p>
<p style="text-align: center;">11. ENFORCEMENT MATTERS</p>
<p>None</p>
<p style="text-align: center;">12. ITEMS FOR CONSULTATION</p>
<p>None</p>

Item No.
[Item number and title as
on agenda]



**NORTHAMPTON
BOROUGH COUNCIL**

PLANNING COMMITTEE: 4 September 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2011/0241: Erection of 52no. dwelling houses and associated parking and open space. (As amended by revised plans received 9th December 2011), Land at Millway Primary School, Millway, Duston

WARD: Old Duston

APPLICANT: Westleigh New Homes
AGENT: JS & P Architecture

REFERRED BY: Head of Planning
REASON: Major Development

DEPARTURE: No

ITEM FOR CONSIDERATION:

1. RECOMMENDATION

1.1 That notwithstanding the decision of the Planning Committee at its meeting on February 7th 2012, the heads of terms of the Section 106 agreement be amended to be as follows –

- The provision of 12 units of affordable housing
- The provision of 11 units on a shared equity basis with the Council or a social housing partner of its choice retaining a percentage of the equity
- 10% of the total units on the site to be mobility units.
- The provision, retention and maintenance of the open space.
- The adoption, maintenance, operation and management in perpetuity for all elements of the surface water drainage scheme, with contingency arrangements.

1.2 Therefore deleting the following from the heads of terms –

A financial contribution towards the Tollgate Way improvement scheme in order to mitigate the impacts of this development on the local highway network.

- 1.3 That the Head of Planning be given delegated powers to negotiate and determine the detailed provisions and wording of the Agreement in line with the Committee determination.

2. BACKGROUND AND APPRAISAL

- 2.1 Members will recall that this application was considered at the Planning Committee meeting in February 2012.
- 2.2 At this meeting the Committee resolved to approve the application subject to conditions and to the finalisation of a Section 106 Agreement, including an appropriate level of affordable housing, the exact level of which to be delegated to the Head of Planning to negotiate, subject to consideration of viability.
- 2.3 The application as submitted and as considered by Committee in February indicated affordable housing proposed at 23% of the total stock on the site. This is below the normal policy requirement of 35%. A viability assessment was produced and submitted by the applicant.
- 2.4 In the course of assessing the viability of the scheme it became apparent that with all of the S106 Heads of Terms including 35% affordable housing, the scheme was not viable due to the amount the developer paid for the land. In reaching this conclusion regard was had to the original planning permission for the site for 80 units which was subject to a S106 Agreement of 35% of the units to be affordable. The landowner had recently sought to extend this consent, again with a 35% affordable provision.
- 2.5 The initial result of negotiations was an offer made by the applicants to add three more units to the original proposal which would be three shared ownership units, with the applicants funding 20% of the cost of these.
- 2.6 It is considered that accepting an offer on this basis would not be in line with the Council's established affordable housing policy and is a considerable reduction on the percentage obtained in the previous consent for the site, the requirement for which is well known by the landowner and the purchaser at the time of sale.
- 2.7 Therefore, in order to find a way forward, other contributions to be made under the S106 Agreement have been reviewed in detail. Amongst these was a request from the County Council, as Highway Authority, for £150,000 as a financial contribution to the Tollgate Way Improvement Scheme. However, the status of this scheme is questioned as there is no reference to this being a committed scheme or any evidence that it is planned for delivery, or can be fully funded, within a reasonable period of time. The scheme is not referenced in either the Northampton Transport Infrastructure Strategy or the Draft Northampton Town Transport Strategy, nor is it contained within the Joint Core Strategy Infrastructure Delivery Plan.
- 2.8 The £150,000, if diverted to providing more affordable housing would result in a significant improvement to the offer, resulting in an additional 11 units of accommodation being included in the Section 106 Agreement to provide these additional units, on a shared equity basis, with 20% of the equity to be retained by either the Borough Council or a social housing partner of its choice to reuse for the provision of additional affordable housing elsewhere in the Borough.
- 2.9 This will bring the level of affordable housing on the site to 12 units at affordable

rents plus 11 units on a shared equity basis. It is considered, on balance, that this represents a better use of available funding than the contribution towards a highway scheme, which is not currently in a programme. The developer will still need to provide for the necessary highway works directly required by the development, incorporating the additional spur off the roundabout to enable the development to be accessed in a satisfactory manner.

2.10 The County Council as Highway Authority has objected to the proposal to remove the highway works payment from the Section 106 agreement on the basis that this payment is necessary to mitigate the impact of the development. However, as set out above, it is considered that the improvements are unlikely to be delivered within a reasonable time period such that they could reasonably be seen to directly mitigate the impact of the development on the highway network.

2.11 It must also be borne in mind that this site was previously in the ownership of the County Council, and that it is the price paid for it by the applicant to the County Council that has (at least in part) affected viability as described above. Any additional value paid over and above the market value could therefore be applied for any purpose, which the County consider appropriate including highway improvements.

3. CONCLUSION

3.1 It is considered that given the concerns over the viability of this development, that the available contributions should be applied so as to prioritise affordable housing, which is considered to be a more pressing need than highway improvements, which could if necessary, be funded from the County Council's receipts for this site. Therefore, in view of the priority need for more affordable homes within the Borough, the Committee is recommended to revise the heads of terms of the Section 106 agreement to improve the affordable housing offer on the site and delete the requirement for a financial contribution to this road scheme.

4. LEGAL IMPLICATIONS:

4.1 None.

5. BACKGROUND PAPERS

5.1 Application file N/2011/0241.

6. SUMMARY AND LINKS TO CORPORATE PLAN

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



PLANNING COMMITTEE: 4 September 2012
DIRECTORATE: Regeneration, Enterprise and Planning

HEAD OF PLANNING: Susan Bridge

N/2012/0606: Change of use of part of dwelling to dental surgery at 41 Station Road, Great Billing

WARD: Billing

APPLICANT: Mr G. Darbisi
AGENT: None

REFERRED BY: Cllr. Malpas

REASON: Concerned about increased traffic movements and parking and effect on amenity of the area.

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions and for the following reason:

The development, by reason of its nature and limited scale, is considered unlikely to neither have any adverse impact on the character of the area, highway congestion nor the amenity of neighbouring properties in accordance with saved policies E19 and B20 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 Planning permission is sought to change the use of part of the dwelling to a dental surgery. Although internal conversion works have already taken place these works do not require planning permission and the dentist use has not yet commenced. It is proposed that 96sq.m would remain as residential floor area and 76 sq.m would be used as a dental surgery. The surgery will consist of an office, waiting room, laboratory

and two operations rooms (one to house x-ray facilities). The proposed opening hours are 9.30 to 17.00 hours, Monday to Friday. The residential section would provide two bedrooms, two living rooms, a kitchen and two bathrooms. There would be an internal door communicating between the two uses.

3. SITE DESCRIPTION

- 3.1 The application site is located on the east side of Station Road, close to the junction with Fishponds Road in an area identified as Primarily Residential in the Northampton Local Plan. The site consists of a single storey dwelling situated on a generous sized plot. The site is accessed from a driveway which leads to areas of hardstanding to the front and rear of the dwelling. To the rear is a detached double garage.

4. PLANNING HISTORY

- 4.1 75/0184 – Erection of bungalow and garage.

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:

National Planning Policy Framework

5.3 Northampton Borough Local Plan

E19 – Implementing Development

B20 – Working from Home

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **NBC Access Officer** - no comments.

- 6.2 **NBC Public Protection** – no objections to the proposal but request conditions regarding noise and opening hours to protect the amenity of surrounding residential properties.

- 6.3 **Highway Authority** – No objections.

- 6.4 **Billing Parish Council** – express concerns as follows:
- Dental equipment has already been installed and people have commented that they have witnessed what appears to be a dentist and dentist assistants working on patients
 - Parking appears to be totally inadequate. As there is always far more than one patient in a dental surgery at any one time plus staff vehicles, the Council feel that parking will inevitably take place on Station Road. As this is close to the junction with Fishponds Road this will cause a hazard.
 - Do not feel that sufficient neighbour consultation has been carried out.
 - No mention of how dental/ clinical waste is to be disposed of or how drugs will be securely stored.
 - Accept there is a need for a dental practice within the village but do not consider that this is an ideal location.
- 6.5 **9 Station Road** - objects for the following reasons:
- Considers dental surgery use is unsuitable in a quiet residential area.
 - The residents of 41 Station Road have spoilt a quiet residential area by neglecting the garden of their property and leaving rubbish in view. Consider the use of the premises as a dental surgery will have a further detrimental effect on nos. 5-11 Station Road.
 - States there is nowhere for cars to park on the premises which will lead to on-street parking or traffic travelling along the adjacent private drive looking for somewhere to park.
 - A dental surgery in a residential village is not in keeping with the local area.
 - Consider a dental surgery is not conducive to the high tax band of surrounding properties

7. APPRAISAL

Main Issues

- 7.1 The principal considerations of this proposal are the impact on the character and appearance of the area, the impact on the amenity and living conditions of neighbouring properties and the impact on highway safety.

Policy Context

- 7.2 The National Planning Policy Framework was introduced in April 2012. In respect of delivering sustainable development the framework states that Local Planning Authorities should facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.
- 7.3 Within the Northampton Local Plan the site is identified as falling within a primarily residential area. Within such areas the impact of any

proposed commercial activity on surrounding residential properties has to be considered. The following policies are relevant and state as follows:

- **E19** – Planning permission for residential, business or commercial development proposals will only be granted where any adverse effect or impact of the development is allowed for or mitigated and where the infrastructure, services and amenities made necessary by the development are in existence or will be provided by the developer or other agency.
- **B20** – Planning permission will be granted for a change of use from residential to an employment use to enable homeworking to be carried out provided that:
 - A) The home working is carried out by those who live in the same residential unit
 - B) There is no loss of amenity to neighbouring residents
 - C) The use reverts to residential once the home working ceases
 - D) There is no loss of a residential unit

Site and Surroundings

- 7.4 The applicant's property is a single storey detached dwelling with a detached double garage to the rear. It is situated on a generous plot with areas of hardstanding providing off-street parking for several vehicles to the front and rear of the dwelling. To the north of the site is a private driveway which leads to a cul-de-sac of 4 residential properties (5-11 Station Road) located to the east of the site. Beyond the private drive are further residential properties situated in Station Road / Shepperton Close. No. 11 Station Road sides onto the rear / eastern site boundary. There is a distance of approximately 22 metres between this and the application dwelling. A 2m high fence forms the boundary with this property. To the south of the site is the boundary which faces onto Fishponds Road and to the west is Station Road. These boundaries are formed by low fencing and tree / shrub planting which largely obscure the application site from street view.

Character and Appearance

- 7.5 The premises are residential in character and appearance. The external appearance of the premises will not change as a result of the development.

Impact on Neighbours

- 7.6 Due to the separation distance between the application site and neighbouring dwellings it is not considered that the proposal will unduly impact on neighbours. The use would be restricted to the inside of the existing building and it is proposed that patients will park at the front of the premises and use the front entrance to access the dental surgery.

There is off-street parking at the premises for four or five cars. As there will only be one dentist working at the premises the number of patients will be restricted proportionately. It is considered that there is sufficient room on the site to accommodate vehicle parking for both staff and visitors.

- 7.7 Due to the relatively low intensity of the proposed use, it is considered that the impact on the amenity of surrounding properties would be limited. This is assisted by the fact that the applicant intends to operate the business between 9.30 am and 5.00 pm Monday to Friday. A condition is recommended to limit the dentist use to these times. In order to control future use of the premises in the interests of neighbour amenity a further condition to limit the use to a dental use only and to the applicant only is also recommended.

Highway Issues

- 7.8 In respect of highway issues, no objections have been received from the Highway Authority and it is considered that given the relatively low number of visitors to the site and available off-street parking, no significant impact would result in this regard.

Other matters

- 7.9 Objections have been received concerning the existing neglected state of the premises. Whilst this is noted it is not a planning consideration relevant to the determination of the current application. An objector has also stated that they had experienced disturbance from the premises. However as the dental surgery use has not started it cannot be attributed to this. As discussed above, it is considered that whilst there may be some impact from the dental surgery use any increase in activity would be limited and it would be difficult to sustain refusal on this basis.

8. CONCLUSION

- 8.1 It is considered that, subject to the imposition of conditions, the site is acceptable for a combined dental surgery/residential use. The proposal would have an acceptable impact on the character of the area, would not adversely affect the amenity of neighbouring properties and complies with Development Plan Policy.

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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) Only that part of the premises shown on the approved floor plan shaded blue shall be used as a dental surgery and this area shall be used for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of residential amenity in accordance with Policies E19 and B20 of the Northampton Local Plan.

(3) This permission shall enure for the personal benefit of Mr. Giuseppe Darbisi for the use of the premises as a dental surgery (Class D1) and shall not enure for the benefit of the land. If the applicant ceases to occupy the dwellinghouse at 41 Station Road, Great Billing or the dental surgery hereby approved, the use of the building which is the subject of this permission shall revert back to a single dwellinghouse.

Reason: The development proposed would not normally be appropriate in this location but is allowed solely on the personal grounds of the applicant and that car parking associated with the proposed use could be accommodated within the curtilage of 41 Station Road, Great Billing and in the interests of the amenity of the locality in accordance with Policies E19 and B20 of the Northampton Local Plan.

(4) Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the premises being used for the permitted purpose and shall be retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E19 of the Northampton Local Plan.

(5) The premises shall be open only between the hours of 9:30 and 17:00 from Mondays to Fridays and at no time on Saturdays, Sundays or Bank or Public Holidays.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy E19 of the Northampton Local Plan.

(6) A scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on the site whether from fixed plant or equipment or noise generated within the building and the provisions to be made for its control and the approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and vibration in accordance with Policy E19 of the Northampton

10. BACKGROUND PAPERS

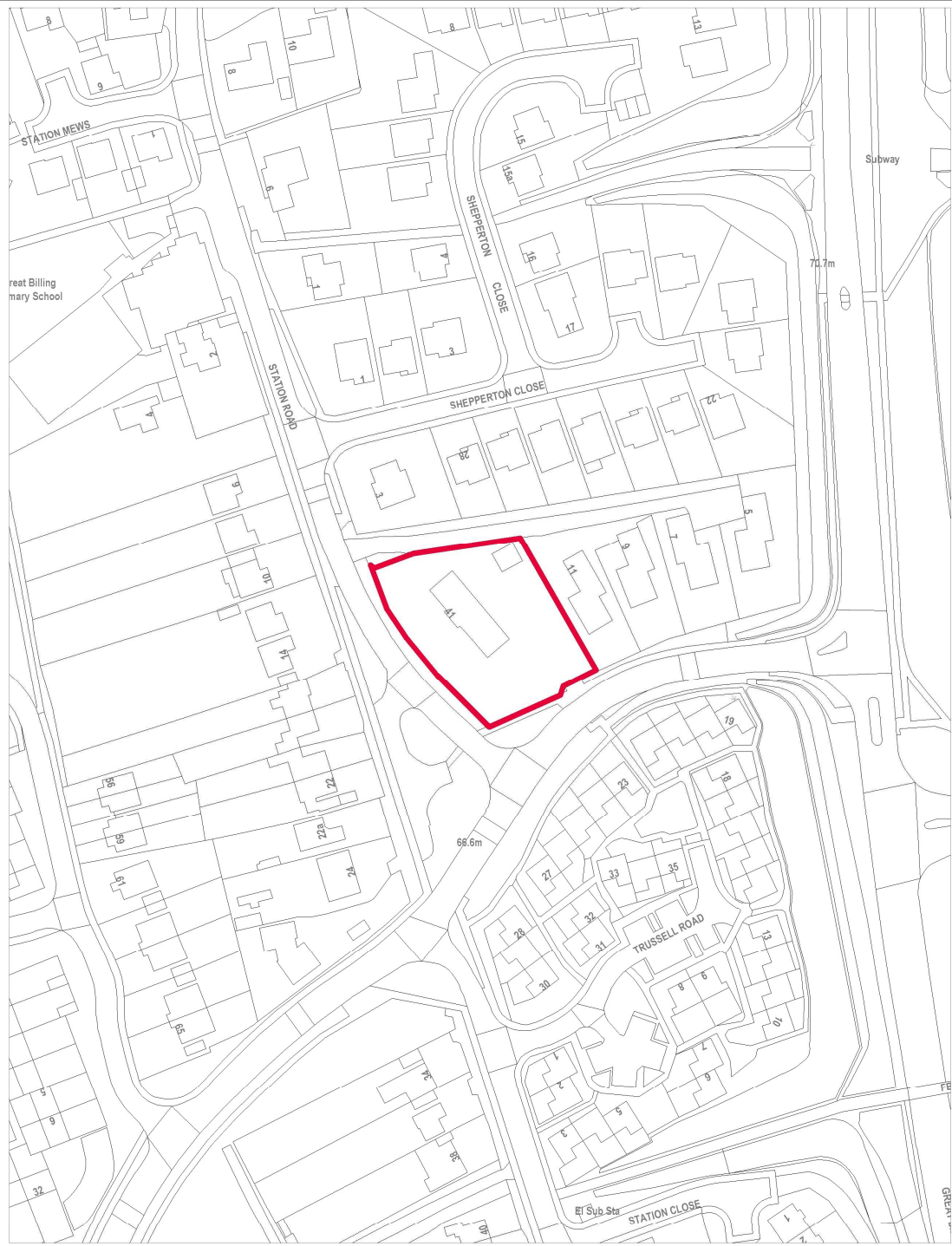
10.1 75/0184 and N/2012/0606.

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.



Name: BG
 Date: 23rd August 2012
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
41 Station Road

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PLANNING COMMITTEE: 4 September 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/0608 Additional use of the lift tower for abseiling at National Lift Tower, Tower Square

WARD: St James

APPLICANT: Mr Peter Sullivan
AGENT: Mr Ed Wright

REFERRED BY: Cllr Patel
REASON: Parking and Noise

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** for a temporary period subject to conditions and for the following reason:

Whilst the abseiling raises some concerns particularly in terms of the effects on the amenity of surrounding neighbours it is considered that a temporary consent is reasonable to allow the Local Planning Authority to fully assess the effect of the proposal and to ascertain whether a permanent permission should be granted following its expiry and if so what further mitigation may be required. This is to accord with the aims and intentions of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Planning permission is sought for the additional use of the lift tower for purposes of abseiling. This a retrospective application as the use commenced in 2011.

2.2 The table below sets out the frequency of such events that have taken place at the site for the 12 month period from August 2011 to July 2012 (details supplied by the applicant).

DATE OF EVENT	NUMBER OF PARTICIPANTS	CHARITY
18 September 2011 (Sunday)	8	Wooden Walls
12 November 2011 (Saturday)	62	Children in Need
14 January 2012 (Saturday)	6	Various
4 February 2012 (Saturday)	43	Alzheimers Society
10 March 2012 (Saturday)	28	Various
24 March 2012 (Saturday)	43	CLIC Sargeant
12 May 2012 (Saturday)	55	The Lowdown
19 May 2012 (Saturday)	29	Various
26 May 2012 (Saturday)	51	Life Education
24 June 2012 (Sunday)	27	Lighthouse Centre
7 July 2012 (Saturday)	39	Various

With reference to the table above, the abseiling occurs approximately 12 times in a given year averaging one event per calendar month. The numbers of participants ranged from 6 up to 62 with an average of 35-36. It should be noted that events have also taken place occasionally before August 2011; the table above is intended to give a representative snapshot over a 12 month period.

- 2.3 The abseiling takes place mainly on Saturdays with some Sundays. The day typically commences at 8.30am when the abseil team and charity arrive on site and begin setting up. This involves erecting a temporary gazebo adjacent to the building to be used as registration point. The abseil team will rig the abseiling platform near the top of the lift tower (see para 2.4 below) and drop two ropes down the outside of the building. Registration takes place from 8.45am and the first abseil starts at 9am. Two abseilers go down every fifteen minutes. Typically, the day ends at 5pm however there may be delays during the day and on these occasions the event will continue beyond 5pm.
- 2.4 The submitted plans show 3 different points where the abseiling takes place from near the top of the tower. The exact position is dependent on the wind direction on the day which determines whether the abseiling occurs from Point A at height of 123m, Point B at 120m or Point C at 102m.

3. SITE DESCRIPTION

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

4. PLANNING HISTORY

- 4.1 Planning permission was granted in November 1979 under Local Planning Authority reference 79/1017 for the construction of a lift testing tower with associated training facilities. Since then various applications have been determined for associated development connected with the tower.
- 4.2 In 1999 planning permission was granted for 411 residential dwellings, this was for the residential development which now surrounds the tower. In 2003, there was a listed building consent application submitted for the demolition of the tower which was refused and an appeal made against the refusal. The appeal was withdrawn on the first day of the resulting Public Inquiry and the Council was awarded costs. In 2010 the owner submitted a planning application and associated listed building application for erection of 2 storey visitors centre at the base of the tower. This was refused on the impact on the listed building and residential amenity and later dismissed on appeal by the Planning Inspectorate.

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:**

National Planning Policy Framework

5.3 **Northampton Borough Local Plan**

E40 Crime and Vandalism

5.4 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning Out Crime in Northamptonshire SPG 2004

6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **Public Protection (NBC)** - Have concerns with regard to the noise from the proposed development. This department has previously received a complaint that crowds can build before the event starts and the associated noise of people talking, car engines running etc and that it has been disturbing to local residents. As a department we have no powers to enforce noise in the street that arises from behaviour of the public and unless this is giving to rise to public disorder the Police would also be unable to respond.

6.2 **Built Conservation (NBC)** - There is limited information about the impact on the listed structure and the only detail is in the Management Strategy. It is positive that a number of different abseil points are used as this prevents too much activity in one area of the tower. Consideration must be given to restricting the number of events that take place.

6.3 **Highway Authority (NCC)** - Have concerns on increased parking in the area, increased traffic and spectator flow.

6.4 **Northants Police (NCC)** - Concern over the issues associated with overspill parking from nearby commercial ventures. Parking problems are particularly acute on Saturdays when the Rugby Club is being used making movement around the area by local residents difficult. The Saints Rugby Club have invested a lot of money this year in an attempt to manage traffic problems but it is the view of the Police that further commercial activity will exacerbate the current problem.

6.5 **English Heritage** - No comments

6.6 **Natural England** - It is up to the Local Planning Authority to determine whether the application is consistent with national or local policies on biodiversity and landscape.

6.7 **Councillor S Patel** - refers to committee due to concerns over parking, noise and road safety.

6.8 **A petition with 129 signatories have been received and letters**

from numbers 2, 7, 10, 34 Tower Square, 52 Nearside and 51 Standside raising the following points:

- Residents should be given prior notice of the events
- Parking is difficult to manage and enforce
- Concern that events may conflict with events at Rugby Stadium
- Inadequate parking arrangements
- Impact on residents of the estate in a quiet residential area
- Highway safety concerns from conflict of spectators and traffic
- Concern over problems with managing the events and inadequate marshalling
- Illegal parking of vehicles
- Limited provision for spectators attending the events
- Impact of noise on residents
- Effect on residents' privacy
- Road safety concerns
- Impact on birds at top of tower

7. APPRAISAL

Main issues

- 7.1 The principal considerations for the determination of this planning application relate to the impact on the amenity of neighbouring properties, whether there is sufficient parking and security and the effect on the character of the listed building, while also taking into account the potential contribution the proposal would make to the long term use and maintenance of the listed building.
- 7.2 Officers have a number of reservations regarding the potential impact of the use as discussed below. Therefore it is recommend that if the Committee is minded to grant planning permission that this should be on a temporary basis only in order to allow appropriate monitoring and if necessary additional controls to be put in place to mitigate any impact.

Policy context

- 7.3 Saved policy E40 of the Northampton Local Plan relates to the need for new development to reduce the potential for crime and vandalism.
- 7.4 The recently published NPPF provides national planning policy giving local authorities a steer on determining planning applications. Paragraph 123 of the document states that decisions should aim to avoid noise from giving rise to significant impacts on quality of life. The NPPF goes on to say that when considering the impact of a proposed development on a heritage asset (e.g. listed building) then weight should be attached to the asset's conservation. National Policy also emphasises the importance of sustainable transport and stresses the need for proposals to encourage sustainability.

Parking provision

- 7.5 Parking is provided primarily on designated parking spaces on the island encircling the tower. The Parking Layout submitted with the application shows 14 existing spaces and 8 temporary spaces set aside for the proposal giving a total of 22 off-road space.
- 7.6 The applicant has provided a Management Statement which explains that parking is managed on event days by a marshal who advises visitors where to park *“ensuring that cars are not parked illegally or inconsiderately on Tower Square”*.
- 7.7 The Highway Authority has raised concerns on the parking provision and increase in demand created in this residential area. Many of the objectors are also concerned that parking is enforced properly and that the abseiling events occur at the same time as events at the nearby Rugby Stadium.
- 7.8 The case officer observed the event that took place on 24 June 2012 when 27 people took part in the abseiling. He observed that on that occasion there was sufficient parking spaces on-site left available for use. While it is acknowledged that there may be some conflict with parking demand generated from the nearby Rugby Club, it is not that frequent occurrence when the Rugby Ground is used at the same time as the abseiling. In the last year there has only been one rugby fixture at nearby Franklins Gardens that has clashed with the operation of the abseiling at the tower. There is also adequate and well-marshalled car parking for the Rugby Ground with its car parks at the stadium and off Edger Mobbs Way such that there is unlikely to conflict between the two uses.
- 7.9 The roads within the residential estate around the Lift Tower are not yet adopted as public highway. Whilst it is recognised that the designated marshalling team hold no legal remit to enforce parking on the estate as the roads are not in the applicant’s ownership although they are also monitored by civil enforcement officers who monitor and regulate illegal parking on The Approach (the main access road leading up to the tower) on behalf of the owner. The applicant also provided evidence that they have an arrangement to use Wrefords Transport facility Edgar Mobbs Way to provide overflow parking for the use if required. However this is not a matter that can be controlled / secured through this planning application as it is not with the application site.
- 7.10 On balance officers considered that parking associated with the use could be problematic given the local circumstances. It is considered that a temporary consent would allow reasonable opportunity to assess the impact and also the planning authority opportunity to potentially limit the number of the events and / or participants to mitigate the impact.

Impact on character and setting of the listed building

- 7.11 The Council's Conservation service has express reservations about the amount information provided with the submission about the effect on the listed building. They request that further information be sought on how the scaffolding used is attached to the structure. They also have some reservations on the frequency of the events as this would potentially result in greater wear and tear on the building the more often the events occur. Nonetheless the application is for change of use only and this equipment does not represent operational development. Therefore it does not require planning permission and cannot be controlled under this planning application.

Security

- 7.12 The applicant outlines that in terms of site security there is a single point of entry into the building on a given day which is supervised by a dedicated member of staff who ensures that only authorised persons can obtain entry to the building. Northants Police has also provided comments on the application. They raise concerns that there are parking issues associated with the use of the site in relation to nearby sporting activities at the Rugby Ground causing increased congestion and problems with movement around the estate by residents.

Community and Economic Benefits

- 7.13 The proposal provides some benefit to the wider community due to raising money for a number of worthwhile causes including various charitable organisations. In addition, the abseiling requires a team of ten individuals to run an event including six abseil specialists responsible for training, fitting of equipment to participants etc. two supervisors who support the marshalling team, liaising with the charities and other related issues. A marshall is also provided to direct traffic and a security guard too.

Impact on amenity of neighbours

- 7.14 The frequency of the abseiling events varies from month to month as does the number of participants at any one event. Judging by the first 7 events of 2012 the abseiling attracted on average 35 participants. The Council's Environmental Health Officers have concerns relating to noise generated from the proposed development particularly in respect of noise associated with the congregation of spectators.
- 7.15 It is acknowledged that the noise generated from spectators is difficult to govern effectively however with careful marshalling and management the effect can be reduced. On his inspection of the site on a weekend (see para 7.7 above) the case officer noted that the event was well marshalled and that abseiling itself is not inherently noisy. The effect on amenity largely depends on the number and behaviour of spectators who attend the events.

- 7.16 Officers consider that granting a temporary consent would allow the authority to fully monitor the events taking place and provide a better indication as to whether the intensity of the proposal is acceptable in granting a permanent permission at a later date.

Other Matters

- 7.17 The potential nesting of peregrines on the top of the tower has been raised by one objector although it is noted that Natural England as a consultee has not identified this as an objection to the planning application.

8 CONCLUSION

- 8.1 Whilst officers note that the proposed operation raises concerns to local residents and some of the consultees it is considered that there is no objection to the principle of development. In order to allow the use to be assessed properly officers recommend the granting of a temporary consent to 31 March 2013 following which the use will cease or the applicant will submit a further planning application for a permanent operation of the abseiling. This would also the Council to add appropriate controls that may prove to be necessary such a limit on the number of events / number of participants.

9. CONDITIONS

(1) The use hereby permitted shall be limited to a temporary period only and the land restored to its former condition on or before 31 March 2013.

Reason – To allow the Local Authority to monitor the use prior to considering whether a permanent consent is acceptable.

10. BACKGROUND PAPERS

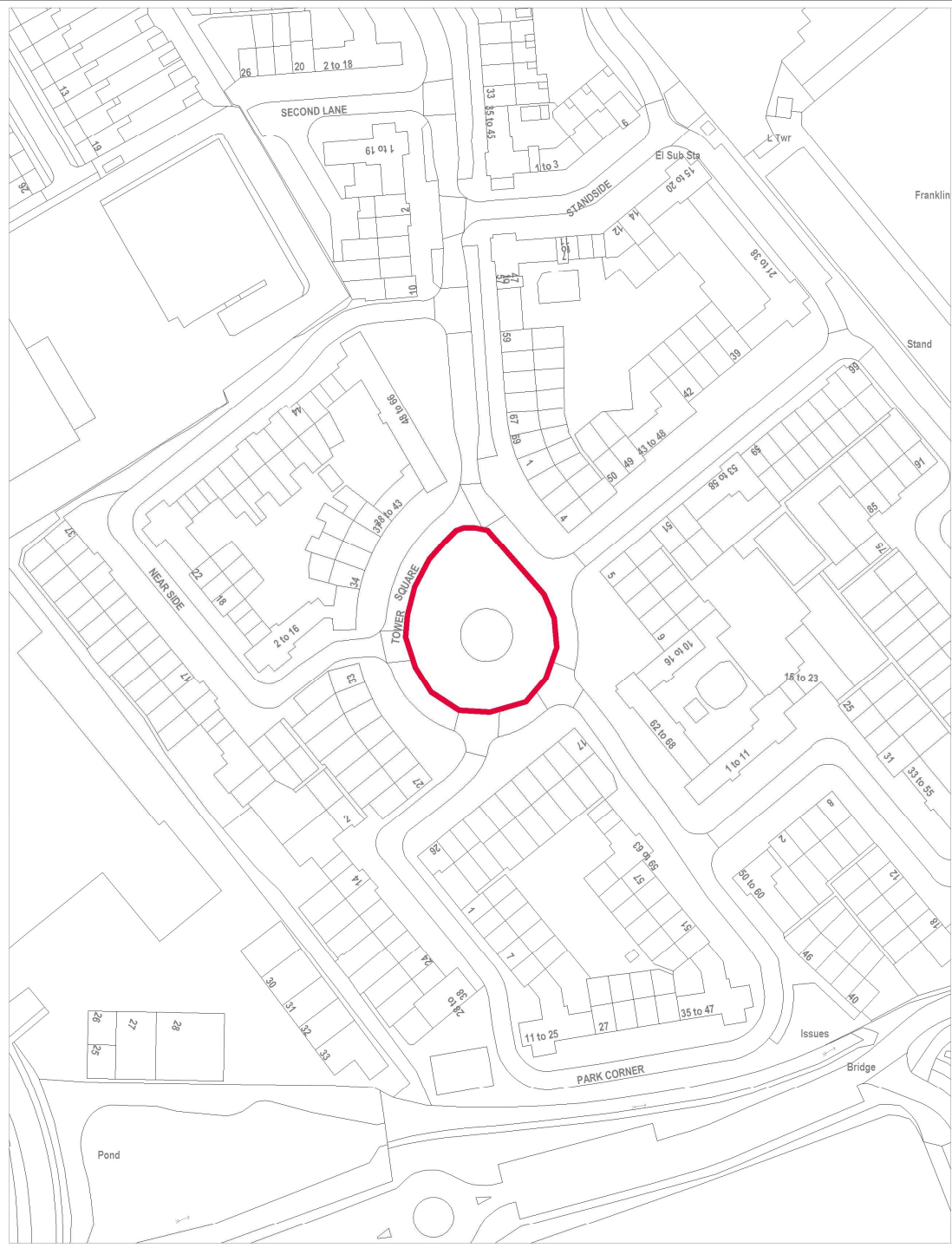
- 10.1 N/2012/0608.

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.



Name: BG
 Date: 23rd August 2012
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title

Lift-Testing Tower, Weedon Road

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PLANNING COMMITTEE: 4 September 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/0637: Two Storey Side / Rear Extension at 32 Rosemoor Drive

WARD: Wootton

APPLICANT: Mr K. Bhangra
AGENT: Morton Wykes Kramer

REFERRED BY: Cllr. Larratt
REASON: Impact on surrounding residential amenity

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions and for the following reason:

The siting, size and design of the extension and its impact on residential amenity are considered acceptable in accordance with Policies H18 and H20 of the Northampton Local Plan and the Residential Extensions and Alterations Design Guide SPD.

2. THE PROPOSAL

2.1 The proposal is for two storey extensions to the side and rear including extending above the existing single storey garage. The extension will provide an extended kitchen and dining room and garage alteration at ground floor level and a rearrangement of bedrooms and the provision of an additional en-suite bedroom at first floor level.

3. SITE DESCRIPTION

3.1 The application site consists of a modern 4 bedroomed detached dwelling situated at the turning head on Rosemoor Drive. The property is accessed from a private drive which also serves no. 34 Rosemoor

Drive. The property has a tandem garage and driveway and gardens to the front, side and rear.

4. PLANNING HISTORY

- 4.1 N/2012/0166 - Two-storey side and rear extension – Refused for the reason:

It is considered that, by reason of its size, massing and general form of design, the development proposed would have a seriously detrimental effect upon the appearance of the existing dwelling and visual amenities of the surrounding area contrary to Policies H18 and E20 of the Northampton Local Plan and the Council's adopted SPD Residential Extensions and Alterations Design Guide.

- 4.2 N/2005/0535 – Two-storey extension to side above existing garage – Approved subject to 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:

National Planning Policy Framework

5.3 Northampton Borough Local Plan

E20 – New Development

H18 - Extensions

5.4 Supplementary Planning Guidance

Residential Extensions and Alterations Design Guide SPD

Northamptonshire County Parking Standards SPG 2003

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Wootton and East Hunsbury Parish Council** – object as development is not in keeping with the street scene. Consider bulk and mass of the development is overbearing and would negatively impact on neighbouring properties.

- 6.2 **31 Rosemoor Drive** – state that whilst they would not be directly affected by the size of the extension consider it would be totally out of character with the surrounding properties and would potentially exacerbate the parking problems experienced by residents.

- 6.3 **33 Rosemoor Drive** – Concerned due to danger posed by excessive number of cars parked in and around the cul-de-sac. Consider proposed extension will house larger number of people in the property which will increase the number of cars linked to the property. State that a nearby extended property has to accommodate seven vehicles which leads to on road parking. Consider a serious accident will occur.
- 6.4 **34 Rosemoor Drive** – Objects for the following reasons:
- Considers the planning application contains inconsistent and factually incorrect information – applicants states reason for refusal of previous application was that it did not comply with design code however this does not reflect reason given for refusal.
 - Considers that the design of the current application has not changed sufficiently to merit any other result than refusal considering size, massing and design.
 - States that his original objections to previous refused application still stand, namely that No. 32 is one of a group of 4 properties (others being 30, 34 and 36) all of similar size and design and the proposals would be out of keeping with neighbouring properties and the road as a whole. Also concerned that there will be insufficient parking for a 5 bed roomed house leading to on street parking, traffic congestion and traffic hazard.
- 6.5 **36 Rosemoor Drive** – consider alterations to this application are minimal and the extension is still huge, out of keeping with surrounding development and will overshadow “us all”. Consider severe lack of parking will cause congestion. State that owners of the property have never lived in the house and former tenants have parked inconsiderately. Consider proposed extension can only cause more problems to surrounding properties.

7. APPRAISAL

- 7.1 The property is sited in a prominent location at the head of the cul-de-sac. The street is characterised by modern detached properties and whilst they vary in design there are several that match the design of the application property.
- 7.2 A previous application for a similar extension was refused (N/2012/0166 refers, see para X above) primarily because the two storey element above the garage projected 1 metre forward from the first floor front wall of the house in line with the existing front gable and directly above the wall of the garage. As this was not subordinate to the original dwelling it was considered that the extension would appear over-dominant in the street scene in terms of massing, scale and overall appearance and would be contrary to the Council’s Residential Extensions Design Guide and Policies H18 and E20 of the Northampton Local Plan.

- 7.3 The current application differs from the refused scheme as the extension above the garage has been set back by 0.7 metres. This means that the extension above the garage is no longer in line with existing front gable and part of the existing tiled garage roof is retained and extended. The extension is now subordinate to these elements of the main dwelling and does not appear so dominant in the street scene. Whilst the gable design has been retained on this part of the extension it is considered this is acceptable and will add balance to the appearance of the extended front elevation.
- 7.4 The plot on which the house sits is narrower at the front than the rear which is replicated in the design of the proposed extension. It is considered the area to the side of the house can accommodate the proposed extension without significant detriment to the amenity of neighbouring property. It would still be located 1.2 to 3 metres away from the shared boundary with no.30 and because of the orientation and relationship between these properties there would be no significant impact in terms of overlooking or overshadowing. The wider rear extension would be set back 5 metres from the front of the house such that it would not be clearly visible from the streetscene. As with the previous application, this element of the proposal is considered to be acceptable.
- 7.5 Objections have been received from neighbouring properties about the impact a larger dwelling will have on the parking situation in the area but it should be noted that there is no policy requirement for additional parking for a 5 bedroom house. The property has off-street parking for two vehicles and the proposal complies with the Council's adopted parking standards. Therefore, it is not considered that refusal on parking / highway grounds could be sustained.

8. CONCLUSION

- 8.1 It is considered that the amended application is acceptable and overcomes objections to the previous scheme in terms of design and appearance. The proposal would have an acceptable impact on the street scene, would not adversely affect the amenity of neighbouring properties and complies with Development Plan Policy.

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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) The external wall 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 dwelling.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing dwelling 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 garage accommodation shall be used as habitable accommodation without the prior written consent of the Local Planning Authority.

Reason: To ensure the retention of adequate parking facilities in accordance with Policy H18 of the Northampton Local Plan.

10. BACKGROUND PAPERS

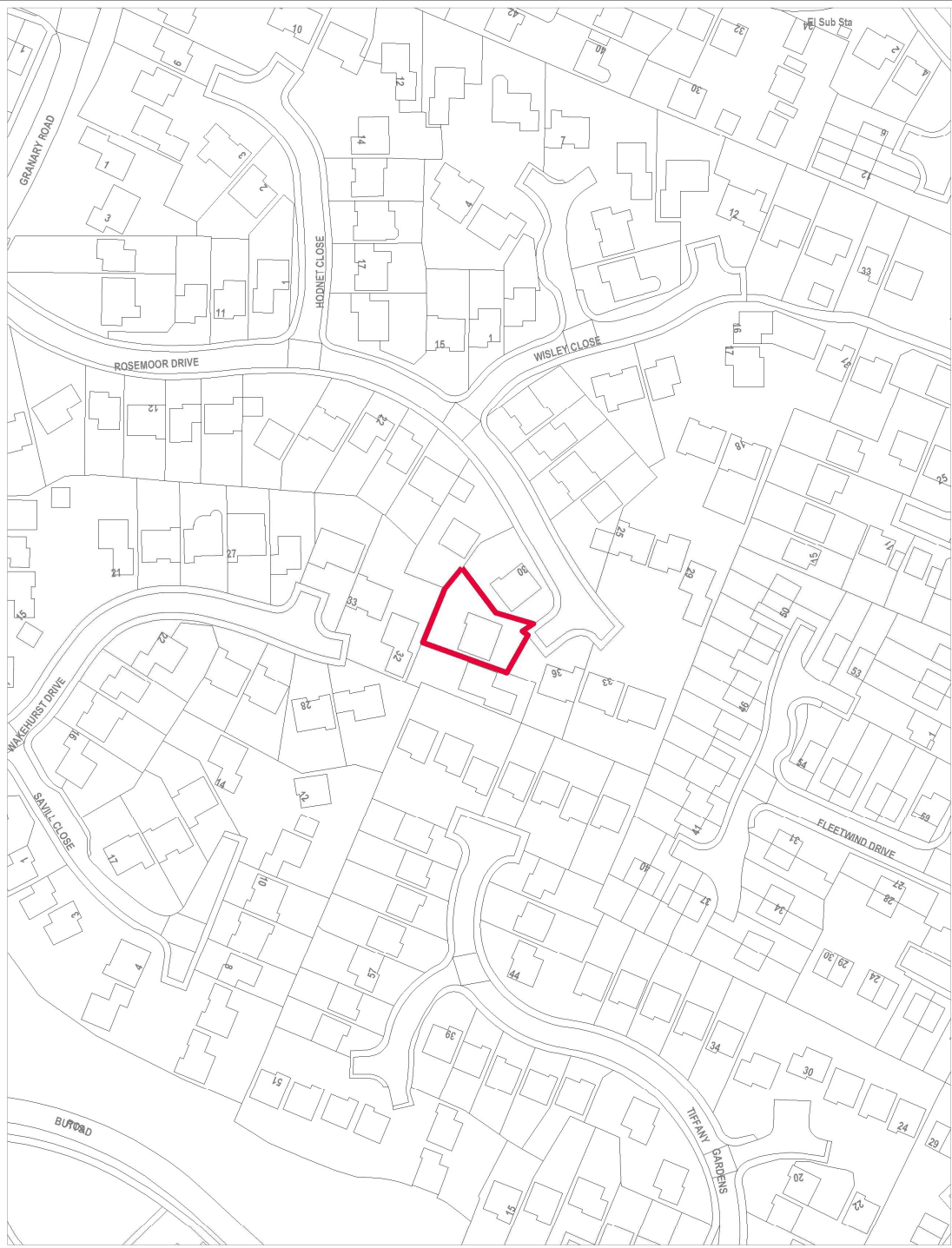
10.1 N/2012/0166, N/2005/0535 and N/2012/0637.

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.



Name: BG
Date: 23rd August 2012
Scale: 1:1250
Dept: Planning
Project: Location Plan

Title
32 Rosemoor Drive

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PLANNING COMMITTEE: 4 September 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/0690: Application for a non-material amendment to Planning Permission N/2011/1070 for the erection of 17 dwellings, to reposition parking at Plot 13, changes to access at Plots 15 and 16, changes to the site entrance road, layout changes to three bedroom/five person and two bedroom/four person dwellings, revised window sizes, changes to finished floor levels and relocation of photo-voltaic panels. Robinson House, Burrows Court, Northampton

WARD: Brookside

APPLICANT: Mr P. Wootton; Orbit Homes (2020) Ltd
AGENT: Mr. P. Bowling; Lovell Partnerships Ltd

REFERRED BY: Head of Planning
REASON: Affects NBC owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL for the following reason:

The proposed amendments would not materially affect the previously approved scheme or its environs and therefore the proposal is acceptable.

2. THE PROPOSAL

2.1 The applicant has applied for a non-material amendment to a previously approved scheme to make alterations the access arrangements / parking, making slight variations to the route of the access road into the development, minor changes to external

appearance of some dwellings and alterations to the internal layout of some units.

2.2 In more detail the proposed changes are:

- An increase in the level of the dwelling on Plot 6 by 30cm relative to the dwelling on Plot 5; variations in the levels of the dwellings on Plots 9-12 by between 20cm and 50cm; the increase in the level of Plot 13 relative the dwelling on Plot 13 by 50cm; and the increase in the level of the dwelling on Plot 17 by 20cm relative to the dwelling on Plot 16;
- A variation of the floor plans of the dwellings concerned so that the kitchen is located to the front of the dwelling and the living room to the rear. This necessitates a change in window size to meet the needs of the revised types of rooms;
- Alterations to the position of solar panels on the permitted dwellings (quantity would not change);
- Relocating the two car parking spaces serving Plot 13 from the side of the plot to the rear. As a consequence of this, the two spaces serving Plot 16 need to move northwards by approximately 1.2m. The access path to the rear gardens of Plots 15 and 16 would therefore run in between the two rows of car parking spaces; and
- The kink in the access road adjacent to the Plot 14 is to be removed.

3. LEGISLATIVE BACKGROUND

3.1 In 2009, the Government revised the contents of the Town and Country Planning Act by inserting Section 96a. This enables Local Planning Authorities to approve minor changes to previously approved developments providing that such changes do not materially affect the overall scheme. The purpose of this amendment is to allow for developers to gain approval for minor changes to approved schemes without necessitating a new full application for planning permission. Applications of this type are normally determined under delegated powers. This application must be determined by the Planning Committee as it affects land that is owned by the Council. The nature of these types of application is such that the previously approved conditions and Section 106 Agreement remain in force.

4. SITE DESCRIPTION

4.1 The application site previously contained Robinson House, a large building featuring 66 bedsits for single person occupation. This building is in the advanced stages of demolition; demolition was granted prior notification consent by the Council in July 2011. The surrounding area is residential in character, with the majority of dwellings being two and three storey houses. The site contains a number of mature trees and is adjacent to Lumbertubs Way to the west, which serves as one of the main orbital routes around

Northampton. The site is also adjacent to the Grade II Listed Billing Arbours House to the north.

5. PLANNING HISTORY

- 5.1 N/2011/0570 – Application for Prior Notification of proposed demolition – Approved
- N/2011/1070 – Erection of 17 dwellings – Approved

6. PLANNING POLICY

6.1 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.

6.2 National Policies:

National Planning Policy Framework and specifically the following paragraphs:

- 17 – Core planning principles
- 50 – Housing requirements
- 56 – Design

6.3 Northampton Borough Local Plan

- E11 – Trees and Hedgerows
- E19 – Implementing Development
- E20 – New Development
- E40 – Planning and Crime

6.4 Supplementary Planning Guidance

- Parking
- Planning Out Crime

7. APPRAISAL

- 7.1 Given that the application type is a non-material amendment, the overall principle of the greater development has been deemed acceptable and as a result of this, it cannot be reconsidered. Instead, the matter for consideration
- 7.2 In terms of the reconfiguration of the dwellings, it is considered that the proposed changes to the ground floor do not impact upon the amenities of the surrounding properties or the residents of the previously permitted development. Whilst it is accepted that this revision to the floor plan of the dwellings necessitates amendments to the fenestration to the front elevation of the buildings; however, as the windows would be made slightly smaller and not impact upon the character of the design

- 7.3 The changes to the heights of the building emanate as a result of a need to be make amendments to the development by reason of the prevailing site levels. However, by reason of the scale of changes (between 0.2 and 0.5m), it is considered that there would be no overall change to the impacts of the approved development.
- 7.4 The revisions to the car parking serving Plot 13 would see the spaces being moved from the side of the plot to adjacent to the rear boundary. The spaces would maintain a reasonable level of surveillance (particularly due to the level of activity associated with the dwelling situated on Plot 15). Furthermore, the level of garden space associated within this dwelling would not be significantly altered. This revision requires a slight amendment to the positioning of the parking serving Plot 16, which would not materially affect the acceptability of the development.
- 7.5 The proposed revisions would also result in a small 'kink' within the access road being removed. This would create a straighter road into the development, although the broad alignment would be unchanged from the previous application.

8. CONCLUSION

- 8.1 It is considered that the proposed revisions would not materially affect the impacts of the previous scheme and therefore the proposed amendment is considered acceptable.

9. BACKGROUND PAPERS

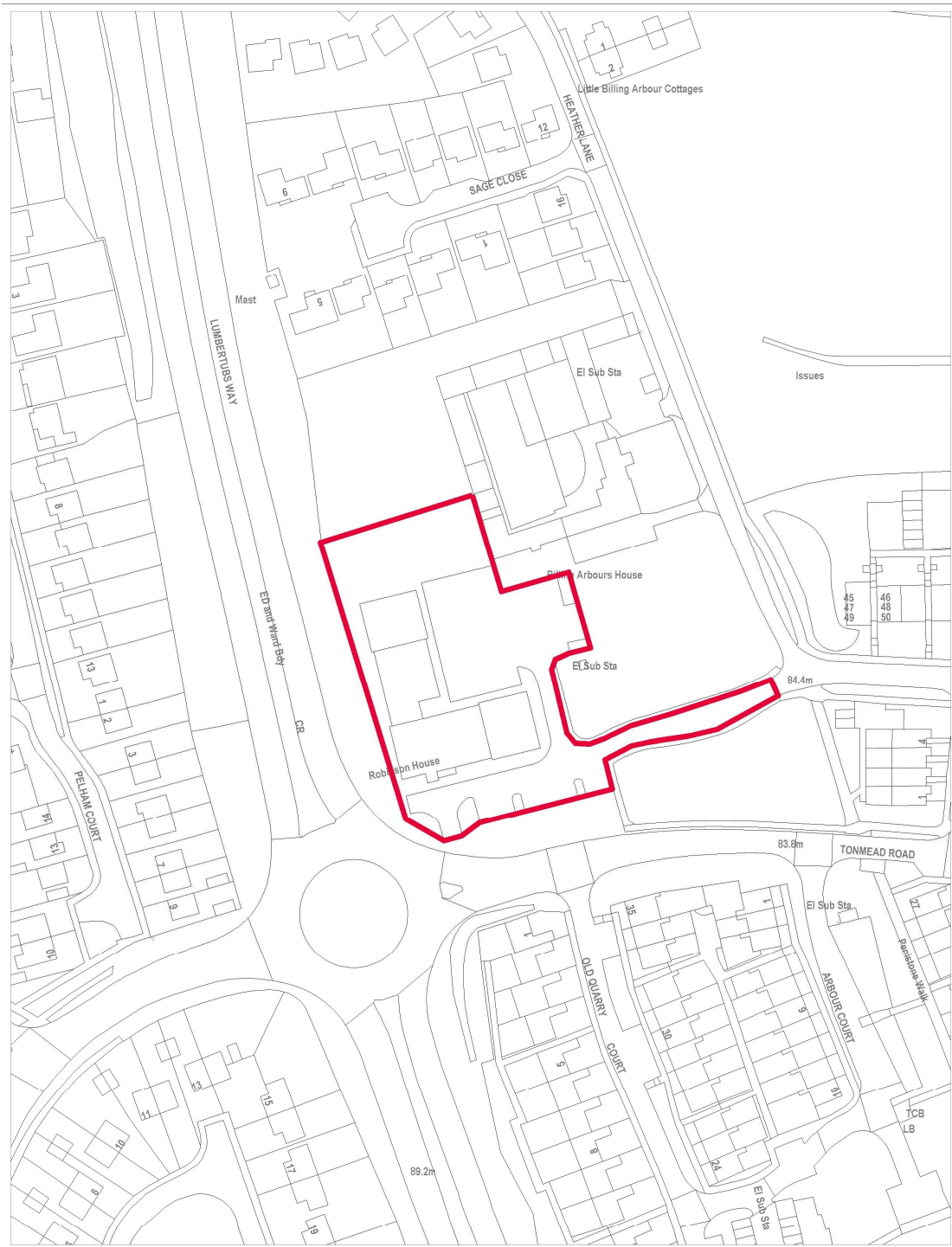
- 9.1 N/2011/1070 and N/2012/0690.

10. LEGAL IMPLICATIONS

- 10.1 None.

11. SUMMARY AND LINKS TO CORPORATE PLAN

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



Name: BG
 Date: 23rd August 2012
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title

Robinson House, off Burrows House

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PLANNING COMMITTEE: 4 September 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/0752 **Change of use from information
centre/crèche (class D1) to retail (A1) at 134
St James Road**

WARD: St James

APPLICANT: Mrs Helen Percival Smith
AGENT: None

REFERRED BY: Scheme of delegation
REASON: Council owned property

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed development is considered to be acceptable in principle for a local centre and would be located in a sustainable location causing no significant undue harm to the amenity of neighbouring properties to accord with the intentions and aims of the NPPF.

2. THE PROPOSAL

2.1 Full planning permission is sought to change the use of the property from an information centre and crèche (use class D1) to a shop (use class A1). No external alterations are proposed as part of this application.

3. SITE DESCRIPTION

3.1 The application site forms the end unit in a parade of 5 commercial properties including a convenience store, gun shop, library and baby ware shop. It lies within a Local Centre as defined by the Northampton

Local Plan Proposals Map. The site is within walking distance of Castle Railway Station and close to bus routes on the St James and Weedon Road. The unit is currently vacant.

4. PLANNING HISTORY

- 4.1 Planning permission was granted in 2002 under Local Planning reference N/2002/0478 to change the use of the property into an information centre and prior to this it was used as a shop to display artwork.

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:

National Planning Policy Framework (NPPF).

5.3 Northampton Borough Local Plan

No relevant policies.

5.4 Supplementary Planning Guidance

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

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Highway Authority** (NCC) - no objection.

7. APPRAISAL

Main issues

- 7.1 The main consideration is whether the proposed development is considered acceptable in principle within the local shopping centre and whether the proposal would have a satisfactory impact on parking and amenity of neighbours.

Principle of development and impact on shopping character

- 7.2 The site is located within a local shopping centre where the parade consists of a mix of commercial uses. The change of use to A1 retail would complement the character of the shopping centre and add vitality to an existing parade of shops which provide a range of services to the

surrounding residential area. Given that the proposed shop would be open during daytime hours it is considered that it would contribute to footfall during the day and would also bring a currently vacant unit back into use.

- 7.3 The NPPF stresses the importance of promoting retail development and ensuring an appropriate provision of shops outside of town centres to meet local needs.

Impact on amenity of neighbours

- 7.4 As the proposed use would be open between the hours of 9am and 5pm with no evening opening, it is considered that it would unlikely result in a significant impact on the living conditions of the flats above or on the blocks to the south in terms of noise and general disturbance. These hours opening can be secured and controlled by condition. Compared to the authorised use, officers consider that the effect of a retail operation is unlikely to be significantly more intense as the previous use had opening to 8pm Mondays to Saturdays which are longer than those proposed by the current application.

Parking and Transport

- 7.5 The site has a service yard and parking area to the rear which serves the existing units for parking and associated deliveries. Given that the site is in a sustainable location close to bus routes on Weedon Road, train station and within walking distance of a large number of residential properties it is considered that no objection could be raised on highway terms. The Highway Authority also raises no objections to the proposal.

8. CONCLUSION

- 8.1 For the forgoing reasons the proposed development is considered acceptable for this local centre and would not have an undue detrimental impact on amenity of adjoining properties or on highway safety. The application is therefore recommended for approval subject to the conditions below.

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 premises shall remain open to customers only between the hours of 9am to 5pm on Mondays to Saturdays with no Sunday opening.

Reason - In the interests of residential amenity to comply with the NPPF.

10. BACKGROUND PAPERS

10.1 N/2002/0478 and N/2012/0752.

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.

