



NORTHAMPTON
BOROUGH COUNCIL

PLANNING AGENDA

Tuesday, 18 December 2012

The Jeffrey Room, St. Giles Square, Northampton,
NN1 1DE.

6:00 pm

Members of the Committee

Councillor: Penny Flavell (Chair), Councillor Matthew Golby (Deputy Chair)

Councillors: Geraldine Davies, Mike Hallam, Stephen Hibbert, Jamie Lane, Matthew Lynch, Lee Mason, Dennis Meredith, Brian Oldham, David Palethorpe and Mohammad Aziz Rahman

Chief Executive David Kennedy

If you have any enquiries about this agenda please contact
democraticservices@northampton.gov.uk or 01604 837722

PLANNING COMMITTEE

AGENDA

Meetings of the Planning Committee will take place at 6.00pm on 15th January, 12 February, 5 March, 9 April, 7 May, 11 June, 1 July and 30 July 2013.

The Council permits public speaking at the Planning Committee as outlined below:

Who Can Speak At Planning Committee Meetings?

- Up to 2 people who wish to object and up to 2 people who wish to support an individual planning applications or any other matter on the public agenda.
- Any Ward Councillors who are not members of the Planning Committee. If both Ward Councillors sit on the Planning Committee, they may nominate a substitute Councillor to speak on their behalf.
- A representative of a Parish Council.

How Do I Arrange To Speak?

- Anyone wishing to speak (not including Ward Councillors who must let the Chair know before the start of the meeting) must have registered with the Council's Democratic Services section not later than midday on the day of the Committee.
NB: the Council operate a 'first come, first serve' policy and people not registered to speak will not be heard. If someone who has registered to speak does not attend the meeting their place may be relocated at the discretion of the Chair.

Methods of Registration:

- By telephone: 01604 837722
- In writing to: Northampton Borough Council, The Guildhall, St. Giles Square, Northampton , NN1 1DE, Democratic Services (Planning Committee)
- By email to: democraticservices@northampton.gov.uk (if no acknowledgement is received please telephone)

When Do I Speak At The Meeting

- A Planning Officer may update the written committee report then those registered to speak will be invited to speak.
- Please note that the planning officer can summarise issues after all the speakers have been heard and before the matter is debated by the Planning Committee Members and a vote taken.

How Long Can I Speak For?

- All speakers are allowed to speak for a maximum of three minutes.

Other Important Notes

- Speakers are only allowed to make statements – they may not ask questions or enter into dialogue with Councillors, Officers or other speakers.
- Consideration of an application will not be delayed simply because someone who is registered to speak is not in attendance at the time the application is considered
- Confine your points to Planning issues: Don't refer to non-planning issues such as private property rights, moral issues, loss of views or effects on property values, which are not a material consideration on which the decision will be based.
- You are not allowed to circulate new information, plans, photographs etc that has not first been seen and agreed by the Planning Officers
- Extensive late representations, substantial changes, alterations to proposals etc. will not be automatically accepted, due to time constraints on Councillors and Officers to fully consider such changes during the Planning Committee Meeting.

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Your attendance is requested at a meeting to be held:
in The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.
on Tuesday, 18 December 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**
None
8. **NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**
None
9. **NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**
None
10. **ITEMS FOR DETERMINATION**
 - (A) **N/2011/0867- CHANGE OF USE OF CELLAR TO EXTEND RESTAURANT AND CAFE AND BAR USE ON UPPER FLOORS AT 199 KETTERING ROAD**
Report of Head of Planning
(copy herewith)
Ward: Castle
 - (B) **N/2012/0540- CREATION OF ADDITIONAL 2,200 SQ M RETAIL FLOORSPACE AT MEZZANINE LEVEL AT UNITS 3A & 3B NENE VALLEY RETAIL PARK, 121 ST JAMES MILL ROAD EAST**

Report of Head of Planning
(copy herewith)

Ward: Castle

**(C) N/2012/1115- ROOF ENLARGEMENT AND FORMATION OF HABITABLE
ROOM IN ROOF SPACE AT 19 SAREK PARK**

Report of Head of Planning
(copy herewith)

Ward: West Hunsbury

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.”

Agenda Item 2

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 27 November 2012

PRESENT: Councillor Flavell (Chair); Councillor Golby (Deputy Chair);
Councillors Aziz, Davies, Hallam, Hibbert, Lane, Mason, Meredith and
Oldham

1. APOLOGIES

Apologies for absence were received from Councillors Palethorpe and Lynch.

2. MINUTES

The minutes of the meeting held on 30th October 2012 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED:

1. That Mr Bainbridge and Councillor Larratt be granted leave to address the Committee in respect of application N/2012/0757
2. That Mr Palmer be granted leave to address the Committee in respect of application N/2012/0993

4. DECLARATIONS OF INTEREST/PREDETERMINATION

None

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 made particular reference to the appeal in respect of application N/2012/0232 which had been allowed.

RESOLVED: That the report be noted

7. OTHER REPORTS

(A) 06/0013/OUTWNN - PROPOSED VARIATION TO S106 LEGAL AGREEMENTS 06/0013/OUTWNN ASSOCIATED WITH BRITISH TIMKEN SITE, DUSTON, NORTHAMPTON

The Head of Planning submitted a report and explained that there had been a proposed variation to the Section 106 Legal Agreement dated 19 April 2007. It was noted that the development had been approved in outline form by WNDP on the 19th April 2007 following completion of a section 106 agreement. It was explained that the original intention was the development of four bespoke properties with green roofs; it had become apparent to the developers that the green roofs would be impractical and burdensome for homeowners to maintain. Due to the anticipated difficulties resulting from the obligation it was proposed that the developers make a £70,000 contribution for environmental provision in the West of the Borough in lieu of the requirement to provide the green roofs.

The Committee discussed the proposed variation.

RESOLVED: That the variation of the S106 Agreement be agreed.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None

10. ITEMS FOR DETERMINATION

(A) N/2012/0757 - DEVELOPMENT OF 58 DWELLINGS , VEHICULAR AND PEDESTRIAN ACCESS, CAR PARKING, OPEN SPACE, LANDSCAPING AND DRAINAGE AT FORMER ALLOTMENTS, NEWPORT PAGNELL ROAD, NORTHAMPTON

The Head of Planning submitted a report in respect of application N/2012/0757 and referred to the addendum that set out a representation made by Councillor Larratt. The planning history of the application was referred to as set out in the report and commented that an application made in 2010 had been granted for permission to develop the site for 71 dwellings and associated infrastructure. However, the proposed scheme differed from the previously approved development as there had been a reduction in the number of dwellings to 58 with car parking spaces for 137 vehicles and would include improvements to the existing footpath.

Mr Bainbridge, the Agent for Redrow, addressed the Committee. He commented that his clients were pleased with the officer's report and recommendations and it was explained that the company had continually engaged with Hardingstone Parish Council. It was noted that the proposed housing differed from the original proposal of 2010 and explained that all technical considerations had been resolved. It was noted that the proposed development would be a mixture of dwellings to include social, rental and affordable housing to address housing needs. As part of the Section 106 Agreement, Mr Bainbridge explained that his clients were agreeable to payment of a

£99,000 contribution to fund the provision of off-site open space facilities to be ring fenced for use only in the Parish of Hardington.

In response to questions of the Committee, Mr Bainbridge explained that the 35% provision of affordable housing was local policy required by the Borough Council. He explained that the reason the affordable units are proposed to be developed in a single cluster was to ensure that the delivery, build and management of the dwellings would be considerably easier for the managing agents than if it were more spread out.

Councillor Larratt addressed the Committee and commented that he hoped that the Committee would agree to the proposed ring-fencing of funding to Hardington Parish. He voiced concerns about the clustering of the properties and requested that the provision be distributed throughout the site. It was noted that there had been some communication from strategic housing officers who had expressed concern with regards to the clustering of developments. Councillor Larratt further explained that he had been in communication with the Residents Association in Hardington.

Councillors Davies and Meredith voiced their displeasure at an attempt by a Councillor who was not a member of the Planning Committee, attempting to circulate a note during the meeting and commented that such behaviour could potentially bring the Committee into disrepute.

The Head of Planning commented that officers' preference is for the affordable units not to be in a single group but broken into smaller groups. To this end they had, along with other matters, negotiated with the applicant, however on this particular point the applicant had been unwilling to revise the scheme. Given the number of units concerned is only 20 and this would be a mix of 5 affordable rented, 9 social rented and 6 low-cost home ownership tenures, notwithstanding officers' preference it was not considered that this point would warrant refusal of the application or justify delay in its determination. It was also commented that the new proposal represents an improvement on the original permission of 71 dwellings due to the omission of flats. He also reminded members that they were to make a decision based on the application in front of them.

The Committee discussed the application:

RESOLVED: That the application be approved in principle subject to

(a) prior completion of a Section 106 Agreement to secure:

- i) the provision of 35% of the dwellings for affordable housing
- ii) a payment to fund the provision of off-site open space facilities within Hardington Parish
- iii) a payment to fund the provision of primary school education
- iv) a payment to fund the provision of bus shelters within Newport Pagnell Road and for their maintenance

- v) a payment to fund the reduction of the speed limit within this section of Newport Pagnell Road from 40mph to 30mph
- vi) an obligation for the developer to ensure that the proposed on-site open space be made available for public use in perpetuity and maintained
- vii) the Council's monitoring costs

(b)The conditions set out in the report and the Addendum

In the event that the Section 106 Agreement is not completed within three months from 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, on account of the necessary mitigation measures not having 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.

(B) N/2012/0888 (LISTED BUILDING CONSENT) AND N/2012/0926 (PLANNING PERMISSION) - CONVERSION OF THE POWER HOUSE TO 17NO DWELLINGS AT FORMER PEARCE LEATHER WORKS, WELLINGBOROUGH ROAD

The Head of Planning submitted a report in respect of application N/2012/0888 (Listed Building Consent) and N/2012/0926 (Planning Permission). It was reported that Lagan Homes had concluded that the extant permission to convert the Powerhouse building to 6 large residential units was unviable. Therefore, the new proposal was to convert the redundant building into 17 residential units.

RESOLVED:

1. That application (N/2012/0926) be approved in principle subject to:
 - (a) the prior completion of a Section106 Agreement to secure the provision of 35% of the dwellings for affordable housing and
 - (b) the conditions as set out in the report
2. That the listed building application (N/2012/0888) be approved subject to the conditions as set out in the report.

(C) N/2012/0993 - PROPOSED ERECTION OF SINGLE SPAN POLYTHENE COVERED CANOPY TO COVER AN EXISTING SALES AREA AT CRAMDEN NURSERY, HARBOROUGH ROAD NORTH

The Head of Planning submitted a report in respect of application N/2012/0993. He commented that planning permission was being sought for the erection of a single span polythene covered canopy to cover an existing outside sale area.

Mr Palmer, a partner at the nursery, addressed the committee and explained that he was seeking consent for the erection of the canopy in response to the weather conditions experienced over the past 2 years which included torrential rain. It was explained that the canopy would provide shelter from the elements and would allow for a better plant to be grown.

RESOLVED:

That the application be granted subject to the conditions set out in the report.

11. ENFORCEMENT MATTERS

None

12. ITEMS FOR CONSULTATION

None

The meeting concluded at 19.43

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



List of Appeals and Determinations – 18th December 2012

Written Reps Procedure			
Application	Del/PC	Description	Decision
N/2011/1002 APP/V2825/A/11/2166759	DEL	Erection of new dwelling. Re-submission of application N/2011/0554 at 1A Arnold Road.	AWAITED
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/2012/0058 APP/V2825/A/12/2179314/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/2012/0080 APP/V2825/A/12/2175017/NWF	DEL	Conversion of storage/garage to single dwelling including alterations and first floor extension at 110 Adams Avenue.	AWAITED
E/2012/0157 APP/V2825/C/12/2184313	ENF	Non ancillary storage and motor vehicles at 2 Sussex Close.	AWAITED
N/2012/0456 APP/V2825/A/12/2181330	DEL	Conversion and extension of existing garage into two storey 1 bed dwelling at garage adjacent to 1 Ardington Road	AWAITED
N/2012/0515 APP/V2825/A/12/2182304/NWF	DEL	Replacement of existing public telephone kiosk with kiosk combining public telephone service and ATM service at Telephone Box, O/s 52 Wellingborough Road.	AWAITED
N/2012/0548 APP/V2825/H/12/2181268	ADV	Erection of 48 sheet advertisement hoarding (retrospective) at Sainsbury Superstore, 20 Gambrel Road.	AWAITED
N/2012/0651 APP/V2825/D/12/2185725	DEL	Erection of front and rear dormers at 6 Rosenella Close	AWAITED
Public Inquiry			
		None	
Hearing			
N/2012/0640 APP/V2825/A/12/2185356/NWF	DEL	Outline Application including details of layout, scale & access, with all other matters reserved to erect a four storey building providing 3 general office units (Use Class B1) or 3 financial & professional offices (Use Class A2) on the ground floor with 14 residential units above and car parking within basement and associated works at former Top of the Town Nightclub site, 73 / 91 Great Russell Street	AWAITED

The Address for Planning Appeals is Mr K Pitchers, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.	Appeal decisions can be viewed at - www.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: 18th December 2012
DIRECTORATE: Planning, Enterprise and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0867: Change of use of cellar to extend Restaurant / Café / Bar use on upper floors at 199 Kettering Road

WARD: Castle

APPLICANT: Mr Paul Hepworth

REFERRED BY: Cllr D Stone
REASON: Impact on residential neighbour amenity

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions and for the following reason:

The use would be in keeping with the character of Kettering Road as a Local / District Centre and would not lead to any undue adverse impact on adjoining residential properties or on highway safety. The proposal thereby complies with Policy E28 of the Northampton Local Plan and the guidance in the NPPF.

2. THE PROPOSAL

2.1 Planning permission (N/2011/0360) was granted by Planning Committee in June 2011 for change of use of the ground and first floor of the premises from a letting agency to restaurant with ancillary takeaway. The applicant now seeks consent to extend the use into the basement forming a bar and seating area (up to 22 covers) ancillary to the café/pub/restaurant on the ground and first floors. Work on the cellar has been on-going for some months and the works to this are now nearing completion. Notwithstanding this it is understood that the areas of the cellar which are substantially complete are now in use on Friday and Saturday evenings only. This has been approved by

Environmental Health under temporary event licences but planning permission is still required also.

3. SITE DESCRIPTION

3.1 Former shop now in use as restaurant / bar on the ground and first floors. This was brought into use following the approval of planning permission in June 2011 . The unit is located within the Kettering Road local / district centre which comprises a broad range of shop and takeaway uses as well as one restaurant (Mumtaz) and The Picturedrome comedy club which includes a busy bar use.

3.2 There are residential flats above the neighbouring shops at 197 Kettering Road and in the basement area adjacent to the proposed bar use. There are further flats above other shops on the road as well as a nursing home on the other side of Kettering Road. To the rear of the site on Colwyn Road there are residential houses including a bungalow immediately behind the application site.

4. PLANNING HISTORY

4.1 94/0245 - Change of Use from Retail Shop & Office to Insurance Brokers - Approved 18-05-1994.

4.2 N/2011/0360 - Change of Use from Letting Agency (Use Class A2) To Restaurant and Takeaway (Use A3/A5) - Approved 22-06-2011.

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

E19 – Implementing Development

E28 – Use of upper floors above commercial premises

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS / REPRESENTATIONS

6.1 Letters of **objection** received from **42 Colwyn Road** and the landlords

of the adjoining flats / chalet bungalow at **195 and 197 Kettering Road** and **102 Hood Street** making the following points in summary:

- No rear access for delivery of food and drink, will cause congestion on an already busy road and disturbance in the general area.
- Smoking in the street, there is no outside area, again this is a busy road and pavement area and as a local resident I am concerned about smoke in the area and cigarette butts left on the ground,
- Although the application is for Restaurants and café and bar the primary intended use is clearly a bar.
- The proposed bar extends under the greengrocers shop, at no time has this been an A2 use.
- The application states that no waste or effluent would be produced, this appears questionable.
- All adjoining and surrounding properties in Kettering Road, Hood Street and Colwyn Road are residential, the proposed use would be inappropriate and an unnecessary intrusion into the lives of residents.
- The party wall of the proposed bar is hared by the bedroom of the adjoining residential flat.
- The residents of the care home diagonally opposite are likely to be affected (Noise and reduced car parking facilities).
- 199 Kettering Road already has permission for a restaurant, this further application will effectively create a public house resulting in the potential number of persons using the premises increasing to 100 or more.
- We question why this application was not part of the previous proposal and subsequent permission.
- There is no rest room / recreation area for staff.
- There is no external area for customers or staff.
- The plans do not show an external area for the storage of waste.
- There is insufficient car parking within the immediate and surrounding area to meet the existing requirements of local residents.
- The road immediately outside 199 /199B is restricted with double yellow lines
- The car park at the racecourse is regularly full to capacity at evenings and weekends.
- A new bar in this primarily residential corner of Kettering Road will be detrimental to residents, their visitors and users of the racecourse facilities and the car park.

6.2 **Conservation** – Given that the use of the upper floors has already been established and that the proposal to change the use of the cellar has no material impact upon the building or the conservation area, I have no objections.

6.3 **Highway Authority (NCC)** – Concerned at the lack of on site parking but recognise that there is public parking in the area.

6.4 **Environmental Health (NBC)** – Consider that the basement area

would be suitable for background music only, with no live bands. Concerned also that the premises are not suitable as a general public house use and suggest a personal permission to the current applicant.

- 6.5 **Police Crime Prevention Design Adviser** – Concerned that the bar and adjoining bedroom will represent a “conflict of interest” as described in “safer Places”, the companion guide to PPS1.
- 6.6 **Cllr D Stone** – One wall of the proposed bar is a party wall and next door is the bedroom of an occupied flat. A next door tenant is a doctor who works on shifts and her sleep is likely to be disturbed. Another next door tenant has a 2 year old and is pregnant and her sleep is likely to be disturbed. The proposed venue has no outdoor space so smokers will be forced on to the street on the corner of Hood Street and Kettering Road. This will cause a nuisance to residents and make women and vulnerable people returning home feel unsafe. I have been to the area and seen the flats in question and support the objections of the landlord of the neighbouring residential units. Please can the Committee take this into account when they look at the planning application.

7. APPRAISAL

- 7.1 The key issues to consider are the impact on the local / district centre and especially the impact on the amenities of adjoining and nearby residents.
- 7.2 The unit is located within the Kettering Road local / district centre as identified in the Local Plan. This centre contains a mix of uses including one restaurant as well as the Picturedrome (comedy club / music venue) close to the application site as well as some takeaway uses. The majority of the remaining units are shops (Use Class A1). The unit the subject of this application was previously in use as a letting agent (Use Class A2) and had become vacant. The ground and first floors were the subject of a previous application which was approved by the Planning Committee in 2011, for use as a restaurant. The cellar was not included in that application however it is now proposed to include this area, as a second bar area with additional seating, as well as cellar storage. This work on this area has now been largely completed and temporary event licences have been applied for. Given that the ground floor use is established, it is considered that the proposed additional use would not be out of keeping with the character of the local / district centre.
- 7.3 The impact of the proposals on adjoining occupiers’ amenity is of greater concern and it is the issues surrounding this matter that need careful consideration. There are two principal areas of concern. Firstly, there is the impact as a result of the use of the basement area for bar seating adjacent to a residential flat. Soundproofing has been installed and this has been the subject of testing, and comments from Environmental Health indicate that it is now considered that the playing

of background music only in this area would be acceptable. It is important that the sound insulation scheme be retained at all times the cellar is in use as a bar area, and a condition to this effect is proposed. A further condition is proposed to ensure that only music at a background level is played.

- 7.4 Of more concern is the potential impact from increased comings and goings from the premises, particularly of late night movements. However, it is considered that although the number of customers has now increased, these will merge quickly with customers of other premises on Kettering Road. It is not considered that the level of increase would cause an unacceptable impact on nearby occupiers.
- 7.5 Concerns have been raised as to disturbance from customers who wish to smoke during their visit to the premises, as there are no facilities within the site for this. The proprietor has stated that those customers who do smoke rarely go far from the door of the premises. The nearest residential doorway is some distance away, beyond two neighbouring shops and there is a doorway associated with the premises nearer than this. Whilst there is reportedly a problem with persons loitering in residential doorways there is no evidence that these are associated with the application site as it currently functions, and it is not considered that the increased floorspace proposed would increase this problem.
- 7.6 The upper floors of the premises are already in restaurant use. The basement area is intended to provide additional seating for customers wishing to drink only, and would allow the seating area on the upper floor to be available for those wishing to eat.
- 7.7 In terms of parking, due to its scale it is considered that the use would be unlikely to lead to significant additional pressure on on-street parking in nearby residential streets, as the adjacent street to the premises is one way onto Kettering Road, making use of this for parking inconvenient. Parking is available close to the premises on the Racecourse car park and it is considered that many customers would be likely to arrive on foot as is reportedly the case at present. The site is served by public transport.
- 7.8 In conclusion, officers have considered the potential impact of the proposed intensification and diversification of the use of this property, however due to its ancillary nature and limited scale it is considered that the proposal is acceptable in this local / district centre and would not lead to a significant additional impact which would warrant a refusal.

8. CONCLUSION

- 8.1 It is considered that the proposed use would enhance the vitality and viability of the Kettering Road local / district centre and would not lead to any undue adverse impact on adjoining residential properties.

9. CONDITIONS

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- (2) Within three months of the date of this permission a scheme shall be agreed with 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, including any music played, and the provisions to be made for its control. The agreed scheme shall be implemented prior to the development coming into use and shall be maintained thereafter.
Reason: In the interests of residential amenity in accordance with NPPF.
- (3) The sound insulation as installed in the premises shall be retained and maintained for so long as the use hereby approved remains in existence unless otherwise approved in writing by the Local Planning Authority.
Reason: In the interests of residential amenity in accordance with NPPF.
- (4) The use hereby approved is for a bar area ancillary to the approved use of the upper floors as restaurant/café and shall not be used as a separate planning unit.
Reason: In the interests of the amenity of the surrounding locality in accordance with NPPF.

10. BACKGROUND PAPERS

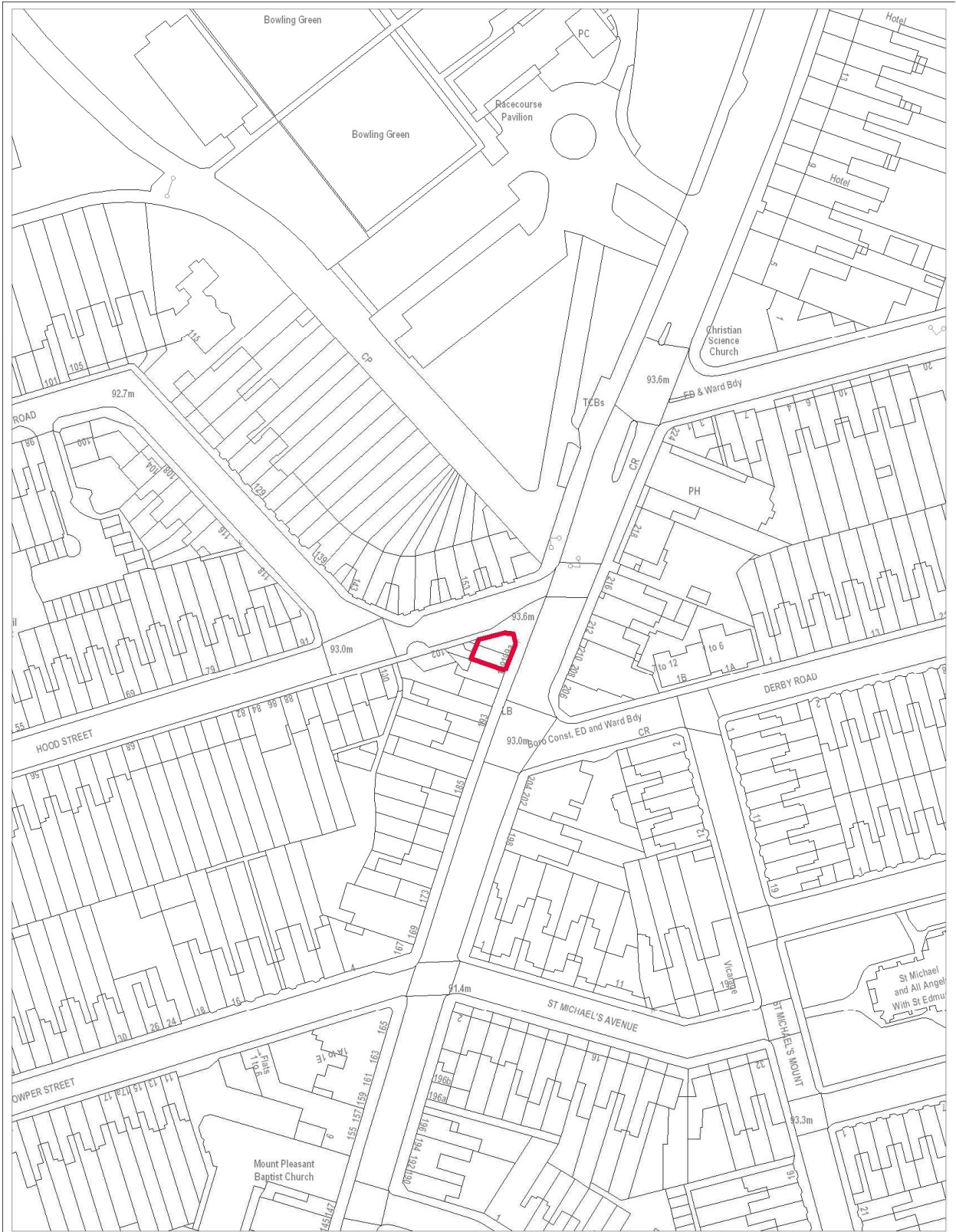
- 10.1 N/2011/0360 and N/2011/0867.

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: Becky Gittins
 Date: 7th December 2012
 Scale: 1:1250
 Dept: Planning Support
 Project: Location Plan

Title
199 Kettering Road

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PLANNING COMMITTEE: 18th December
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/0540: Creation of additional 2,200m² retail floorspace at mezzanine level at Units 3a & 3b Nene Valley Retail Park, 121 St James Mill Road East

WARD: Castle

APPLICANT: Ravenside Investments Ltd.
AGENT: Savills (Commercial) Ltd.

REFERRED BY: Head of Planning
REASON: Major development involving S106 Agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to the terms of the unilateral undertaking that has been completed by the applicants (S106) to secure a financial contribution towards the improvement of the Gas Street round-a-bout and the conditions set out in section 9 below and for the following reason:

The mezzanine floorspace proposed is located within an existing retail unit within an out of centre location. However, it is considered that there are no sequentially preferable sites that are available, viable and suitable for the proposed development and the restriction of sales to 'bulky goods' (as set out in the attached conditions) will ensure that the scheme will not result in any significant adverse impact upon the town centre or district / local centres within the area. Furthermore, the identified highway impact resulting from increased vehicular trips can be adequately mitigated through off-site highway improvements secured through a unilateral undertaking. Consequently, it is considered that the proposal is compliant with the aims and objectives of the National Planning Policy Framework and Policy 11 of the

submission version of the Central Area Action Plan.

2. THE PROPOSAL

- 2.1 The proposal is for the insertion of 2,200m² mezzanine floorspace within units 3a and 3b of the Nene Valley Retail Park. No external alterations are proposed. The submitted plans show the mezzanine floor covering a substantial proportion of the internal space within the buildings with the exception of a small area adjacent to the entrance foyer that would remain open to the full ceiling height. The mezzanine covers space within unit 3a and 3b. These units are currently subdivided with a partition wall but the owners of the site could remove this to form a larger single unit, subject to tenant demand. Therefore, there is some flexibility in the application which could result in two smaller units, each with mezzanine space or one larger unit, with mezzanine above.
- 2.2 The end user is not currently known although the applicants have suggested that a furniture retailer is the likely occupant should consent be given for the mezzanine. As part of discussions with the applicants it has been agreed that a condition restricting the sales from the mezzanine floorspace would be imposed to prevent the sale of any items other than 'bulky goods'. A further condition is put forward by the applicants to prevent the sale of food.

3. SITE DESCRIPTION

- 3.1 The Nene Valley Retail Park is located off Towcester Road, accessed from the round-a-bout which also serves the B&Q store. The Park is comprised of two large retail terraces on an L-shaped plan with car parking to the front. Units 3a and 3b are located in the north-west corner of the site and were previously occupied by Carpet Right and PC World. Both units are now empty.
- 3.2 The retail park was approved in 1987 as a 'non-food' retail park. Historically, the space was occupied by 3a and 3b was a single retail unit but was subdivided in 1989 following an application for alterations to the store (89/1409). In planning terms, this was important in that it created two new planning units. The Council did not restrict the range of goods that can be sold from those units and therefore, the restriction applying to food sales does not apply to units 3a and 3b. These units therefore have consent to sell an unrestricted range of retail goods.

4. RELEVANT PLANNING HISTORY

- 4.1 86/0994 – Outline application for non-food retail park with associated leisure uses. Approved in 1987.
- 4.2 89/1409 – Planning application including alterations to and subdivision of unit 3. The approval created two independent planning units at 3a and 3b.

- 4.3 N/2011/0248 – Certificate of Lawfulness confirming that units 3a and 3b could sell an unrestricted range of goods within use class A1.
- 4.4 N/2012/0228 – Removal of entrance doors, installation of new entrance and alterations to front façade.

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

E20 – New Development

5.4 Northampton Central Area Action Plan (submission version)

On 23rd April 2012, Full Council approved the Central Area Action Plan (CAAP) for submission to the Secretary of State. The document was submitted, the examination in public took place in September 2012 and was recently found to be sound by the Inspector. Given the advanced stage in preparation and adoption of the CAAP, it is therefore considered that the relevant policies can be given substantial material weight in the decision making process. The principle policies are:

Policy 11 – Town Centre Boundary

Policy 14 – Meeting Retail Capacity

Policy 36 – Infrastructure Delivery

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Environment Agency.** No objection as all work is internal and above the flood level.
- 6.2 **The County Highway Authority.** NCC initially requested further information from the applicants with regard to the Transport Assessment. It also notes that the Gas Street Roundabout is operating above capacity and that the proposed development would increase the number of trips on that junction. Consequently, they sought a financial payment from the applicants for improvement of this roundabout. The applicant has accepted this position and submitted a unilateral undertaking to make the payment. Subject to this, the Highway Authority has raised no objection.
- 6.3 There have been no representations from surrounding neighbours/ occupiers of other retail units.

7. APPRAISAL

- 7.1 The proposed mezzanine will have no impact upon the external appearance of the area and raises no issues with regard to the amenity of surrounding properties. The key issues in this case are considered to be those relating to retail impact and traffic generation. These matters are discussed below.

Retail Impact/ Compliance with Local and National Planning Policy.

- 7.2 The National Planning Policy Framework (NPPF), like its predecessor PPS4, recognises that town centres are 'at the heart of their communities' and sets out policies to support their vitality and viability. Local Planning Authorities (LPA's) are required to apply two key tests to proposals for retail development – a sequential test and impact assessment.

The Sequential Test

- 7.3 Paragraph 24 of the NPPF states that LPA's should require applications for main town centre uses to be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered. The site is in an out of centre location and the applicants have carried out an assessment of alternative sites within the town that may be able to accommodate the development, taking account of the type of goods to be sold and the operational needs associated with the use. The Central Area Action Plan is similar in nature and defines the town centre boundary and Primary Shopping Area. Policy 11 states that the town centre will be the preferred location for main town centre uses, with the exception of retail provision where the primary shopping area will prevail. The sites examined by the applicant include those identified for retail development within the Central Area Action Plan.
- 7.4 Based upon the exercise that has been undertaken, and local knowledge of other sites, officers are satisfied that there are no sequentially preferable sites available for development of the type proposed i.e. bulky goods retail, within or on the edge of an existing centre within the town. On this basis, officers are satisfied that the requirements of the sequential test have been satisfied. Importantly, this conclusion is made on the basis that the sales from the mezzanine floorspace would be 'bulky goods' items and not unrestricted A1 retailing. The CAAP allocates sites for retail expansion, primarily the Grosvenor Centre, and these sites are expected to come forward. A general retail consent for the amount of floorspace proposed here would therefore conflict with the sequential test. However, it is not expected that the sites within the town centre boundary will be suitable for bulky goods sales, either from an operational perspective or from the needs of the customer. In this context, the sequential test is only considered to be met for the specific type of retailing proposed and the restriction on sales set out within condition 2 is therefore an essential

element in reaching this conclusion.

Retail Impact

- 7.5 Paragraph 26 of the NPPF relates to the impact assessment for out of centre retail proposals that are not in accordance with an up to date Local Plan, as is the case in this proposal. In such situations, LPA's are required to seek an impact assessment covering the following issues:
- The likely impact upon existing, committed and planned public and private investment in a centre, or centres in the catchment of the proposal; and
 - The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.
- 7.6 Policy 11 of the CAAP requires that impact assessments are submitted for out of centre developments of more than 1,000m².
- 7.7 The applicants submitted an impact assessment with the application and this has been reviewed by officers and also by Planning Prospects Ltd who have been used on a number of schemes to provide specialist retail advice to the Council. In essence, the impact analysis examines the likely impact upon town centre trade/ turnover and whether there is likely to be a subsequent impact upon investment as a result of the proposals.
- 7.8 On the basis of the information submitted by the applicants, and analysis from an independent retail advisor (Planning Prospects Ltd) instructed by the Council, officers are of the view that there would be an impact resulting from the scheme but, in overall terms, this is not likely to be significant and will not impact upon planned investment in the town centre. Again, this is assessment based on the restriction of sales to 'bulky goods' items. In reality, the trading patterns of bulky goods retail, and particularly the sale of goods at mezzanine level are significantly lower than other types of comparison sales. Without the restriction in sales officers consider that an open A1 consent would have a significant impact upon the town centre. However, the nature of the current proposal, as controlled by condition, is such that the unit would not compete directly with the town centre but would serve an element of the retail market that is unlikely to be attracted to a central location. On this basis, the retail impact of the scheme is considered to be acceptable.
- 7.9 The applicants also note that no objections have been received to the scheme from town centre retailers/ those with interests in developing town centre sites. Whilst this is not to be relied upon as a 'measure' in making a planning judgement, it is perhaps indicative that the proposals are not considered to be harmful to the prospects of bringing forward other planned town centre schemes.

Traffic/ Highway Impact

- 7.10 In responding to the application, the County Highway Authority raised concerns over the impact of the development on the surrounding road network, particularly the Gas Street roundabout which is operating over its design capacity. Consequently, it has sought a payment to deliver improvements to this roundabout based on a calculation of the number of additional vehicular visits to the store as a result of the increased floorspace. The applicants have accepted this approach and submitted a unilateral undertaking which would oblige them to make a financial payment that is proportionate to the level of mezzanine floorspace that is installed.
- 7.11 A unilateral undertaking is a S106 agreement that is submitted by a single party i.e. the applicant. It has the same legal status as other bilateral or multilateral S106 agreements but is more straightforward in that the only obligation is on the applicant, in this case to make the required payment. It is considered that the agreement is necessary, directly related to the development and proportionate to the scale of development proposed, thus complying with regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 7.12 The contribution will mitigate the impact of additional traffic and the County Highway Authority has raised no objections to the scheme on the basis of the submitted legal agreement.

8. CONCLUSION

- 8.1 In conclusion, it is considered that the impact of the additional retail floorspace would be acceptable subject to the imposition of conditions controlling the type of goods that may be sold from the mezzanine. Members will be aware that a number of retail applications have been submitted and approved in recent years and concerns have been raised regarding the potential impact of out of centre schemes on the performance of the town centre. These concerns are valid and careful consideration is required when assessing and determining out of centre retail schemes.
- 8.2 Equally, each application must be considered on its own merits and the specific nature of the current proposal is such that it is not expected to compete directly with the town centre. In effect, the Nene Valley Retail Park operates as a bulky goods destination and the current proposal is consistent with this. The proposal is not expected to have a significant impact upon the town centre and, as such officers recommend that the scheme is approved.

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 floorspace hereby permitted shall not be used for the sale of convenience goods, including food and non-alcoholic beverages, tobacco, alcoholic beverages, newspapers and periodicals and non-durable household goods.

Reason: To ensure that the range of goods that may be sold from the mezzanine floorspace are appropriate to the nature of the unit in order to protect the vitality and viability of Northampton Town Centre in accordance with the aims and objectives of the NPPF and Policies 11 and 14 of the Northampton Central Area Action Plan (submission version).

3. The additional retail floorspace at mezzanine level hereby permitted shall only be used for the sale of the following goods:

- DIY and garden centre goods;
- Electrical goods and associated components;
- Furniture;
- Household textiles, soft furnishings and homewares;
- Floor and wall coverings;
- Motor and cycle parts and accessories;
- Pets, pet food and all pet related products
- Office furniture; and
- Sports equipment

Reason: To ensure that the range of goods that may be sold from the mezzanine floorspace are appropriate to the nature of the unit in order to protect the vitality and viability of Northampton Town Centre in accordance with the aims and objectives of the NPPF and Policies 11 and 14 of the Northampton Central Area Action Plan (submission version).

10. BACKGROUND PAPERS

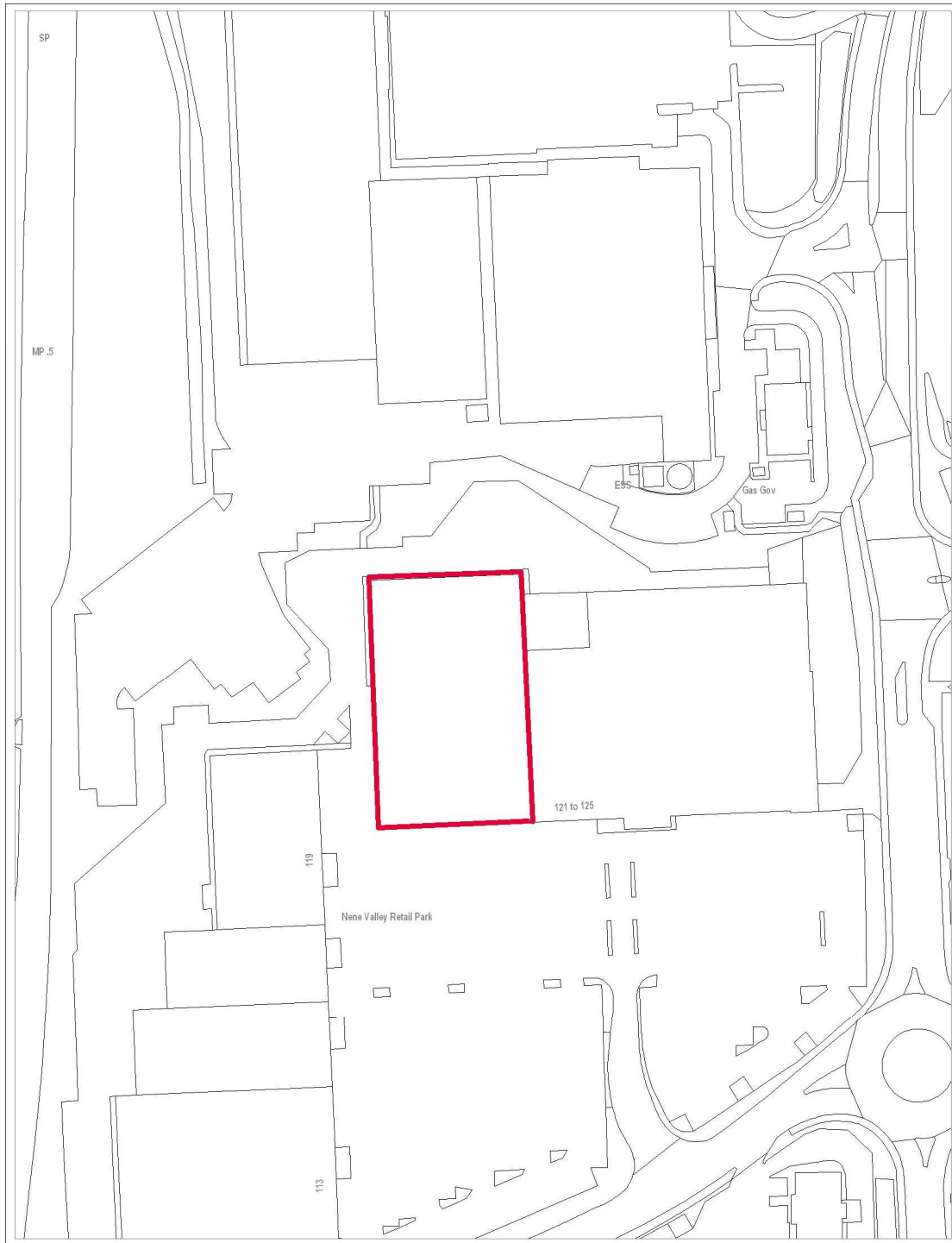
10.1 86/0994, 89/1409, N/2011/0248, N/2012/0228 and N/2012/0540.

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: **Becky Gittins**
Date: **7th December 2012**
Scale: **1:1250**
Dept: **Planning Support**
Project: **Location Plan**

Title

121 St James Mill Road East

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PLANNING COMMITTEE: 18 December 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/1115 **Roof enlargement and formation of habitable room in roof space at 19 Sarek Park**

WARD: **West Hunsbury**

APPLICANT: **Mrs W Hunter**
AGENT: **None**

REFERRED BY: **Scheme of delegation**
REASON: **Applicant related to NBC employee**

DEPARTURE: **No**

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions and for the following reason:

The proposed development due to its siting, scale and design would not have an undue detrimental impact on the appearance and character of the host building, or street scene and would have an acceptable impact on the amenity of adjoining properties to comply with Policies E20 and H18 of the Northampton Local Plan and advice in the Council's Supplementary Planning Document on Residential Extensions.

2. THE PROPOSAL

2.1 Planning permission is sought to increase the height of the attached garage at side of the property. The front roof plane will remain unaltered while the rear roof slope would become shallower with the eave height increasing by 1.4m to accommodate extra accommodation for the applicant's disabled daughter.

3. SITE DESCRIPTION

3.1 The application site comprises a detached dwelling in a residential area characterised mainly by detached properties. The house has 2 storeys,

is of modern design and with an integral double garage to the side and parking on hardstanding in front. There is a private garden to the rear enclosed on 3 sides by fencing 1.6 to 1.8 metres high.

4. PLANNING HISTORY

4.1 None relevant.

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

E20 – New Development

H18 - Extensions

5.4 Supplementary Planning Guidance

SPD on Residential Extensions

6. CONSULTATIONS / REPRESENTATIONS

6.1 No comments received.

7. APPRAISAL

Main issues

7.1 The main considerations are the impact on character and appearance of the original building, wider area and effect on living conditions of adjoining neighbours.

Impact on appearance and character of host building and wider area

7.2 The proposal involves the raising of the roof of the existing attached garage to provide additional living accommodation for the applicant's disabled daughter with associated roof lights to front and rear roof slopes.

7.3 The site is not particularly prominent in the street due to its position at the end of a quiet residential cul-de-sac. The proposed front facing roof lights alone are "permitted development" (i.e. would not require planning permission). Whilst the proposed roof form is asymmetrical in design it is considered that given the side gable would not be readily

conspicuous from the street and as such the impact on the appearance and character of the street scene would be limited. The proposed materials would also match the original house and this can be controlled by condition. Therefore the development accords with the Council's adopted SPD on Residential Extensions and part b of Policy H18 of the Northampton Local Plan which encourages new development to be in keeping with the appearance and character of the original building. It would also comply with the NPPF which encourages high quality design (see paragraph 64).

Impact on amenity of neighbours

7.4 The adjacent neighbour at number 20 Sarek Park has one side facing first floor window and two side facing ground floor windows facing towards the applicant's property. Although the raising of the roof would increase the built form close to the boundary, due to its limited scale and siting it is considered that it would not have a significant impact on amenity. As the proposed rear facing roof lights would be above eye level they would not allow any direct overlooking to the property at the rear.

7.5 This would comply with part c of Policy H18 of the Northampton Local Plan and aims of the SPD on Residential Extensions.

8. CONCLUSION

8.1 The proposed extensions would have a satisfactory impact on the visual and residential amenity of the area and are compliant with development plan, SPD and national policy and subject to the conditions below are recommended for approval.

9. CONDITIONS

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990

(2) The external walls and roof of the extensions shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason - In the interests of visual amenity to comply with Policy H18 of the Northampton Local Plan.

10. BACKGROUND PAPERS

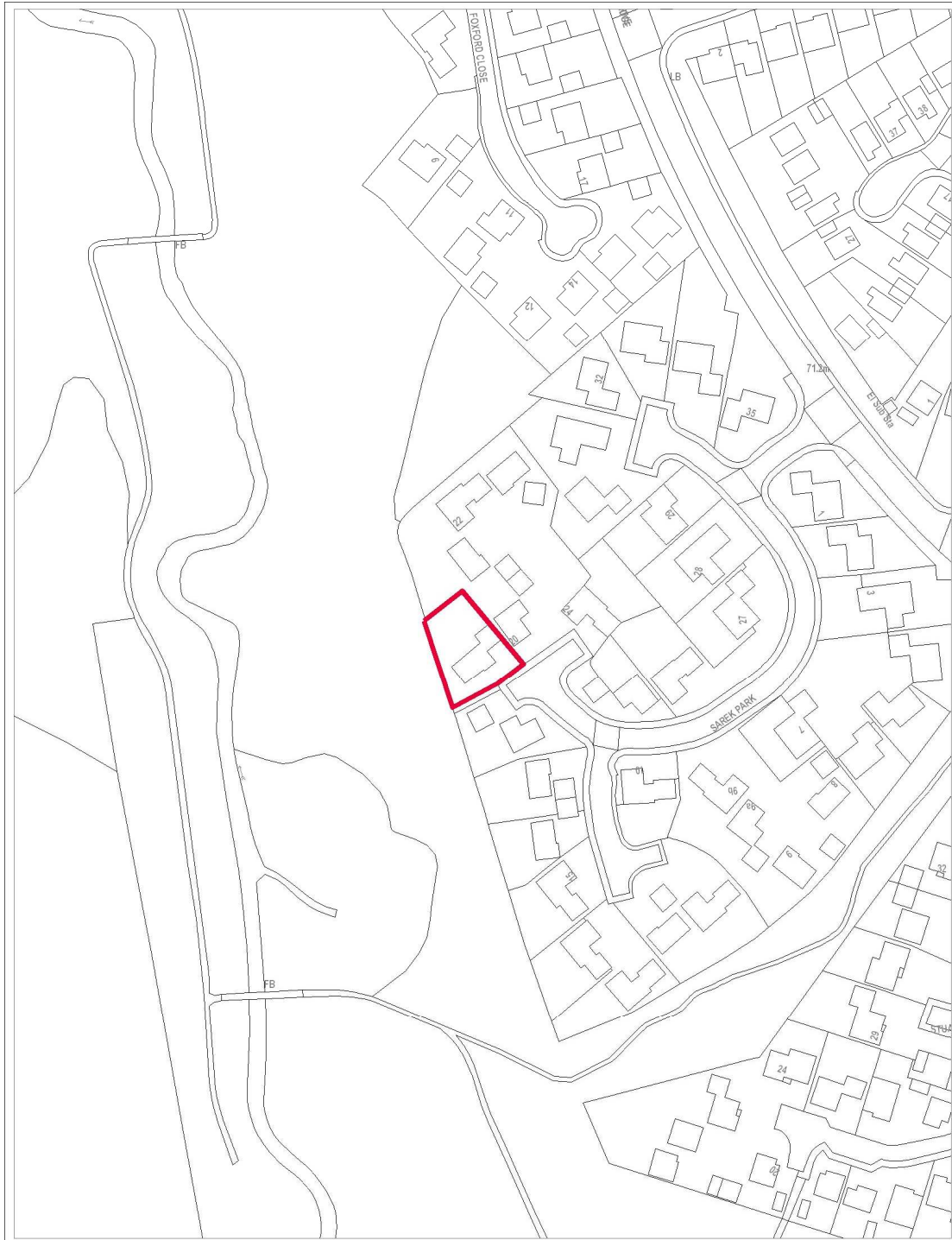
10.1 N/2012/1115.

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: **Becky Gittins**
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Title
19 Sarek Park

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