



NORTHAMPTON
BOROUGH COUNCIL

PLANNING AGENDA

Tuesday, 15 January 2013

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 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, 15 January 2013

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**

(The following applications are considered in a single report)

- N/2012/1237- Non illuminated sign at Ask, 10 St Giles Square, Northampton **(Ward: Castle)**
- N/2012/1238- Listed Building Consent for wall mounted sign at Ask, 10 St Giles Square, Northampton **(Ward: Castle)**
- N/2012/1239- Non illuminated signs, corner of Victoria Promenade and Derngate, Northampton **(Ward: Castle)**
- N/2012/1240- Non illuminated sign at Guildhall Road, Northampton **(Ward: Castle)**
- N/2012/1242- Non illuminated signs at St Johns Multi Storey Car Park, St Johns Terrace, Northampton **(Ward: Castle)**
- N/2012/1243- Non illuminated signs at Central Museum & Art Gallery, 4 Guildhall Road, Northampton **(Ward: Castle)**
- N/2012/1244- Non illuminated sign, corner of Albion Place and Derngate, Northampton **(Ward: Castle)**
- N/2012/1245- Non illuminated sign at 9 Guildhall Road, Northampton **(Ward: Castle)**

Report of Head of Planning
(copy herewith)

Ward: Castle

10. ITEMS FOR DETERMINATION

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

(A) N/2011/0867- CHANGE OF USE OF CELLAR TO EXTEND RESTAURANT/ CAFE/ BAR USE ON UPPER FLOORS AT 199 KETTERING ROAD, NORTHAMPTON

Report of Head of Planning
(copy herewith)

Ward: Castle

(B) N/2012/1132- ERECTION OF 1NO 3BED DETACHED DWELLING AND ASSOCIATED ACCESS AT LAND ADJACENT TO SOUTHFIELDS COTTAGE, BILLING LANE, NORTHAMPTON

Report of Head of Planning
(copy herewith)

Ward: Talavera

**(C) N/2012/1169- CHANGE OF USE OF LAND TO DOMESTIC GARDEN AND
ERECTION OF PERIMETER FENCE/ WALL 2.06M HIGH AT 54 THORN
HILL, NORTHAMPTON**

Report of Head of Planning
(copy herewith)

Ward: Delapre and Briar Hill

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, 18 December 2012

PRESENT: Councillor Flavell (Chair); Councillor Golby (Deputy Chair);
Councillors Hibbert, Lane, Lynch, Oldham and Palethorpe

1. APOLOGIES

Apologies for absence were received from Councillors Aziz, Davies, Hallam, Mason and Meredith.

2. MINUTES

The minutes of the meeting held on 27 November 2012 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

None.

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 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

(A) N/2011/0867- CHANGE OF USE OF CELLAR TO EXTEND RESTAURANT AND CAFE AND BAR USE ON UPPER FLOORS AT 199 KETTERING ROAD

This application was withdrawn from the agenda.

(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

The Head of Planning submitted a report in respect of application no. N/2012/0540, elaborated thereon and noted that the recommendation set out in paragraph 1.1 of the report should be amended to read "Approval subject to satisfactory completion of a unilateral undertaking by the applicants..." and also noted that the applicant had confirmed that a furniture retailer would be taking a lease of the mezzanine floorspace.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the satisfactory completion of a unilateral undertaking 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 the report as the mezzanine floor space proposed was located within an existing retail unit within an out of centre location. However, it was considered that there were no sequentially preferable sites that were available, viable and suitable for the proposed development and the restriction of sales to 'bulky goods' (as set out in the conditions) would ensure that the scheme would 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 could be adequately mitigated through off-site highway improvements secured through a unilateral undertaking. Consequently, it was considered that the proposal was 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.

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

The Head of Planning submitted a report in respect of application no. N/2012/1115 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 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.

11. ENFORCEMENT MATTERS

None.

12. ITEMS FOR CONSULTATION

None.

The meeting concluded at 18.06 hours

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



List of Appeals and Determinations – 15th January 2013

Written Reps Procedure			
Application	Del/PC	Description	Decision
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.	ALLOWED
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.	DISMISSED
N/2012/0651 APP/V2825/D/12/2185725	DEL	Erection of front and rear dormers at 6 Rosenella Close	DISMISSED
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: 15th January 2013
DIRECTORATE: Regeneration Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/1237: Non illuminated sign, Ask, 10 St Giles Square
N/2012/1238: Listed Building Consent Application for a wall mounted metal sign, Ask, 10 St Giles Square
N/2012/1239: Non illuminated signs, Corner of Victoria Promenade and Derngate
N/2012/1240: Non illuminated sign, Guildhall Road
N/2012/1242: Non illuminated signs, St Johns multi storey car park, St Johns Terrace
N/2012/1243: Non illuminated signs, Central Museum & Art Gallery, 4 Guildhall Road
N/2012/1244: Non illuminated sign, Corner of Albion Place and Derngate
N/2012/1245: Non illuminated sign, 9 Guildhall Road

WARD: Castle

APPLICANT: Northampton Borough Council
AGENT: None

REFERRED BY: Scheme of Delegation
REASON: NBC Applications / Council owned land

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

- 1.1 **Advertisement Consent Applications N/2012/1237, N/2012/1239, N/2012/1240, N/2012/1242, N/2012/1243, N/2012/1244, N/2012/1245** – As comments from the Town Centre Conservation Area Advisory Committee (TCCAAC) and the Highway Authority have not been received at the time of writing this report, it is recommended that authority is delegated to the Head of Planning to approve these applications, subject to no issues being identified by the TCCAAC and

the Highway Authority which are not covered in this report and the standard conditions (Paragraph 9.1).

- 1.2 **Listed Building Consent Application N/2012/1238** – On account of the consultation period from the press notice not concluding until January 24th, it is requested that the Committee agree to delegate the decision to approve in principle the proposed works, provided that no additional material considerations are raised at the end of the consultation period, this includes the consultation with the TCCAAC as above. Subject to prior referral to the Secretary of State, Listed Building Consent shall be granted subject to conditions (Paragraph 9.2) and for the following reason:

The proposal has no significant adverse impact on the character or appearance of the listed building and accords with Policies E20 and E26 of the Northampton Local Plan and National Planning Policy Framework.

2. THE PROPOSALS

- 2.1 N/2012/1237 – Non illuminated metal sign 1500mm x 800mm to be mounted on the side wall of Ask Restaurant.
- 2.2 N/2012/1238 – Listed Building Consent for the sign on Ask Restaurant (in association with advertisement consent application ref N/2012/1237).
- 2.3 N/2012/1239 – Two metal signs 1425mm x 1800mm and 1 angled “tourist information” style sign 644mm x 891mm and 700mm above ground level within the flowerbed adjacent to 78 Derngate.
- 2.4 N/2012/1240 – Three sided angled metal sign each side 1425mm x 1800mm within the tree planting area on the corner of Guildhall Road and St Johns Road.
- 2.5 N/2012/1242 – Two wall mounted metal signs each 1200mm x 2400mm on the walls of the St Johns multi storey car park.
- 2.6 N/2012/1243 – Two wall mounted metal signs 1500mm x 1100mm on the wall of the Northampton Museum on Guildhall Road.
- 2.7 N/2012/1244 - 1 angled “tourist information” style sign 644mm x 891mm and 700mm above ground level within the small area of green space adjacent to Derngate and Albion Place.
- 2.8 N/2012/1245 – Wall mounted metal sign 8000mm x 2000mm on the side wall of no. 9 Guildhall Road.

3. SITE DESCRIPTION

- 3.1 Various sites in the town centre as described above. All sites are within the Derrnigate Conservation Area other than Ask restaurant which is within the All Saints Conservation Area.

4. PLANNING HISTORY

- 4.1 There are previous advertisement consents for several of the sites, where relevant these are discussed in the text below.

5. PLANNING POLICY

Development Plan

- 5.1 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.

National Policies:

- 5.2 Paragraph 67 of the National Planning Policy Framework states that applications for advertisement consent should only be considered in terms of the impacts of amenity and public safety, as established by the Advertisement Regulations. Furthermore, the same paragraph states that poorly placed advertisements can have a detrimental impact upon the quality of the built and natural environment.
- 5.3 In terms of the application for Listed Building Consent, Paragraphs 126 – 141 of the National Planning Policy Framework set out the relevant considerations.

5.4 Northampton Local Plan

E20 – New Development
E26 – Conservation Areas

6. CONSULTATIONS/ REPRESENTATIONS

6.1 Conservation:

- the efforts to define and promote Northampton's burgeoning cultural quarter are positive. The area has an important role to play in the regeneration of Northampton's Town Centre. Hopefully this collection of signs will generate some interest in the area and support the organisations that currently operate within it.
- 10 St Giles Square – N/2012/1237 & 1238 – Some concerns raised regarding wayfaring sign at a pinch point in the pavement. If minded to approve, it is essential that a condition is placed on the decision

requesting that the applicant must only fix into the mortar joints between the individual stones as opposed to directly into the stone itself. This minimises damage and ensures that the works are reversible. As long as the works are carried out to meet this advice then have no objections.

- Victoria Promenade/Derngate – N/2012/1239 – Some concerns raised regarding clutter of street furniture, but in isolation this sign is not of a scale that would cause visual harm to the character of the listed building or the conservation area.

- Other signage – comments do not raise concerns regarding impact on listed buildings or conservation area.

6.2 **Town Centre Conservation Area Advisory Committee** – response awaited, this will be reported to Committee by means of the addendum. If this has not been received at this point, the last day for comments being January 23rd, it is recommended that the decision to approve is delegated to the Head of Planning, subject to no issues being raised which are not covered in this report.

6.3 **Highway Authority** – response awaited, this will be reported to Committee by means of the addendum.

7. APPRAISAL

7.1 In respect of the applications for advertisement consent as set out above, the only issues which can be taken into consideration are amenity and highway and pedestrian safety. In terms of amenity, the considerations are the impact on the character and appearance of the two conservation areas affected as well as on the setting of the listed buildings in the area.

7.2 The advertisement proposed for **N/2012/1237**, which is a metal sign 1500mm x 800mm, is to be attached to the Ask restaurant, which is a building attached to a listed building. In common with the other signs, the design is a black background with white text and some coloured graphics. In this case the sign is intended to identify the elements of the Cultural Quarter. These include the Museum, the Contemporary Arts Centre, the Royal and Derngate Theatre, the cinema associated with the Royal and Derngate (under construction, previously referred to as the Cinepod) and 78 Derngate.

7.3 Given the limited scale of this sign, it is not considered that it has any significant adverse impact on the character of the area or the adjoining listed building. These comments are also relevant in relation to the submitted Listed Building Consent Application **N/2012/1238**. In this respect comments from conservation officers indicate that the sign must be affixed to the mortar joints and not the stonework and a condition to this effect is proposed. As this is a Council owned building, the

application N/2012/1238 must be referred to the Secretary of State for final approval.

- 7.4 The signs on the Museum (**N/2012/1243**) would again be metal signs 1500mm x 1100mm in black and with white text. These would be supplemented with coloured graphics to denote a shoe. The Museum already has two large banners on its front elevation, which were approved in 2002 (application reference N/2002/0973). Given the small scale of the proposed signs it is not considered that this would add undue clutter on the front of the building and are considered acceptable.
- 7.5 A sign is proposed for 9 Guildhall Road (**N/2012/1245**), which is now the Contemporary Arts Centre for Northampton, relocated from the former Fishmarket. This is a metal sign 8000mm x 2000mm, which would be mounted on the side wall and therefore would be viewed from the top of the road. This would be a general sign introducing the Cultural Quarter. Although this is a large sign, its location on this largely blank side wall is considered acceptable and would not be detrimental to visual amenity.
- 7.6 The sign proposed for the bottom of Guildhall Road (**N/2012/1240**), at the junction with St Johns Street, is a three sided metal sign, each side of which would be 1425mm x 1800mm. The three sides would depict the Royal and Derngate Theatre, a shoe to indicate the Museum and the Contemporary Art Centre. These would be situated in a planting area for two trees, adjacent to the flats at Bloomsbury House. This planting area was constructed to allow the trees to be retained on construction of the flats and appears under utilised. It is considered that signage in this area would provide some visual enhancement to this space. This sign is at a road junction, therefore in order to consider the impact on highway safety, the Highway Authority have been consulted and their views will be reported by means of the addendum.
- 7.7 Two signs are proposed on the St Johns multi storey car park (**N/2012/1242**), these would again be black with the Museum and the Royal and Derngate depicted and would be at high level attached to the wall of the building, following the removal of dead climbing plants on the building. These would be 1200mm x 2400mm. It is considered that in this context these signs would not be visually detrimental.
- 7.8 The advertisement proposed (**N/2012/1244**) for the open space behind the Derngate Theatre, off Derngate, would be an "information board" design 891mm x 644mm and 700mm above the ground. This would be angled to be readable from a standing position. This would depict the various elements of the Cultural Quarter, as with the sign at Ask restaurant. It is considered that the sign would be in keeping with its surroundings and would not be visually detrimental. The sign would be close to a minor road junction, therefore in order to consider the impact on highway safety, the Highway Authority have been consulted and their views will be reported by means of the addendum.

7.9 Finally, two signs are proposed within an existing flower bed at the junction of Derngate and Victoria Promenade (**N/2012/1239**), close to 78 Derngate. One of these would be an “information board” as described in the preceding paragraph. The other would be a two sided board each side 1425mm x 1800mm, depicting 78 Derngate and a shoe. It is considered that in their context they would not be visually detrimental. Concerns have been raised by conservation officers about the existing clutter of traffic signals and lamp posts in this area. Given that there are no other similar free standing advertisements in the locality, it is considered that the proposal as submitted is acceptable. These signs are close to a major road junction, therefore in order to consider the impact on highway safety, the Highway Authority have been consulted and their views will be reported by means of the addendum.

8. CONCLUSION

8.1 The proposed signage would not have any detrimental impact in terms of visual amenity or highway and pedestrian safety. These are the only considerations in respect of an application for advertisement consent. Whilst the wider benefits in promoting the Cultural Quarter are acknowledged, these are not a material consideration.

8.2 In terms of the application for Listed Building Consent, it is considered that no detrimental impact on the listed building would result.

9. CONDITIONS

9.1 For the **Advertisement Consent Applications (N/2012/1237, N/2012/1239, N/2012/1240, N/2012/1242, N/2012/1243, N/2012/1244 and N/2012/1245)** the following standard advertisement conditions are recommended:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission
2. No advertisement shall be sited or displayed so as to:
 - a) endanger persons using any highway
 - b) obscure or hinder the ready interpretation of any traffic sign
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle
3. Any advertisement displayed and any site used for the display of advertisements shall be maintained in a condition that does not impair the visual amenity of the site

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

9.2 For the application for **Listed Building Consent (N/2012/1238)**, the following conditions are recommended:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The signage hereby approved shall be fixed only to the mortar joints between stones and not to the stones themselves.

Reason: To ensure the protection of the integrity of the Listed Building in accordance with the advice contained in National Planning Policy Framework.

10. BACKGROUND PAPERS

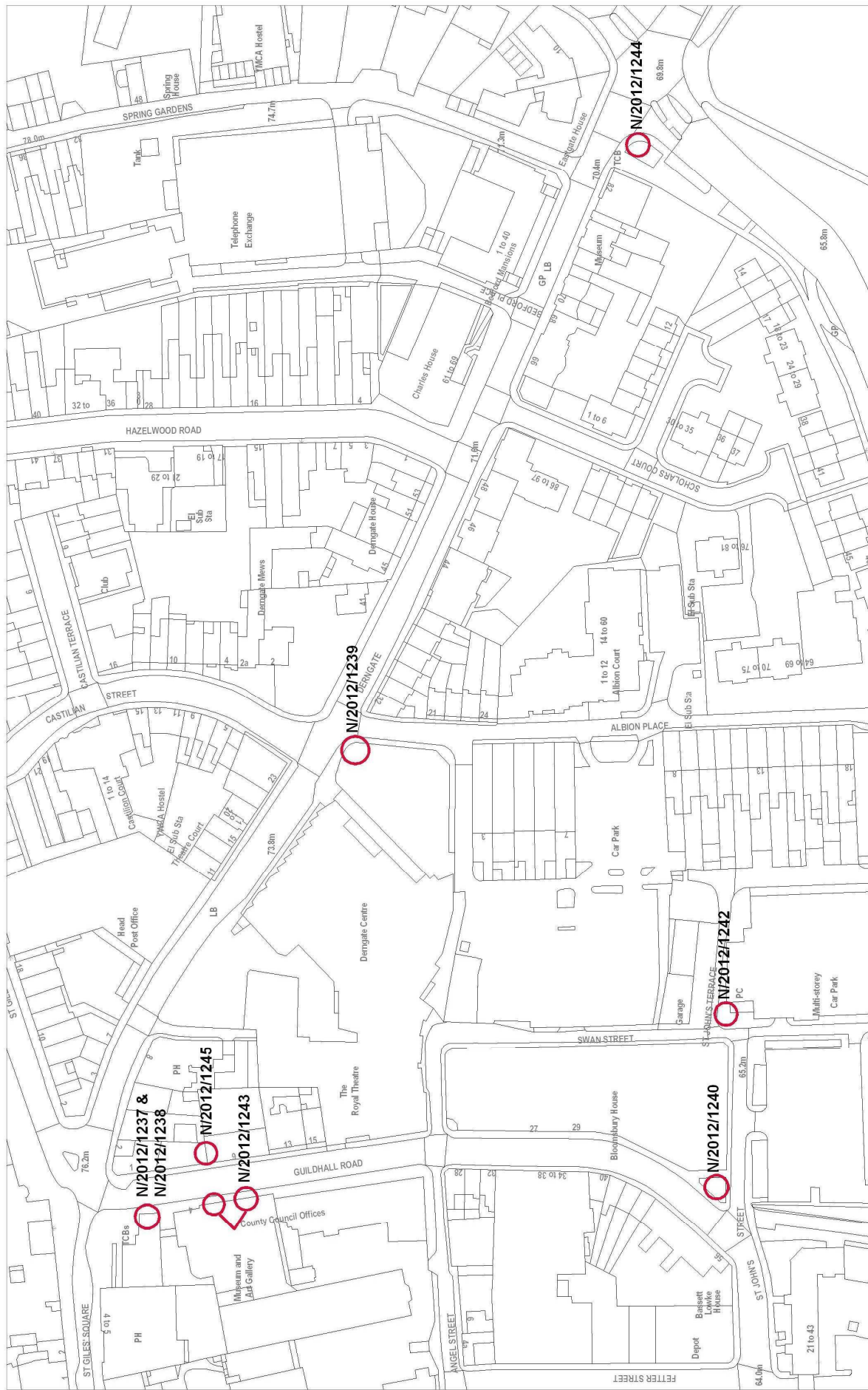
- 10.1 Application files N/2012/1237, N/2012/1238, N/2012/1239, N/2012/1240, N/2012/1242, N/2012/1243, N/2012/1244 and N/2012/1245.

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.



Title

Item 9 - Advertisement Applications

Name: Becky Griffiths
 Date: 4th January 2013
 Scale: 1:500
 Dept: Planning Support
 Project: Location Plan



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Addendum to Agenda Items Tuesday 15th January 2013

9. ITEMS FOR NORTHAMPTON BOROUGH COUNCIL

Item 9 – Advert Applications and Listed Building Application:

- N/2012/1237 – Ask, 10 St Giles Street
- N/2012/1238 – Ask, 10 St Giles Street
- N/2012/1239 – Corner of Victoria Promenade & Derngate
- N/2012/1240 – Guildhall Road
- N/2012/1242 – St Johns Terrace
- N/2012/1243 – 4 Guildhall Road
- N/2012/1244 – Corner of Albion Place & Derngate
- N/2012/1245 – 9 Guildhall Road

Comments received from the Town Centre Conservation Area Advisory Committee –

Planning Applications for various advertising signs for the Cultural Quarter of Northampton Town Centre

N/2012/1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245.

Comments from the Town Centre Conservation Area Advisory Committee meeting on 7 January 2013.

1. We understand the applicants' desire to promote the arts and cultural venues within the self-described "Cultural Quarter" which will increase vitality and contribute to the local economy. However, we find the proposals contained within these applications unacceptable as they would have a significant and detrimental visual impact on the conservation areas within the town centre. They are ill thought out, lack any design flair, would add to street clutter and do not support Policies 1, 2 and 3 of the Central Area Action which not only require a reduction in street clutter but seek to enhance the quality of the built environment through the promotion of design excellence
2. The proposals are unimaginative and would, in our view, do nothing to enhance the attractiveness of the town centre as a destination for visitors and residents. Moreover, the street lecterns are likely to attract graffiti and vandalism as they would be regarded as just another piece of street furniture.
3. We recommend that these applications be withdrawn, or refused by the Planning Committee, until a more coherent, imaginative scheme is prepared.
4. We submit the following ideas, and are very willing to be involved in the design of the signs and their location:
 - a. Consider proper "gateway" signs at strategic points of entry which are bright and welcoming

- b. Make use of the history of the town in promoting the Cultural Quarter (e.g. poets, the boot and shoe industry)
- c. At street level, where lectern style signs are necessary, make them interactive so that stories and information about key buildings and areas within the Quarter can be downloaded via Apps to mobile devices, thus appealing to a wide audience, particularly younger visitors
- d. Create a town trail, using the interactive signs and leaflets which would provide information about key buildings across a larger area than just the Cultural Quarter
- e. Suggest using students at the University of Northampton to submit designs for new signs, through a competition.

5. With regard to the individual applications our views are:

N/2012/1237 and 1238 – Wall mounted signs on Mr Grant's house – unacceptable visual intrusion on a listed building and should be refused

N/2012/1239 – Victoria Promenade – street clutter at this important junction, the proposed sign would impact on the view of 82 Derngate, an important gateway building into the town. It's siting and design would have a detrimental effect on the streetscape and should be refused

N/2012/1240 – Guildhall Road – a very large, obtrusive banner which would dominate the street and impact adversely on the buildings in Guildhall Road, it should be refused

N/2012/1241 – Derngate Centre – this is unnecessary and would do nothing to enhance the area.

N/2012/1242 – St John's car park – a gateway sign here would be acceptable but not one of such poor design for this prominent location and it should be refused

N/2012/1243 – Central Museum and Art Gallery – completely unnecessary, adds to the clutter of signs already in this location, especially if 1237/8 and 1240 were to be approved so we recommend refusal

N/2012/1244 – Albion Place – an acceptable location for a new sign but see our comments about the design of these street signs

N/2012/1245 – 9 Guildhall Road – a large, obtrusive sign on an architecturally interesting building and is completely unnecessary, so should be refused (as per 1240).

We strongly urge the applicants to withdraw these applications but if they are to proceed to the Planning Committee we recommend that all be refused or not determined until a more cohesive, well designed scheme can be prepared for further consideration.

Officers' Comment – *While the comments of the TCCAAC are noted, as the applications have been thoroughly assessed by the Council's Conservation Officers as set out in the Committee report, the recommendation to grant advertisement consent is unchanged.*

Comments received from the Highway Authority –

N/2012/1239 Victoria Promenade - No Signage is to be placed on the Highway.

N/2012/1240 Guildhall Road, Northampton - No Signage is to be placed on the

Highway.

N/2012/1244 Albion Place, Northampton - We have no observation to make on the above application.

Officers' Comment – *Officers have established that the signs proposed at Victoria Promenade and Guildhall Road are within the adopted highway and therefore the Highway Authority can control this matter separate to the planning process . The applicant has indicated that agreement has been reached with the Highway Authority. Therefore the recommendation to grant advertisement consent is unchanged.*

10. ITEMS FOR DETERMINATION

ITEM 10A

N/2011/0867 - Change of use of cellar to extend restaurant and café and bar on the upper floors at 199 Kettering Road

E-mail received from Mr Noble, the owner of neighbouring flats at 195-197 Kettering Road and a bungalow to the rear at 102 Hood Street, dated Sunday 13th January 2013.

Officers' responses to the points raised by Mr Noble are given in italics.

The working file did not contain any pre-application correspondence from the Applicant or the Councils advice. Please forward details of all correspondence and notes.

Pre application advice is given confidentially to the applicant and this cannot therefore be provided.

I understand from previous discussions that it was suggested to the Applicant in order to clarify the permitted use on the 1st and ground floor he should apply for the relevant A4 use on these two floors with the basement application. The applicant did not agree. Did you pursue this matter?

The applicant has stated that he does not want a pub use and therefore would not make this application. The applications as submitted are therefore being considered on the basis of what has been previously granted planning permission and now applied for.

I refer to my emails to yourself on the 23rd & 24th August 2011 and yours of the 25th. It appears that the Council have continued to allow the unauthorised use of the 1st and ground floor and the continued development and use of the basement without taking action to remedy the situation.

The use of the upper floors has been examined on several occasions by planning enforcement, who have come to the view that this is in line with the permitted use.

The basement has been the subject of works for some time but has only recently been brought into use. This application is intended to regularise this recent breach.

Re. the Planning Application registered on the 6th. September 2011 the number of persons shown for the 3 floors is anticipated as a total of 70, however if you refer to an email from Mr Hepworth to Andrew Holden of the 21st November 2012 this number has increased to 84 and at a recent Licencing hearing was quoted at 90. I am sure the true

capacity will be in excess of 100 persons.

You were unaware of the discrepancy and had based your recommendation on the 70 figure in the application.

From a planning perspective the total number of persons on the site will be governed by the amount and configuration of the space available and it was on this basis that the assessment was made, but including reference to the e-mail from Mr Hepworth. The discrepancy had been noted and is herewith brought to the committee's attention.

According to the Office of National Statistics the number of the population that smoke is 21-22% and the BBC reported that 4 out of 10 persons that visited Pubs smoke, even using the lower figures this suggests a significant number of persons will be using the pavement or adjacent doorways as the smoking areas, there being no facility within the premises.

There is one doorway before those leading to 197 and 195 Kettering Road and as stated in previous correspondence it has been reported by occupants that use as smoking areas especially in the evening is not infrequent. When previously informed you replied to the effect that the 'smokers' were not necessarily from Olde England, however the problem had not been reported until the past year.

7.5 of your recommendation appears to doubt that persons from 199 use the doorways of 197 Hairdressers and the Residential doorways of 197 and 195, all occupied by tenants, these doorways are not some distance away.

However you accept the statement from the proprietor that 'customers who do smoke rarely go far from.....'. What do you consider as 'some distance away' and 'go far from'?

The nearest doorway to residential flats is separated from the door of the application premises by the width of the premises itself and two additional shop units, a distance of 13m. It was on this basis that it was considered unlikely, but not impossible, that smokers would walk such a distance, particularly bearing in mind that there is a similar door recess within 199 Kettering Road.

What figures have you used in deciding that persons smoking is unlikely to be a nuisance to pedestrians, residents and vulnerable people?

This is a matter of judgement rather than being based on any figures.

In the report 7.4 you comment that persons leaving the premises will merge with those from the Picturedrome, this is unlikely as the premises are on opposite sides of Kettering Road.

The report says persons will merge with other premises and does not specifically mention the Picturedrome. Such premises include restaurants and takeaways in the area.

Have you considered that persons arriving at and especially leaving the premises a PUB after a convivial time create their own immediate disturbance in addition to the less obtrusive transient noise of persons walking by?

The Police when asked for their observation stated '..... this application should be refused'.

I note that in 6.5 of the recommendation you do not report this conclusion but use less decisive language.

The comment from the Police was made on the basis of a potential conflict, on the basis of the soundproofing it is not considered that this potential would be realised.

6.3 Highways in their observation based on the figure of 70 persons (see paragraph 4 above) and five staff commented they had concerns stating 'the applicant will require a minimum of 5 car parking spaces....' they do note that there is limited on street availability and a facility on Racecourse.

Please make a copy of this email available to the committee.

7.9 [Para 7.7 in the current report] does not appear to reflect the actual situation in proximity to 199 or the amount of persons not arriving on foot.

Have you carried out a survey of the parking availability besides a 'drive by' especially at evenings and weekends, also in the Summer months when the Racecourse is particularly busy with families etc. enjoying the recreational facilities? The Racecourse is already the main car parking facility for persons using the Picturedrome, Star of India, the Jade Restaurant and the users of the Bowls, sporting and leisure facilities.

An email from Councillor Winston Strachan of the 25th May 2011 to Gareth Jones cc to Andrew Holden comments on the problems associated with car parking in this residential area.

Also an email from Susan Bridge to Winston Strachan dated the 26th August 2011 would appear relevant and defines the permission for the 1st and ground floor together with further observations.

Have you considered this?

I had reason to visit 197 Kettering Road on Saturday app. midday, there was no on street parking availability within 200 metres in Kettering Road, Hood Street or Colwyn Road.

I showed you a copy of a comment on Trip Advisor Pub Restaurant Review :-

'...On the downside, the parking is extremely difficult with you having to find a spot on the busy streets in the vicinity....'.

Also from information provided by the Applicant it is obvious customers often travel a considerable distance - Hitchin, Leicester, Hanslope, Brixworth, Wellingborough, Bedford, Kettering, Daventry and other areas together with persons from various parts of Northampton, not on foot except when entering the premises and certainly not all locals.

Has this information been assessed and taken account of?

Highways commented in their submission there is no provision for disabled persons

mobility transport. Is there accessibility to and on the premises for less able persons?

Item 6.3 [*Para 6.4 in the current report*] is greatly condensed and does not give a true resume of Highways comments.

Item 6.4 [*Para 6.5 in the current report*] of your recommendation once again does not give a true account of the many objections and questions raised over a considerable period from Environmental Health Officers.

Whilst the comments from the Highway Authority state that 5 spaces are required, this is based on superseded guidance. Since then changes in government policy have removed minimum parking standards and now state that parking standards should be set locally. No recent local standards have been seen, the most recently adopted guidance is NCC's Parking SPD which sets out "maximum" rather than "minimum" standards. Other uses of the premises including the former use as an A2 office or use as a shop would also generate demand for parking. As stated by Mr Noble parking problems are noted on websites and this may therefore deter those who may consider driving, Furthermore it is considered that the residential streets in the area are already heavily congested if not at capacity and this use will be unlikely to add significantly to this.

I refer to an email of the 29th November 2012 from Neil Polden, Environmental Health, to James Willoughby and particularly his comment in the final paragraph 'Whilst Mr Hepworth has intentions to run a quiet premises, his intentions aren't considered by the use class order. and would be grounds for an objection.'

I also refer to an email from Paul Mallard, Senior Environmental Health Officer, of the 7th December 2012 to A. Holden.

Although this long email raises extremely serious concerns and issues it does not appear to have been replied to.

Please ensure a copy of this email is presented in full to the Committee.

Did you fully consider the many concerns and observations raised by Paul Mallard in compiling your recommendation?

If so did you determine they were inconsequential and not worthy of reporting to the committee?

The e-mail is reproduced in summary in this addendum, with commentary.

I next refer to an email of the 9th January 2013 from Natasha Stanley to Andrew Holden, again this does not appear to have been replied to.

Please ensure the Committee are provided a copy of this email which once again states 'We maintain our objection'

There are numerous other emails over the past year from Environmental Health expressing concern that conditions on the previous permission have not been complied with despite repeated requests to the Mr Hepworth.

Have you fully considered these?

The e-mail from Natasha Stanley was received after the committee report had been prepared. It is also reproduced in this addendum, with commentary.

On the Planning Application the Hours of trading are shown as :- 10.00am - 11.00pm.

At a recent Licencing Hearing the opening hours applied for were 10.00am - 00.30am Mon.- Sat and

10.00am - 11.30pm Sunday this includes off licence sales. I understand although you received details of the Licence Application you did not question the hours applied for.

Have you considered this discrepancy in the opening hours?

The hours of operation would be as set by condition of the approval for the upper floors, 10am to 11pm. Recommended condition 4 would define the cellar area as being ancillary to the upper floors and therefore the same hours would apply and would be controlled accordingly.

Obviously the disparity between the hours of the licence application have been noted. These extended hours would require a variation of planning condition application which has not been made. If such an application was made it would be assessed separately on its individual planning merits.

I understand from Licencing that if an A4 use is granted for part of the premises the alcohol sold in that area can be consumed anywhere on the premises, this would create a Pub by default on the ground and 1st. floor.

Have you considered this in determining your recommendation or are you advocating a Pub use over the 3 floors?

The planning position is that the use is as defined by planning permission rather than licencing, anything which may be allowed under licencing does not override planning conditions or the need for planning permission and would not necessarily be allowed under planning.

You are aware The Premises, 1st and Ground Floor and the Basement is trading as a Real Ale Bar / Pub.

I refer to previous correspondence from 2011. Why is there no reference 7.6 to the fact that the conditions on the previous permission have not been satisfied and it has been operating outside the permission. Also that the Basement has already been opened as a Bar, the conversion work having started almost immediately after the 2011 Restaurant approval.

The consideration of the application for the basement area was delayed to enable the conditions in respect of the upper floors to be dealt with and this has taken some considerable time. All details have now been agreed other than the extraction system. The advice from Environmental Health was that this would require an external flue pipe, which would have been significantly visually detrimental within the street scene.

Building Control have not signed off the work relating to the 2011 permission or this application, neither have Environmental Health.

The works have not been signed off by Building Control although an application has

been made. The concerns of Environmental Health are covered separately on this addendum.

7.8 The Application includes A4 a Pub / Bar use. Reference to an ancillary seating area for the restaurant is misleading and I doubt that a condition to this effect could be enforced.

According to the Olde England web site, food is served :-

12 noon - 8.00pm Monday & Tuesday.

12 noon - 9.00pm Wednesday to Saturday.

12.30pm - 3.30pm Sunday.

The menu appears as a 'typical pub menu' not a restaurant menu.

Surely a Restaurant predominately serves food with beverages ancillary to the food.

A Pub / Traditional Inn sells Alcohol with ancillary food sales.

Indeed in email correspondence to Environmental Health Mr Hepworth comments that due to the limited food offered a comprehensive extraction system is not necessary - Environmental Health disagree.

It has been agreed by Environmental Health that the type of food may mean that a reduced standard of extraction may be appropriate.

I refer to :-

The 'A Board' regularly situated on the pavement outside 199 advertising Real Ale and Cider Bar & Basement Bar Open.

Restaurant is not mentioned. Photo which was taken last week can be provided.

www.theoldeengland.com website describes 199 Kettering Road as a 'Traditional Inn' and displays a photo of the Downstairs Bar.

Olde England Limited - Reg.No. 07568117 - is registered at Companies House under 'Public Houses and Bars'.

Other Web sites - eg Northants Pub Guide, Northant's Camra, cask-marque.co.uk (a plaque is displayed outside) refer to 199 as 'a medeival themed bar with real ale' and 'a Pub'. Nowhere is Olde England referred to as predominately a restaurant. On Trip Advisor the comments all highlight a Real Ale Bar / Pub / Bar similarly on Facebook.

Have you researched the various web sites before writing your recommendation?

7.10 In conclusion, You are effectively recommending a PUB use (A4) adjacent to Residential properties, please refer to my comment from Licencing above.

The proposal is not for a pub use, it is for ancillary seating for the restaurant use on the upper floors.

8. CONCLUSION.

8.1 The Kettering Road already has vitality and both the Police and Environmental disagree with your comment re the adjoining residential properties, both object to the application. This is not referred to.

9. CONDITIONS.

(2) The conditions attached to the previous permission have not been complied with, again no mention of this.

(3) The sound insulation has not been signed off by Environmental Health or Building Control so to refer to it as installed is questionable.

(4) The Applicant has already stated to Licencing that he intends opening until 00.30 Hours Mon - Sat and to 23.30 Sunday. This is not mentioned and who at Planning would monitor the hours?

(5) Although the application is A3/A4 The primary use applied for is obviously A4 a PUB how would this condition be monitored? You are aware the upper floors are not trading solely as a restaurant/cafe and I once again refer to Licencings comment. No mention is made about the questionable existing use that is already trading on the premises.

I am concerned that despite this application being registered 16 months ago the Recommendation does not appear to fully reflect the facts and the implications if approved.

I believe that there are serious questions raised in this and my previous emails which do not appear to have been fully addressed and if possible I would appreciate your response before the Planning Meeting.

Please provide the Committee with a copy of this email.

Second e-mail from Gordon Noble also dated Sunday 13th January 2013 –

Your email of the 20th November 2012 to Paul Hepworth [*the applicant*] especially the penultimate paragraph.

What 'significant issues' have been addressed to change the view of your managers and I assume yourself?

There does not appear to be any evidence in the file for a 'softening' of the view of your managers

'.....that the cellar bar is not acceptable....', indeed I would have thought the correspondence since from senior members of Environmental Health would have convinced you that the Planning Application is not acceptable.

It appears the Committee have not been made fully aware of the amount of concern and objections raised by Council staff

in Environmental Health and managers in the Planning Dept. Surely they should have been given this information to assist in making their decision.

It appears to me that the Recommendation of Approval should be reconsidered.

Please make a copy of this email available to the Committee.

This e-mail was written in order to make the applicant aware of the issues which were outstanding at this point in time. His response to this e-mail has informed the current committee report, in particular he has clarified that live music is not proposed, this had been the major factor in stating the proposal was considered unacceptable. With regard to disturbance by smokers the comments made by Mr Hepworth have been taken on board and the situation re-assessed.

An e-mail dated 9th January 2013 has also been received which summarises the concerns of Environmental Health –

- 1) We maintain our objection, based on the shared wall with residential premises.
- 2) We don't consider that the existing planning conditions on the upper floors have been complied with.
- 3) We consider that approval of a general A4 use for this premises will lead to noise problems
- 4) We consider that if you are minded to approve against our advice, any consent should be made personal to Mr Hepworth (as his current use of the premises is not at present leading to noise problems)
- 5) Paul has already commented below on the sound insulation and its limitations in his last email to you.
- 6) With No 5 in mind, a condition should be added that prohibits live music being played in the basement.
- 7) Background music only should be played and a condition to this effect needs to be added should you approve. (For clarity background music is taken to mean music which is played at such a level where this would not interfere with normal levels of conversation between two individuals when spaced 1m apart)

Officers' comments - *Environmental Health have not previously referred to their views as amounting to an objection. However, this point aside the matters they refer to either relate to concerns that the use of the greater building may deviate from the permitted / proposed use or can all be addressed by the proposed conditions. The Planning Authority must determine planning applications on the basis of what has been permitted and what is proposed and it is on this basis that therefore that the application has been assessed.*

Nonetheless, it is recommended, for clarity, that condition 2 is modified to state additionally "for the avoidance of doubt background music only shall be played and there shall be no live music"

The comments made by Paul Mallard of Environmental Health and referred to by Mr Noble (see comments elsewhere in this addendum) can be summarised as follows (officer comments in italics) –

Mr Mallard is sceptical that the basement area can accommodate the drinkers who would be displaced from the upper floors – *this is speculation and is not a relevant consideration for Planning or Environmental Health.*

The noise test referred to, as we have advised before, merely demonstrates that the sound insulation complies with current Building Regulations for domestic premises. It does not provide evidence that there will ~~not~~ be a problem from music on the premises.

Whilst the incorrect noise test was carried out, it does nonetheless demonstrate that background music would not cause a problem. Live music is not proposed and this can be controlled by condition.

There are 9 temporary entertainment licences which have been applied for. However, it would appear that there have been no noise complaints concerning these activities.

Therefore, it seems to me that this application for the cellar use is predicated on an illusion, there is little likelihood that the suggested conditions will be complied with and the applicant is intending to extend the use (whatever it is) of the upper floors beyond the current planning consent regardless.

I would respectfully suggest that the use of the upper floors needs to be sorted out to see if the applicant's intentions are acceptable under planning before an extension into the basement is contemplated.

The majority of matters covered by the conditions have been dealt with, other than the fume extraction, as referred to elsewhere in this addendum. This is a separate matter to the application for the basemen, which must be assessed on its individual planning merits.

ITEM 10B

N/2012/1132 - Erection of one three-bedroomed detached dwelling and associated access at Land adjacent to Southfields Cottage, Billing Lane

Nothing to add

ITEM 10C

N/2012/1169 - Change of use of land to domestic garden and erection of perimeter fence/wall (2060mm in height) at 54 Thorn Hill, Briar Hill

Nothing to add



PLANNING COMMITTEE: 15th January 2013
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 Letters in **support** received from **23A and 135 Colwyn Road, 53 Monks Park Road, 70 Winchester Road** and four letters with no address given, together with a **103 signature petition**, making the following points in summary:

- Fears of extra parking problems and anti-social behaviour when they first applied have never materialised, the customers are mostly middle aged people who want a quiet drink and a chat and in fact the Olde England is an amenity for the area.
- It attracts a nice clientele and the owners seem very good.

- It is a nice well managed venue and local amenity, however the cellar bar is already open, so developers get on with the work and apply retrospectively for permission, is this just?
- A most unusual, well run establishment offering a full range of traditional beers, ciders and wine. A cosy atmosphere, friendly staff and good food all make the Olde England an ideal place to relax and meet friends.
- A splendid pub, relaxed friendly atmosphere, excellent selection of beers, ciders and perrys. A refreshing change from most chain pubs and bars.
- A very popular pub, with a pleasant atmosphere and a warm welcome. There is never any trouble and it is a good place to meet friendly people. It is increasingly popular and customers are very happy to see the addition of the cellar bar. It is just a shame it is only open two days a week. As the top bar is often taken up with eaters it is important that the rest of the space is utilised.
- I would consider it a very reasonable expectation for the licence to be extended to the downstairs bar.
- The Olde England is the most civilised place to drink in Northampton, even when busy the atmosphere remains quiet and friendly. I have never witnessed even the slightest confrontation in any of my many recent visits and would be amazed to hear of any trouble taking place.
- I support the Olde England's planning / licence application for the cellar bar and believe it is a benefit to the area and has no detrimental effect on the neighbourhood.

- 6.3 **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.
- 6.4 **Highway Authority (NCC)** – Concerned at the lack of on site parking but recognise that there is public parking in the area.
- 6.5 **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.
- 6.6 **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.
- 6.7 **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

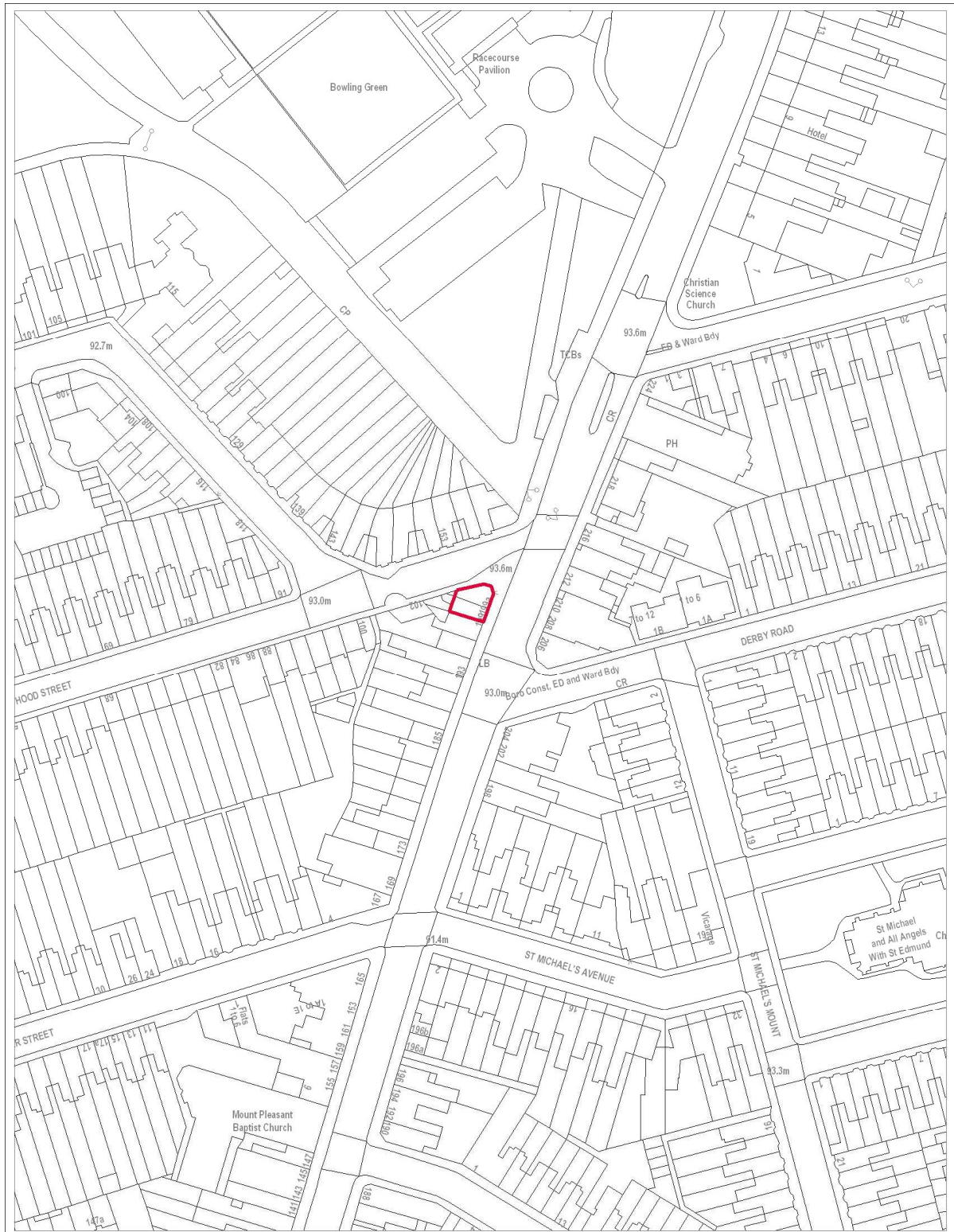
- 10.1 N/2011/0360 and N/2011/0867.

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: 3rd January 2013
 Scale: 1:1250
 Dept: Planning Support
 Project: Location Plan

Title
199 Kettering Road

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PLANNING COMMITTEE: 15 January 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/1132 **Erection of 1 no. 3 bed detached dwelling and associated access at land adjacent to Southfields Cottage, Billing Lane**

WARD: Talevera

APPLICANT: Mr. A Pearson
AGENT: Architectural Solutions

REFERRED BY: Cllr. Meredith
REASON: Highway impact

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 The principle of a residential development in an existing residential area is acceptable. Due to the siting, scale and design of the proposed dwelling it would not have a detrimental impact on the streetscene or on visual or residential amenity. The applicant has demonstrated the development would not harm highway safety. The proposed scheme therefore accords with Policies H6 and E20 of the Northampton Local Plan and the NPPF.

2. THE PROPOSAL

2.1 Erection of a detached 2-storey dwelling some 8.7m wide, 11.4m deep and constricted of facing stonework on the front elevation and a rendered finish on the others with a tiled roof. The proposed floor plans show W.C. lounge, study and kitchen / diner at ground floor and 3 bedrooms (1 with en-suite) and family bathroom.

2.2 The site, which forms part of the curtilage of Southfields Cottage, measures 0.038 hectare in area and would be served by a vehicular access to be shared with Southfields Cottage off Billing Lane. The other existing vehicular access is to be closed. The double garage

which currently serves Southfields Cottage is proposed to be subdivided with half retained for the existing house and the other for the new house.

3. SITE DESCRIPTION

- 3.1 The site lies to the north of Southfields Cottage and measures 29 metres deep and 15 metres deep and is presently the side garden of that property. The locality is predominantly residential characterised by detached dwelling but Southfields Cottage, which was originally two dwellings and converted into one in 1979, is totally unrelated to the relatively new housing development adjoining it.
- 3.2 The site is situated on a slight bend on the western side of Billing Road which is a 'C' classified road with a 40mph speed limit at this section. The plot is allocated within an existing residential area.

4. PLANNING HISTORY

- 4.1 89/0758 – erection of new dwelling – refused.
- 4.2 89/1320 – erection of new dwelling - refused and dismissed on appeal.
- 4.3 91/0741 – erection of new dwelling – refused.
- 4.4 N/2011/0043 – erection of new dwelling – refused for the reasons:
- 1) This proposal would result in a significant intensification in the use of the existing vehicular access points which have restricted visibility onto a local distributor road with the increase in traffic movements further endangering highway safety contrary to the guidelines contained within PPG13.
 - 2) Due to the restricted nature of the plot and size and design of the dwelling, the proposal would result in a cramped form of development unrelated to the existing Southfields Cottage in particular and the appearance and character of the locality in general contrary to Policies H6 and E20 of the Northampton Local Plan.

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
H6 - Housing Development within Primarily Residential Areas

6. CONSULTATIONS / REPRESENTATIONS

6.1 **Highway Authority** – No objections.

6.2 **57 Barley Hill Road** – no objection to the erect a dwelling but concerns over potential impact on trees.

6.3 **Arboricultural Officer** - No objections with a condition requested to protect a nearby the Ash tree.

7. APPRAISAL

7.1 Previous applications for the erection of a dwelling on this site were refused on the grounds that it would be an overdevelopment of the site, the design of the property would be out of character and it would be detrimental to highway safety.

Highway Safety

7.2 The main issue regarding the development of the plot was the problem of access and egress to and from the site and the possible impact on highway safety. Since the applications were refused in 1989 and 1990, with one being dismissed on appeal, Billing Lane has had a speed limit of 40 mph introduced in this section in order to improve highway safety and reduce the likelihood of accidents. The applicant has now provided the necessary vision splay for the egress points from the site by first removing and then replanting some of the boundary hedge and also carrying out the required traffic survey. The number of access points to the site has also been reduced to one. The Highway Authority has confirmed that there has been no recorded injury collisions at this location within the last 5 years and considers the current proposal to be acceptable in terms of highway safety.

7.3 The existing double garage would be shared between Southfields Cottage and the proposed dwelling and hardstanding formed to provide the necessary parking provision for other houses.

Siting

7.4 The size of the plot is considered large enough to contain the proposed dwelling, which is of smaller proportions compared to the scheme refused in 2011, which was a 4 bedroomed house with integral garage. The proposed house would be similar in size to those in the adjoining residential development. Furthermore, there

would still be a rear garden of almost 10m in depth.

Design and Appearance

- 7.5 The appearance of the proposed dwelling has been significantly improved since the previous refusal in 2011. It is now proposed to use stonework on the front elevation compared to brick, which would be more in keeping with the adjoining Southfield Cottage. The design has also been radically altered with a gable frontage to harmonise with the cottage.
- 7.6 Although part of the intervening hedge with the adjoining property no.55 Barley Hill Road would be removed, the existing boundary fence would be retained to ensure there is no significant impact on the amenity of that property. There is a separation distance of at least 15m to the other properties to the rear of the site to preserve their amenity.

Trees

- 7.7 Concerns have been raised regarding the potential impact of the development on nearby trees. The Council's Arboricultural Officer has visited the site and is satisfied with the proposed scheme as long as a condition is attached to the permission to protect the Ash tree situated at the rear.

8. CONCLUSION

- 8.1 It is considered that the size, siting and appearance of the proposed dwelling is a significant improvement on the previous scheme and is now acceptable. Furthermore, the applicant has now demonstrated that there would not now be any significant impact on highway safety.

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) Prior to the commencement of development details and/or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

(3) Full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved by the Local Planning Authority

and implemented prior to the occupation of the dwelling hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(4) The Ash tree situated in the rear garden of the adjacent property shall be protected for the duration of the development by a stout fence to be erected and maintained on an alignment to be approved in writing by the local planning before any works commence. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials nor waste shall be deposited, no bonfires shall be lit, nor the ground level altered during the periods of development.

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

(5) When the new access hereby permitted is brought into use, the existing access shall be permanently closed (and the highway reinstated) in a manner to be approved in writing by the Local Planning Authority, and no further points of access shall be created thereafter.

Reason: To confine access to the permitted point(s) in order to ensure that the development does not prejudice the free flow of traffic or conditions of highway safety along the neighbouring highway in accordance with the aims of the NPPF.

(6) The proposed vehicular access to the site must be at least 4.5 metres wide for the first 5 metres of its length and paved with a hard bound surface at all times.

Reason: In the interests of highway safety in accordance with the NPPF.

(7) No gate is to be erected at the entrance to the vehicular access at any time.

Reason: In the interests of highway safety in accordance with the NPPF.

(8) The first floor side facing windows shall be glazed with obscured glass before the development hereby permitted is first occupied and thereafter retained in that form at all times.

Reason: To safeguard the privacy of the adjoining properties in accordance with Policies H6 and E20 of the Northampton Local Plan.

10. BACKGROUND PAPERS

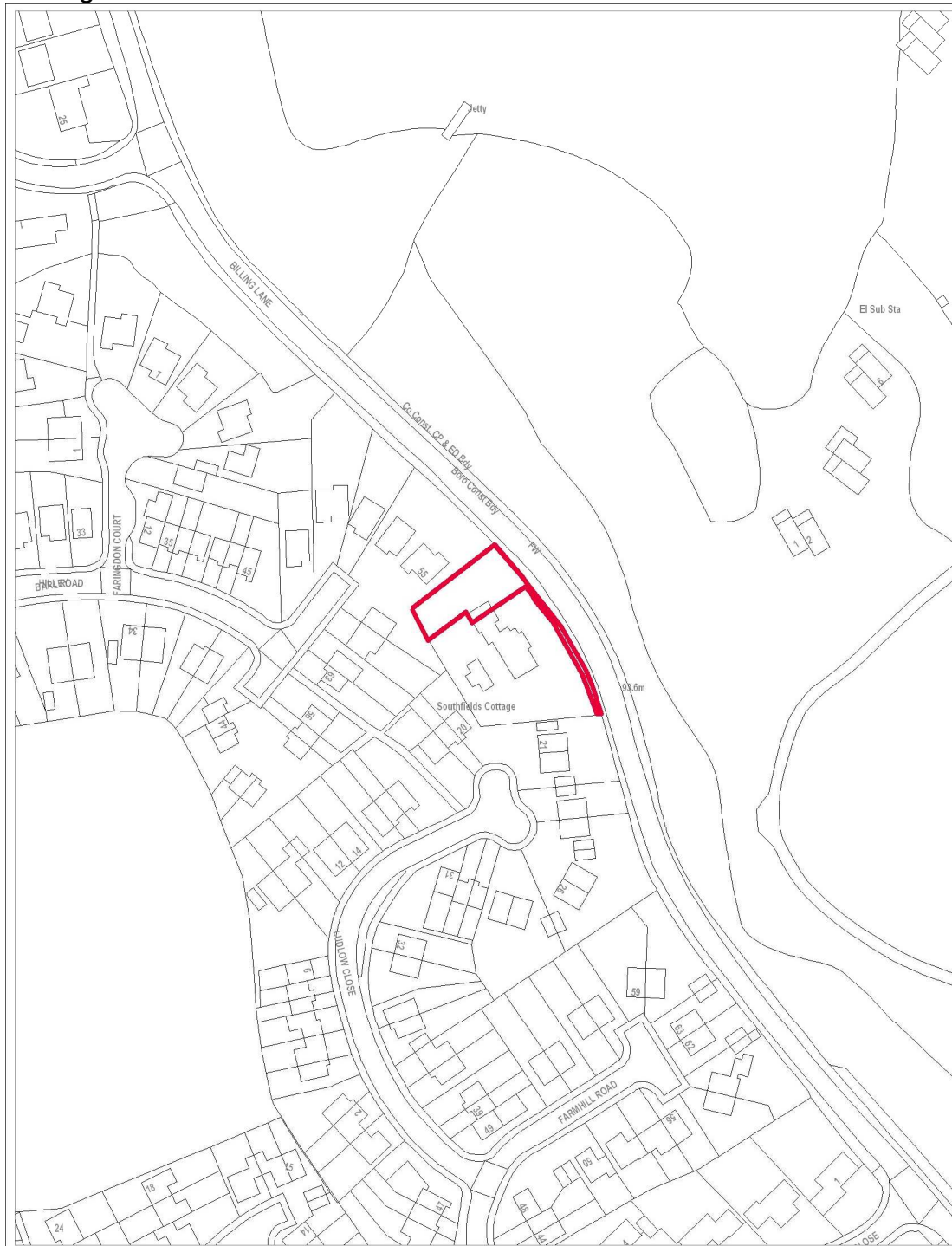
10.1 89/0758, 89/1320, 91/0741, N/2011/0043 and N/2012/1132.

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: 3rd January 2013
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title
Land adj to Southfields Cottage, Billing Lane

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PLANNING COMMITTEE: 15 January 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/1169 **Change of use of land to domestic garden and erection of perimeter fence/wall 2.06m high at 54 Thorn Hill**

WARD: Delapre and Briar Hill

APPLICANT: Ann Hawker
AGENT: Daniel Morriss

REFERRED BY: Scheme of delegation
REASON: Council own land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 The proposed change of use and associated boundary treatment would due to its siting, scale and design not have an undue detrimental impact on the character and appearance of the area or on highway safety and complies with Policy E20 of the Northampton local Plan and aims of the NPPF.

2. THE PROPOSAL

2.1 Permission is sought to change the use of an open area of grass / verge land adjacent to 54 Thorn Hill into private garden space and to enclose it a new boundary wall / fence. The boundary treatment is proposed to be a red / brown brick wall (675mm high) with piers (2.06m high and 440mm wide) and close boarded fence panels between the piers and above the wall. The wall / fence would be set back some 1.5m from the back of the adjacent footway.

3. SITE DESCRIPTION

3.1 The application site is located in a Primarily Residential Area as identified in the Northampton Local Plan and comprises a well maintained, flat area of grass measuring some 105m². It is immediately adjacent to 54 Thorn Hill which is a 3 storey residential

property owned by the applicant. The site forms part of a residential estate of similar dwellings approved around 1968.

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 Northampton Borough Local Plan

E20 – New Development.

5.3 National Policy

National Planning Policy Framework.

6. CONSULTATIONS/ REPRESENTATIONS

6.1 No neighbour representations have been received.

7. APPRAISAL

Main issues

7.1 The main considerations are the impact on the character and appearance of the area and whether the proposal would affect highway safety.

Impact on appearance and character of the area

7.2 Due to its position at the bend of the road, the application site is relatively prominent in the streetscene. The land in question is relatively attractive albeit its contribution to the quality of the streetscene is limited by its size and plain appearance. Nonetheless, given the limited height, scale and alignment of the proposed wall / fence combined with the quality of the materials / design it is considered that the impact of the introduction of the boundary treatment and the enclosure of the land would not be overly significant visually that would justify refusal of planning permission.

7.3 The proposed materials can be controlled by condition in the event that Committee is minded to grant of planning permission in order to ensure a satisfactory external appearance of development. This would comply with Policy E20 of the Northampton Local Plan and paragraphs 56 and 57 of the NPPF which encourages good design in new development.

Highway Safety

- 7.4 Given that the proposed boundary wall/fencing is set back from the highway it is considered that the impact on visibility would be limited. Had the land been required for highway purposes (eg visibility around the bend) it would have been adopted as highway land as part of the estate highway adoption when the estate was developed.

8. CONCLUSION

- 8.1 For the reasons cited the proposed development is considered to be acceptable and would comply with development plan and national planning policy and is therefore being recommended for approval subject to the conditions set out 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 (as amended).
- (2) No development shall take place until full details of the external materials and finish of the boundary wall and fence hereby permitted have been submitted to and approved in writing by the local planning authority and shall be implemented in accordance with the approved details unless otherwise agreed in writing.
Reason: In interests of visual amenity and to ensure a satisfactory external appearance of development to comply with Policy E20 of the Northampton Local Plan and aims of the NPPF.
- (3) The development hereby approved shall be carried out solely in accordance with Drawing numbers DM 0007 01 A and 02 received on 15 November 2012.
Reason: For the avoidance of doubt to comply with the aims of the NPPF.

10. BACKGROUND PAPERS

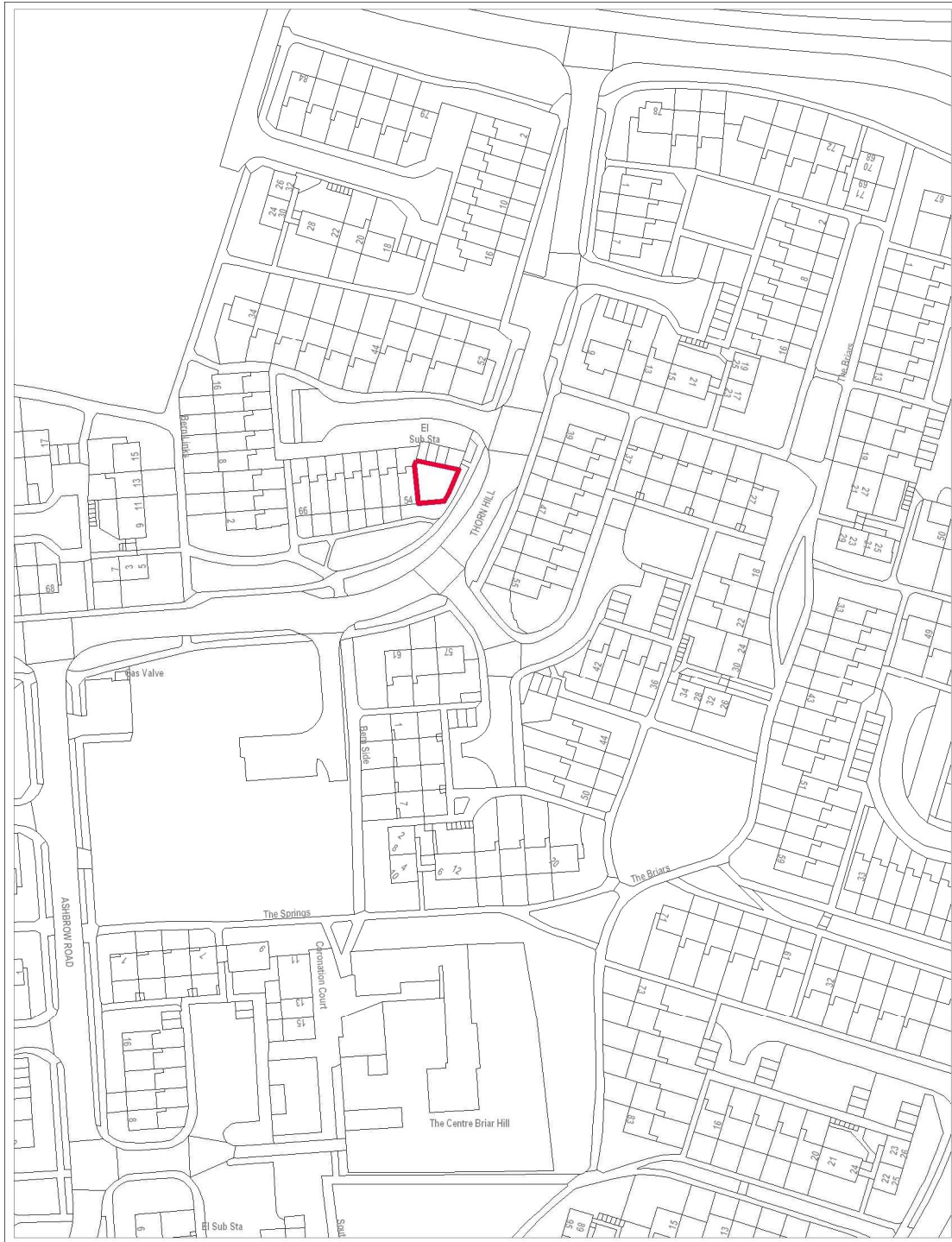
- 10.1 N/2012/1169.

11. LEGAL IMPLICATIONS

None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

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



Name: **Becky Gittins**
 Date: **3rd January 2013**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Location Plan**

Title
54 Thorn Hill

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