



**NORTHAMPTON**  
**BOROUGH COUNCIL**

# **PLANNING AGENDA**

**Tuesday, 12 February 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](mailto:democraticservices@northampton.gov.uk) or 01604 837722

# PLANNING COMMITTEE

## AGENDA

Meetings of the Planning Committee will take place at 6.00pm on 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](mailto: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, 12 February 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**  
None.
10. **ITEMS FOR DETERMINATION**  
An Addendum of further information considered by the Committee is attached.  
**(A) N/2012/0904- TWO STOREY SIDE EXTENSION, SINGLE STOREY FRONT AND REAR EXTENSIONS AND ERECTION OF FRONT CANOPY (AS AMENDED BY REVISED PLAN RECEIVED ON 31 JANUARY 2013) AT 1 WHITTLEBURY CLOSE**

Report of Head of Planning  
(copy herewith)

**Ward: Sunnyside**

- (B) N/2012/1225- APPLICATION FOR VARIATION OF CONDITIONS 2, 4, 5, 11, 12, 16, 17, 21 & 22 OF PLANNING PERMISSION N/2011/1160 (FOR THE DEMOLITION OF GARDEN CENTRE CONCESSION BUILDINGS AND ERECTION OF NEW SUPERMARKET; ERECTION OF NEW RETAIL BUILDING AND STORAGE BUILDING TO SERVE GARDEN CENTRE; RECONFIGURATION OF SERVICE AREA AND NEW SERVICE VEHICLE ROAD AND ALTERATIONS TO VEHICLE ACCESS.) TO ALLOW PROVISION OF AN ALTERNATIVE ACCESS FOR SERVICE VEHICLES AND AMENDMENTS TO CAR PARK LAYOUT AND TO AMEND THE HOURS OF OPENING FOR PROPOSED SUPERMARKET AT NORTHAMPTON GARDEN CENTRE, NEWPORT PAGNELL ROAD, NORTHAMPTON & N/2012/1226 APPLICATION FOR VARIATION OF CONDITIONS 2, 4, 5, 11, 12, 16, 21 AND 22 OF PLANNING PERMISSION N/2011/1160 (FOR THE DEMOLITION OF GARDEN CENTRE CONCESSION BUILDINGS AND ERECTION OF NEW SUPERMARKET; ERECTION OF NEW RETAIL BUILDING AND STORAGE BUILDING TO SERVE GARDEN CENTRE; RECONFIGURATION OF SERVICE AREA, NEW SERVICE VEHICLES ROAD AND ALTERATIONS TO VEHICLE ACCESS) TO ALLOW PROVISION OF AN ALTERNATIVE ACCESS FOR SERVICE VEHICLES AND AMENDMENTS TO CAR PARK LAYOUT AND A MINOR CHANGE TO THE ELEVATION OF THE PROPOSED SUPERMARKET AT NORTHAMPTON GARDEN CENTRE, NEWPORT PAGNELL ROAD, NORTHAMPTON**

Report of Head of Planning  
(copy herewith)

**Ward: Nene Valley**

**11. ENFORCEMENT MATTERS**

None.

**12. ITEMS FOR CONSULTATION**

- (A) N/2012/1250- OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS & STRUCTURES ON SITE & THE CONSTRUCTION OF RETAIL FLOOR SPACE (USE CLASS A1), NON FOOD (BULKY GOODS) RETAIL FLOOR SPACE & NEW PETROL FILLING STATION (SUI GENERIS), TOGETHER WITH ALL ASSOCIATED AREAS OF HARDSTANDING, CAR PARKING, ENGINEERING & LANDSCAPE WORKS (ACCESS NOT RESERVED) AT LAND TO WEST OF EASTERN WAY, DAVENTRY & N/2012/1261 DEMOLITION OF EXISTING STRUCTURES ON SITE AND CONSTRUCTION OF NON-FOOD RETAIL FLOOR SPACE (USE CLASS A1), RESTAURANTS AND CAFÉ (USE CLASS A3), A NEW CINEMA COMPLEX (USE CLASS D2), REPLACEMENT LIBRARY (USE CLASS D1) AND ASSOCIATED INFRASTRUCTURE, ENGINEERING AND LANDSCAPE WORKS LAND TO NORTH OF HIGH STREET, DAVENTRY**

Report of Head of Planning  
(copy herewith)

**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, 15 January 2013

**PRESENT:** Councillor Flavell (Chair); Councillor Golby (Deputy Chair);  
Councillors Aziz, Davies, Hallam, Lynch, Mason, Meredith, Oldham  
and Palethorpe

#### 1. APOLOGIES

Apologies for absence were received from Councillors Hibbert and Lane.

#### 2. MINUTES

The minutes of the meeting held on 18 December 2012 were agreed and signed by the Chair.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

**RESOLVED:** That Messrs Hepworth and Noble and Councillor Glynane be granted leave to address the Committee in respect of application no. N/2011/0867.

That Messrs Dooley and Pearson and Councillor Meredith be granted leave to address the Committee in respect of application no. N/2012/1132.

#### 4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Meredith declared "predetermination" of application no N/2012/1132 as intending to speak against the application.

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

None.

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

The Head of Planning, submitted a List of Current Appeals and Inquiries and reported that since the publication of the agenda, the appeal in respect of application no N/2012/0058 had been dismissed. He also noted that the hearing in respect of application no. N/2012/0640 would be held on 19 February 2013 in the Jeffery Room.

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

## **7. OTHER REPORTS**

None.

## **8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None.

## **9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

The Head of Planning submitted a report in respect of applications N/2012/1237, N/2012/1239, N/2012/1240, N/2012/1242, N/2012/1243, N/2012/1244, and N/2012/1245, referred to the Addendum that set out comments from the Town Centre Conservation Area Advisory Committee and the Highway Authority and responses thereto and noted that recommendation 1.1 as set out in the report could be amended to reflect the receipt of those comments.

The Committee discussed the applications.

**RESOLVED:** 1. That the Advertisement Consent Applications N/2012/1237, N/2012/1239, N/2012/1240, N/2012/1242, N/2012/1243, N/2012/1244, N/2012/1245 be approved subject to the standard conditions set out in the report.

2. That the Head of Planning be authorised to approve in principle Listed Building Consent Application N/2012/1238 after the end of the consultation period on 24 January 2013, provided that no additional material considerations were raised and shall be subject to the conditions set out in the report and referred to the Secretary of State as the proposal had 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.

## **10. ITEMS FOR DETERMINATION**

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

The Head of Planning submitted a report in respect of application no. N/2011/0867, referred to the Addendum that set out two representations from the owner of neighbouring flats and bungalow and the responses thereto and elaborated thereon.

Mr Noble, stated that he was representing a family business that owned and managed 195 to 197 Kettering Road and 102 Hood Street and that he wished to object to the application as he did not believe that the report accurately reflected the concerns he had raised since 2011. He believed that the basement was not suitable for the use applied for and had raised concerns with the Council's officers. Furthermore, there was no outside smoking area for customers and only limited car parking. Mr Noble believed that customers would be unlikely to walk to the premises. He also considered that the report and application made little reference to the



restaurant use but concentrated on the pub use and noted that the closing hours stipulated in the planning consent did not match the hours granted by Licensing. In answer to a question, Mr Noble commented that he had received complaints from some of his tenants and had lost the tenants adjacent to the first floor. There had also been complaints about smoking in the street and from the tenants of the bungalow in Hood Street in respect of their children. Mr Noble confirmed that most of the complaints had been whilst the works had been carried out.

Mr Hepworth, the applicant, commented that his pub was different to most in that he did not sell lager or alcopops. His clientele tended to be older and he was not aware of any particular issues. Mr Hepworth noted that the soundproofing installed was ten times better than the standard required by Building Control. He referred to three references from customers in support of the premises. In answer to questions Mr Hepworth commented that the noise limiter was set to 85db on the advice of Environmental Health; that from the 1880's to the 1970's the premises had been a butchers with heavy equipment in the basement and that he played background music, generally, from the 1960's and 1970's.

Councillor Glynnane, as a sometime customer stated that the premises were a pleasant place for a meal and drink and noted the support other customers had given to it. He had walked to it from where he lived in Far Cotton. He was dismayed by some of the comments that had been made particularly about smoking; the premises were located in a commercial area with several other pubs, restaurants and takeaways nearby. He believed that it fitted in well with the area.

The Head of Planning noted that Mr Noble's comments had been dealt with in the Addendum and in answer to questions commented that the issue of noise limiters was for Environmental Health and that proposed condition 2 dealt with noise and controlling it and could be amended to specifically prevent live music and reminded the Committee that this application only concerned the use of the basement.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as amended, to prevent the playing of live music, as 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.

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

Councillor Meredith moved to the public seating in accordance with his declaration of predetermination set out at minute 4 above.

The Head of Planning submitted a report in respect of application no. N/2012/1132 and elaborated thereon.

Councillor Meredith as Ward and County Council Division councillor commented that Billing Lane had been a problem since his first election six years ago; there had been a fatality and recently a wall had been knocked down. The lane was used as a rat run from the A45 to the A43 and speeding traffic was a problem; he had used some of his County Council empowerment funding to have a slow-down speed sign put in place. Residents had complained to him that they were unaware of the application and some had concerns because of the problems along Billing Lane. Councillor Meredith commented that he used the lane frequently and the site was on a dangerous bend and that it was often difficult to get into the site because of parked vehicles. He noted that although the existing hedge was to be moved and replaced queried whether it was in the gift of the applicant to do so; that the existing hedge was part of the street scene and rural feel of Billing Lane; previous issues in getting the hedge to be maintained. Councillor Meredith made reference to an e-mail he had received from the Agent that he considered was intimidating. In answer to questions Councillor Meredith commented that the fatality had been 300 yards further along Billing Lane and that walls had been knocked down at Brittons Drive and Crabtree Drive; speeding had been a cause of the incidents; traffic flow monitoring had shown results of speeds in excess of 50mph; that he believed that the applicant would need consent to move the hedge and that there had not been any discussion with him in that respect; that the road was predominately rural; and that he did not agree with the Highway Authority's assessment of accidents in the preceding five years.

(Councillor Meredith left the meeting in accordance with his earlier stated declaration of predetermination.)

Mr Dooley, the agent, commented that the hedge did belong to the applicant and comprised leylandii of no particular merit. The hedge would be removed and replanted to give a better visibility splay. He commented that there had been no accidents at this point along Billing Lane and the applicant had had a full traffic survey undertaken which the Highway Authority had agreed with the results. He believed that that the access arrangements would improve safety and hoped that the Committee would approve the application. In answer to a question, Mr Dooley stated that the existing access arrangements had been in place for a considerable period of time.

Mr Pearson, the applicant, stated that he had lived at Southfields Cottage for 22 years. In the last five years he had had problems with burglaries and was keen to have a nearby neighbour to help improve security. He noted that the application had the support of the Police and that there had not been any traffic accidents outside their house.

The Head of Planning agreed that Billing Lane had a rural feel to it and noted previous accidents and the fact that none had occurred outside Southfields Cottage as per the advice of the Highway Authority as set out in the report and previous refusals of planning permission. He considered that the current application represented an improvement of visibility and therefore was a net benefit. He confirmed that the details submitted with the planning application indicated that the hedge was in the ownership of the applicant and that moving and replacing the hedge would maintain the character of the area. He also confirmed that the appropriate consultation with neighbours as required by statute had been carried out.

The Head of Planning also recommended that proposed condition five be amended to include requirements to carry out the improvements to the visibility splay to be completed and maintained prior to the first occupation of the proposed dwelling.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report and condition 5 amended to read: “Before the dwelling hereby permitted is first brought into use: a) The existing access point shown to be closed on the approved drawings 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; and b) The hedge, trees and fence to the Billing Lane frontage shall be removed to fully form the visibility splay shown on the approved drawings, the visibility splay shall be kept clear of obstructions thereafter and a replacement hedge shall be planted in the first planting season following the removal of the existing hedge in accordance with details to be submitted to and approved in writing by the local planning authority. The replacement hedge shall be maintained for a period of five years, such maintenance shall include the replacement in the current or nearest planting season whichever is the sooner plants/shrubs that may die, are removed or become seriously damaged or diseased with others of similar size and species. 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 and in the interests of visual amenity in accordance with the aims of the NPPF” as the principle of a residential development in an existing residential area was acceptable. Due to the siting, scale and design of the proposed dwelling it would not have a detrimental impact on the street scene or on visual or residential amenity. The applicant had demonstrated that the development would not harm highway safety. The proposed scheme therefore accorded with Policies H6 and E20 of the Northampton Local Plan and the NPPF.

(Councillor Meredith re-joined the meeting.)

**(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**

The Head of Planning submitted a report in respect of application no. N/2012/1169 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 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 complied with Policy E20 of the Northampton local Plan and aims of the NPPF.

**11. ENFORCEMENT MATTERS**

None.

**12. ITEMS FOR CONSULTATION**

None.

The meeting concluded at 19.28 hours.

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



**List of Appeals and Determinations – 12<sup>th</sup> February 2013**

**Written Reps Procedure**

Application	Del/PC	Description	Decision
<b>N/2012/0058</b> 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.	<b>DISMISSED</b>
<b>N/2012/0080</b> APP/V2825/A/12/2175017/NWF	DEL	Conversion of storage/garage to single dwelling including alterations and first floor extension at 110 Adams Avenue.	<b>DISMISSED</b>
<b>E/2012/0157</b> APP/V2825/C/12/2184313	ENF	Non ancillary storage and motor vehicles at 2 Sussex Close.	<b>AWAITED</b>
<b>N/2012/0166</b> APP/V2825/D/12/2186525	DEL	Two storey side and rear extension at 32 Rosemoor Drive	<b>AWAITED</b>
<b>N/2012/0250</b> APP/V2825/A/12/2186427/NWF	DEL	Change of use of ground floor from shop (use class A1) to restaurant (use class A3) including fume extraction system at 24 Market Square	<b>AWAITED</b>
<b>N/2012/0456</b> 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	<b>AWAITED</b>
<b>N/2012/0515</b> 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.	<b>DISMISSED</b>
<b>N/2012/0615</b> APP/V2825/D/12/2187316	DEL	Vehicular crossovers (as amended by revised plans received 16/07/2012) at 539-543 Wellingborough Road	<b>DISMISSED</b>
<b>N/2012/0817</b> <b>APP/V2825/D/12/2185493</b>	DEL	Retention of single storey side extension and front porch – retrospective at 56 Derwent Drive	<b>PART DISMISSED PART ALLOWED</b>
<b>N/2012/0967</b> APP/V2825/D/12/2191037	DEL	Extension of roof space above existing flat roofed side extension and erection of dormer windows to rear at 61 Oaklands Drive	<b>AWAITED</b>
<b>N/2012/1107</b> APP/V2825/D/12/2189711	DEL	First floor side extension and single storey rear extension at 42 Central Avenue	<b>AWAITED</b>

**Public Inquiry**

		None	
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**Hearing**

<b>N/2012/0640</b> 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 Appeal Hearing Date to be held on the 19 <sup>th</sup> February 2013 in the Holding Room starting at 10:00am	<b>AWAITED</b>
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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 - <a href="http://www.planningportal.gov.uk">www.planningportal.gov.uk</a>
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



## Addendum to Agenda Items Tuesday 12<sup>th</sup> February 2013

### 10. ITEMS FOR DETERMINATION

#### ITEM 10A

**N/2012/0904**

**Two storey side extension, single storey front and rear extensions and front canopy at 1 Whittlebury Close**

Item **withdrawn** from the agenda.

#### ITEM 10B

**N/2012/1225 and N/2012/1226**

**Application for variation of Conditions 2, 4, 5, 11, 12, 16, 17, 21 and 22 of Planning Permission N/2011/1160 (for the demolition of garden centre concession buildings and erection of new supermarket; erection of new retail building and storage building to serve garden centre; reconfiguration of service area, new service vehicles road and alterations to vehicle access) to allow the provision of an alternative access for service vehicles, amendments to car park layout and to amend the hours of opening of the proposed supermarket and Application for variation of Conditions 2, 4, 5, 11, 12, 16, 21 and 22 of Planning Permission N/2011/1160 (for the demolition of garden centre concession buildings and erection of new supermarket; erection of new retail building and storage building to serve garden centre; reconfiguration of service area, new service vehicles road and alterations to vehicle access) to allow provision of an alternative access for service vehicles and amendments to car park layout and change to the elevation of the proposed supermarket at Northampton Garden Centre, Newport Pagnell Road, Northampton**

Representations have been received from Wootton and East Hunsbury Parish Council, who have commented that the pedestrian link be safe, lit, well maintained and includes tactile paving. Measures are also recommended to ensure that the car park does not become susceptible to anti-social behaviour.

*Officers Response:*

Items such as these would normally be covered by conditions, which would be reflective of the original permission for this site.

### 12. ITEMS FOR CONSULTATION

#### ITEM 12A

**N/2012/1250 and N/2012/1261**

**Outline application for demolition of existing buildings and structures on site and**

**the construction of retail floor space (use class A1), non-food (bulky goods) retail floor space (use class A1) and new petrol station (sui generis) together with all associated areas of hardstanding, car parking, engineering and landscape works (access not reserved) and Demolition of existing structures on site and construction of non-food retail floor space (use class A1), restaurants and café (use class A3), a new cinema complex (use class D2), replacement library (use class D1) and associated infrastructure, engineering and landscape works at Land to west of Eastern Way, Daventry and Land to north of High Street, Daventry**

Amendment to Paragraph 7.11 of the Committee report, which should read:

In order to maintain this situation, it is recommended that Daventry District Council be requested to ensure that controls are secured to ensure that this element of the development is used primarily as a convenience store, which would accord with the details submitted as part of the planning application. It is considered that this is reasonable on the grounds that if approved without such an obligation, the use of the building could be reused for unrestricted retail sales and potential result in a larger impact.



**PLANNING COMMITTEE:** 12<sup>th</sup> February 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2012/0904**                      **Two storey side extension, single storey front and rear extensions and front canopy (As amended by revised plan received on 31<sup>st</sup> January 2013) at 1 Whittlebury Close, Northampton**

**WARD:**                              **Sunnyside**

**APPLICANT:**                      **Direct Property Services**  
**AGENT:**                              **Design Board Architectural Services**

**REFERRED BY:**                      **Cllr. Mary Markham**  
**REASON:**                              **Development would have a detrimental impact on road safety, overbearing, residential amenity, character of the area and overdevelopment / is out of scale.**

**DEPARTURE:**                      **No**

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

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

The siting, design and appearance of the proposed extensions and alterations are acceptable and will not be detrimental to visual or residential amenity or highway safety in accordance with Policies H18 or E20 of the Northampton Local Plan.

### **2. THE PROPOSAL**

2.1 Erection of two storey side extension 6m wide and 7.5m deep with a hip roof. Single storey side extension 5.5 metres wide and 7.5 metres deep with a flat roof. Single storey rear extension 5m wide and 1.5 metres deep with a pitched roof. Front porch-like structure that would like the hall to the lounge. An existing conservatory located on the northern side and double garage on the southern side would be demolished. This scheme has been amended by the removal of the first floor element to the extension on the northern side.



- 2.2 The house currently has an open-plan lounge / dining room, conservatory, kitchen and garage at ground floor and 3 bedrooms and a family bathroom at first floor. The proposed extensions and alterations would enlarge the ground floor accommodation to provide a lounge, hall, study, kitchen and utility room, dining room and Jacuzzi room. At the first floor there would be 4 bedrooms (one with an en suite) and a family bathroom.

### **3. SITE DESCRIPTION**

- 3.1 Existing detached dwelling situated at the junction of Whittlebury Close and Hinton Road. The property has a conservatory to the northern side and a double garage accessed off Whittlebury Close. Whittlebury Close is a narrow road giving access to 10 detached dwellings. The area is residential in character.

### **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.

#### **5.3 Northampton Borough Local Plan**

E20 – New Development

H18 – House Extensions

#### **5.4 Supplementary Guidance**

Residential Extensions and Alterations Design Guide SPD

### **6. CONSULTATIONS/ REPRESENTATIONS**

- 6.1 **119 Hinton Road** – objection – property may become a HIMO and create amenity, extend beyond the building line and parking problems.
- 6.2 **Michael Ellis MP** – objection after having the development brought my attention by a number of constituents’ objections – property would be too large, extend beyond the building line of Hinton Road and result in parking problems.
- 6.3 **6 Whittlebury Close** - objection – will breach building line, out of keeping with the area, and property could become a HIMO. Initially commented that the main concern is parking (including the loss of the existing

garage) and restricted street parking, following revisions to the proposals advise that one additional bedroom would be unlikely to cause a significant difference and therefore have no objection in this regard.

- 6.4 **4 Whittlebury Close** – objection – size and shape are disproportionate / out of character, will result in parking problems / limited road width, will be out of character, outside the existing building line, could become a HIMO.
- 6.5 **125 Hinton Road** – objection – extensions are over dominant and out of keeping, similar development has been refused in the vicinity, is situated beyond the building line, does not provide adequate parking provision, the roads are narrow, and increase the number of HIMO's in the vicinity.
- 6.6 **123 Hinton Road** – objection – extensions are over dominant and out of keeping, similar development has been refused in the vicinity, is situated beyond the building line, does not provide adequate parking provision, the roads are narrow, and increase the number of HIMO's in the vicinity.
- 6.7 **2 Whittlebury Close** - objection – does not provide additional parking, the roads are narrow, will set precedent for extensions situated beyond the building line, would be over dominant and may become a HIMO.
- 6.8 **9 Whittlebury Close** – no objection – it would be a very nice / attractive in keeping with its surroundings. It would enhance the Close, create a nice family house and has plenty of off road parking.
- 6.9 **132 Hinton Road** – objection – will be overbearing and out of character with the area, beyond the building line, will result in overlooking, exacerbate parking problems, could become a HIMO with the associated noise and disturbance issues.
- 6.10 **3 Whittlebury Close** - objection – will reduce light and privacy, extend beyond the building line, would be over dominant, lack of adequate parking, the roads are narrow, and could become a HIMO.
- 6.11 **Petition of objection** signed by 19 occupants of 2, 3, 4, 5 & 6 Whittlebury Close, 119, 121, 123, 125, 127, 132 & 134 Hinton Road and 197 Boughton Green Road, on the grounds: it would be beyond the building line of Hinton Road, overlooking, out of proportion with surroundings, closes the open design of the area, impact on access / parking issues and grave concern re potential use as a house in multiple occupation.

## 7. APPRAISAL

### *Design and appearance*

- 7.1 The scheme as originally showed a two storey extension to be erected on the northern side of the existing dwelling close to the boundary with Hinton Road. This was considered by officers to be an over-development of the site and of poor design which would result in an intrusive feature detrimental to the street scene.

- 7.2 Following negotiation a revised scheme was submitted with the first floor element of this extension removed. The scheme as revised is considered to be acceptable as the two storey extension situated on the southern side has been designed to appear sub-ordinate to the existing dwelling with a hip roof to match. Furthermore, as there is a separation distance of 2 metres to the adjacent dwelling at No. 3 Whittlebury Close, there would not be any significant impact on the amenity of that property.
- 7.3 The single storey extension situated on the northern side replaces an existing conservatory and whilst the proposed extension has a larger footprint, it will have a flat roof which will not be highly visible behind the boundary wall. Comments have been received regarding the protrusion of this extension beyond the building line of Hinton Road. This extension is not set forward of the principle front elevation of this property in Whittlebury Close and the side elevations of both the existing dwelling and conservatory are already situated in front of the dwellings in Hinton Road. Therefore, as it will only be 2 metres nearer to the boundary than the existing conservatory and given its single storey scale, it is not considered that it would have a detrimental effect on the street scene or harm the character of the area.

#### ***Future use of the property***

- 7.4 A significant number of representations have been received relating to the possible future use of the property. It is appreciated that residents have had concerns regarding the use of a number of properties as HIMO's in the locality. Nonetheless this application is submitted as a householder application for an extension to a house and must be considered and determined as such. If it was planned to use the property as a HIMO in the future, then a further planning permission would be required and this would be considered at that stage.
- 7.5 Including the proposed extensions, the property would have 4 bedrooms which would all be of reasonable proportions comparable to those of other four-bedroom houses that can be found elsewhere in the Borough. This is considered to be normal and acceptable for a detached dwelling on a relatively large plot in a residential area.

#### ***Parking and highway safety***

- 7.6 The local residents also have concerns regarding parking provision and the associated highway safety issues. Whilst it is acknowledged that Whittlebury Close is a relatively narrow road which makes street parking difficult, even with the loss of the garage, there is still enough room for the parking of at least 4 vehicles on the driveway. This is considered sufficient for a dwelling with 4 bedrooms and complies with the relevant parking guidance. There is adequate visibility for vehicles egressing from the site to ensure that highway safety is not compromised.

#### ***Conclusion***

- 7.7 The proposed extensions and alterations are considered acceptable as the design and appearance of the resulting dwelling will not be detrimental to either residential or visual amenity. There is sufficient on-

site parking for a dwelling of this size and if the property is to become a HIMO in the future, a further permission will be required on which the local residents will be consulted.

## **9. CONDITIONS**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A117-3 (January 2013); A117-1 (August 2012).  
Reason: For the avoidance of doubt.
- 3) The external wall and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing dwelling.  
Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing dwelling in accordance with Policy EH18 of the Northampton Local Plan.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the southern side elevation of the proposed development without the prior written consent of the Local Planning Authority.  
Reason: To safeguard the privacy of adjoining properties in accordance with Policy H18 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

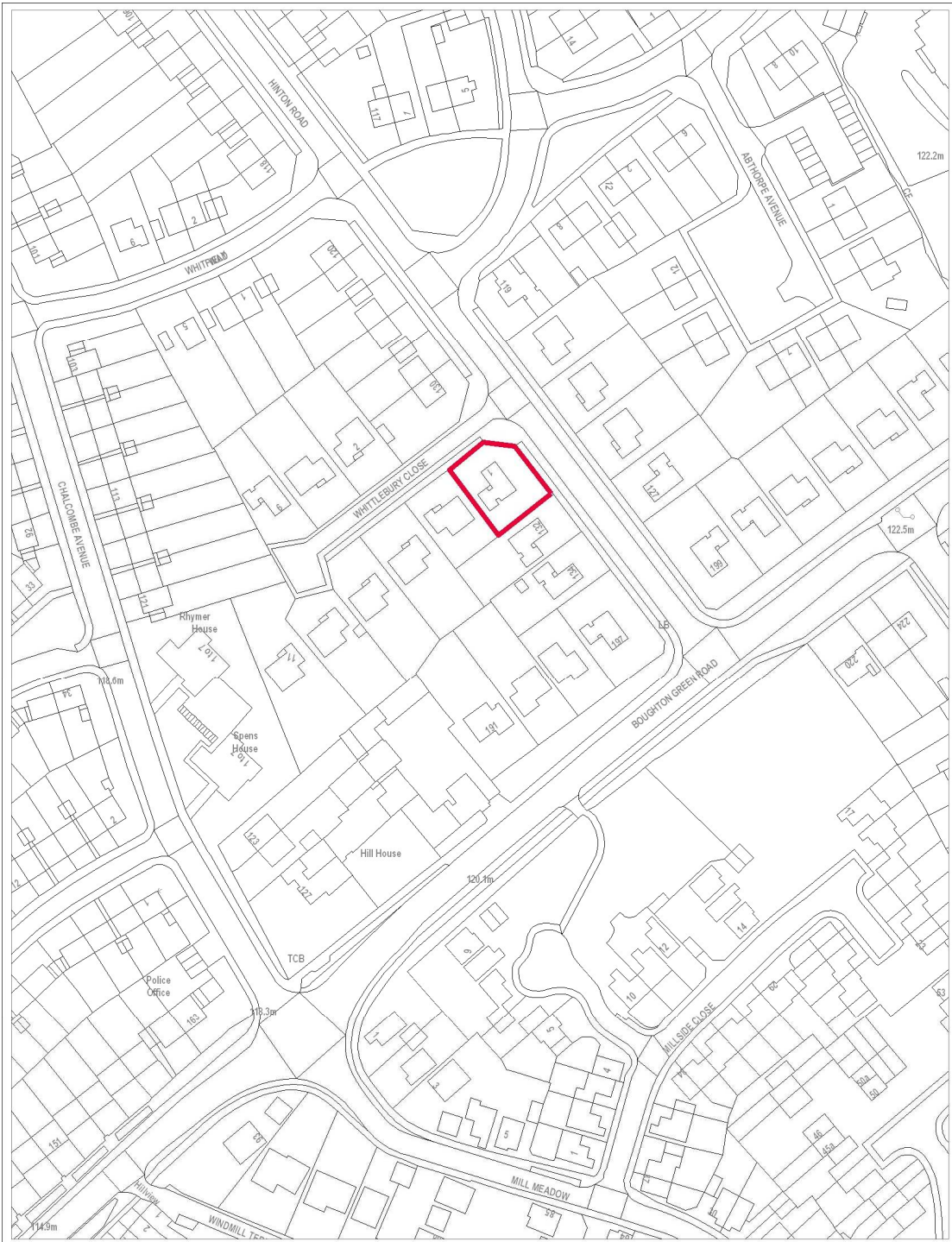
10.1 N/2012/0904


## **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.



 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Drawn: Becky Gittins          Date: 29th January 2013          Scale: NTS          Dept: Planning Registration Team          Project: Location Plan</p>	<p>Title</p> <p><b>1 Whittlebury Close</b></p> <p>Produced from the 2011 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office. © Crown Copyright          Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019855</p>
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**PLANNING COMMITTEE:** 12<sup>th</sup> February 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2012/1225**

Application for variation of Conditions 2, 4, 5, 11, 12, 16, 17, 21 and 22 of Planning Permission N/2011/1160 (for the demolition of garden centre concession buildings and erection of new supermarket; erection of new retail building and storage building to serve garden centre; reconfiguration of service area, new service vehicles road and alterations to vehicle access) to allow the provision of an alternative access for service vehicles, amendments to car park layout and to amend the hours of opening of the proposed supermarket

**N/2012/1226**

Application for variation of Conditions 2, 4, 5, 11, 12, 16, 21 and 22 of Planning Permission N/2011/1160 (for the demolition of garden centre concession buildings and erection of new supermarket; erection of new retail building and storage building to serve garden centre; reconfiguration of service area, new service vehicles road and alterations to vehicle access) to allow provision of an alternative access for service vehicles and amendments to car park layout and change to the elevation of the proposed supermarket at Northampton Garden Centre, Newport Pagnell Road, Northampton

**WARD:** Nene Valley

**APPLICANT:** Waitrose Ltd and Northampton Garden Centre

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

**REFERRED BY:** Head of Planning

**REASON:** Relates to a major development and requires a legal agreement

**DEPARTURE: No**

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**APPLICATIONS FOR DETERMINATION:**

**1. RECOMMENDATION**

1.1 **APPROVAL IN PRINCIPLE** subject to conditions and the prior resolution of the following matters and for the reason below:

- i) To resolve the queries from the Environment Agency
- ii) A legal agreement to ensure that the obligations contained within the Section 106 Agreement entered into in respect of Planning Permission N/2011/1160 is adhered to.

The proposed variations of conditions would not create a significant impact upon visual amenity, neighbour amenity and highway safety. The proposed revised conditions are therefore in accordance with the requirements of the National Planning Policy Framework, Local Plan Policies E11, E19, E20 and E40.

1.2 In the event that the legal agreement is not secured within three calendar months of the date of this Committee meeting, delegated authority be given to the Head of Planning to refuse or finally dispose of the application (at their discretion) on account of the necessary mitigation measures not have being secured in order to make the proposed development acceptable in accordance with the NPPF.

1.3 It is also requested that delegated authority be given to the Head of Planning to frame the conditions in respect of the approval in order to respond to the current application for the approval of details reserved by condition attached to the parent planning permission in order to avoid any unnecessary duplication.

**2. THE PROPOSAL**

2.1 Both of applications seek permission to vary various conditions of the 2012 approval for the proposed supermarket in the curtilage of Northampton Garden Centre, which also conferred permission upon various works to the access, car park and other ancillary structures. The key amendments to the proposal are a reconfiguration of the service road so that the junction with Newport Pagnell Road is further to the east than the original proposal, alterations to the external layout and an increase in opening times. These amendments have resulted in revised plans being submitted, which have resulted in the need for variations to a number of other conditions on account of them referencing specific (and potentially superseded) drawings.

2.2 Two applications have been submitted and there is a large degree of replication between the two. The reason for this is that in the case of a single application being submitted, members could either approve all of the amended conditions or refuse all of the proposed amendments in

their entirety. By submitting two applications, the developer potentially has the opportunity to implement the revisions to the access road and building elevations (assuming that members find these alterations acceptable) even if the revised opening hours are not approved.

- 2.3 Whilst there are two distinct planning applications for consideration, the two proposals have a number of points in common and for this reason, a single committee report has been prepared.
- 2.4 A summary of the conditions that are proposed to be varied are:
- a) Condition 2 – This covers the approved plans and needs to be varied to allow for alterations to be made to the elevation of the building.
  - b) Condition 4 – A new landscaping scheme is proposed as the one previously considered has been superseded by the reconfiguration of the service road.
  - c) Condition 5 – The arboricultural assessment has been updated due to the reconfiguration of the service road.
  - d) Condition 11 - The highway works need to be varied due to the change in location of the junction of the service road.
  - e) Condition 12 – This condition needs to be varied in order to consider the revised car park layout.
  - f) Condition 16 – A revised flood risk assessment is required due to the changes in hard surfacing at the site.
  - g) Condition 17 – This condition covers the opening hours of the store.
  - h) Conditions 21 and 22 – These conditions referred to specific drawings, which have been superseded by the previous amendments.
- 2.5 The key changes are therefore the variation to the opening hours, the alterations to the exterior of the store, the change in position of the service road and reconfiguration of the car park. The remaining variations are generally caused by a need to revise conditions as a result of updated plans or technical information being submitted.

### **3. SITE DESCRIPTION**

- 3.1 The application site principally consists of a large garden centre building that currently trades as Northampton Garden Centre, although it was formerly a branch of Wyevale. The Garden Centre building is located towards the south western section of the site. The remainder of the site is made up of the garden centre car park (with a variety of surfaces) and concession buildings. Newport Pagnell Road is situated adjacent to the northern boundary, with a school located beyond that. Residential areas lie beyond the eastern boundary. Various leisure and office uses are located to the west of the site. London Road runs to the south of the site, with residential accommodation beyond.



- 3.2 The site is accessed via Newport Pagnell Road, from which all vehicles (customer and service) enter the site. Entrances from this road also serve as the pedestrian entrances to the development. There are no pedestrian linkages between the application site and the residential developments to the east or the other business / leisure uses to the west.

#### **4. PLANNING HISTORY**

- 4.1 N/2011/0387 – New entrance foyer extension to side, front extension to close existing entrance, erection of bedding canopy/walkway to side/rear, demolition and replacement of rear canopy, erection of cold store, replacement aquatics building and restaurant extension – Approved.  
N/2011/1160 – Demolition of garden centre concession buildings and erection of new supermarket; erection of new retail building and storage building to serve garden centre; re-configuration of service area and new service vehicle road and alterations to access from Newport Pagnell Road. Additional works to parking, landscaping and lighting – Approved  
N/2012/1037 – Erection of garden centre storage building – Approved
- 4.2 Various other applications have been submitted in relation to the established use at the site since 1973.

#### **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 and specifically the following paragraphs:

- Paragraph 17 sets out the core principles of planning including the promotion of sustainable developments; seeking to achieve high quality buildings, a good standard of amenity and that planning be a plan led system that provides a practical framework for the determination of planning applications.

##### **5.3 Northampton Borough Local Plan:**

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

##### **5.4 Supplementary Planning Guidance:**

Parking  
Planning out Crime

## **6. CONSULTATIONS / REPRESENTATIONS**

- 6.1 **Environmental Health (NBC)** – No objections to the proposed alterations as these have been included in previous noise assessments.
- 6.2 **Highways Authority** – No objections.
- 6.3 **Northamptonshire Police Crime Prevention Design Advisor** – No objections.
- 6.4 **Arboricultural Officer** – No objections, but the previous tree protection measures should be restated in any future consents.
- 6.5 **Environment Agency** – Require additional information to be submitted in order to make a full assessment of the drainage strategy to be undertaken.

## **7. APPRAISAL**

### ***Principle of the development***

- 7.1 By reason of planning permission having previously been granted in 2012, it is not necessary to revisit the principle of erection of supermarket in an out of centre location as the proposed revisions would not increase the level of floor space in the development and as such, the proposed revisions are unlikely to create any greater impact than that previously deemed acceptable. For this reason, an assessment of the development against the retail policies contained in the NPPF, the Joint Core Strategy and the Central Area Action Plan is not required.

### ***Revisions to opening hours***

- 7.2 Condition 17 of the original permission allowed for the supermarket to be open between the hours of 8:30am-9:00pm on Mondays-Fridays; 8:30am-8pm on Saturdays; and 10am-4pm on Sundays and Bank/Public Holidays. It is proposed that these hours be revised to 7:00am-11pm on Mondays-Saturdays and 10am-6pm on Sundays. Within the application, it is explained that this revision is proposed in order to provide the applicant with greater flexibility to respond to changes in customer demand.
- 7.3 On account of the commercial character of the existing site, which does not have any restrictions over the hours of use, it is considered that the additional opening hours sought by this application are unlikely to pose a significant detrimental impact upon neighbour amenity. In addition, an assessment of likely noise levels has been submitted, which demonstrates that no excessive noise would be created. For this

reason, it is considered that this element of the proposal is in accordance with the requirements of the National Planning Policy Framework.

- 7.4 The proposed revision of opening hours does not impact upon the condition of the original permission, which covered delivery times and for this reason, the impacts upon neighbour amenity would be neutral.

***Amendment to service road and car park layout***

- 7.5 The proposed revision would see the service road that runs from Newport Pagnell Road to the rear of the site lengthened so that the road meets further to the east than the original proposal. This has resulted in a reconfiguration of the development's car park, which has also allowed for an increase in car parking spaces from 429 to 468 (which would also serve the existing garden centre).
- 7.6 It is considered that the proposed revision to the service road would have a neutral impact upon highway safety due to there being adequate visibility at the proposed junction to avoid the proposed new junction leading to a detrimental impact upon highway safety. The proposed revision would allow for sufficient landscaping to be located between the access road and Newport Pagnell Road to prevent any undue detrimental impact upon visual amenity.
- 7.7 The increase in car parking spaces is unlikely to pose an impact upon highway safety as the access from Newport Pagnell Road is unchanged and in the context of the approved scheme, the degree of increase is not significant. The proposed revision was also reduce the risk of vehicles having to queue within the site at busy periods, which is likely to be conducive to allowing ease of movement for vehicles and pedestrians. As the new car parking spaces would be suitably screened through landscaping, it is considered that the proposed development would not impinge upon visual amenity.
- 7.8 The additional car parking spaces are located to the west of the application site and are therefore some distance away from the nearest residential properties. As a result of this, it is considered that the proposed development would have a neutral impact upon residential amenity as a result of vehicles manoeuvring.
- 7.9 Observations have been received from the Environment Agency, which have requested more detail in respect of the submitted Flood Risk Assessment (which broadly relate to calculations to support the conclusions reached). As these observations are, in essence, requesting additional supporting information as opposed to an objection in principle, it is recommended that if members find the proposed revisions acceptable, that delegated authority be given to the Head of Planning to determine the application, pending the satisfactory resolution of the Environment Agency concerns.

### ***External alterations***

- 7.10 The external alterations comprise a revision to the entrance on the north west elevation, which allows for the replacement of some glazing with brick work in order and the deletion of two windows in the south west elevation.
- 7.11 By reason of the relatively small scale of these changes, it is considered that there would be no significant material alterations to the visual impact of the store and therefore this amendment is in accordance with the requirements of the NPPF and Local Plan Policy E20.
- 7.12 The proposed revisions to the exterior of the building would not affect the scale or proportions of the building and therefore these alterations would not unduly impact upon the amenities of the occupiers of surrounding properties.

### ***Alterations to other conditions***

- 7.13 As outlined previously, the variations to the remaining conditions are required due to the original wording referencing specific drawings that have now been superseded by the revisions to the layout and appearance of the proposed building. An example of this is that a revised landscaping scheme has needed to be updated on account of the revised position of the surface road. For this reason, it is considered that the proposed revisions to the remaining conditions are acceptable.

### ***Conditions***

- 7.14 It is requested that delegated authority be given to the Head of Planning in the event that members find the proposed revisions acceptable. The reason for this is that the Council currently has an application to agree details (such as building materials and CCTV coverage) reserved by condition in respect of the previous approval. Applications of this nature are dealt with under delegated powers. At this point, these details have not been agreed; however, in the event of these details being agreed prior to the decision in relation to this application being issued, delegated authority to frame the relevant conditions would allow for the phrasing of such condition to take into account these details and potentially reduce duplication.

### ***Planning obligations***

- 7.15 The 2012 approval of planning permission was subject to a Section 106 legal agreement that secured payments towards the provision of bus route improvements within the vicinity of the site and for the maintenance of bus shelters. It is considered that the necessity of these obligations remains and therefore it is recommended that if members consider the proposed revisions acceptable, that the application be approved in principle subject to the prior completion of a

legal agreement that would secure the obligations of the previous Section 106 agreement.

## **8. CONCLUSION**

- 8.1 It is considered that the proposed revisions to opening hours, external alterations, repositioning of the service road and the reconfiguration of the car park are acceptable and unlikely to create a detrimental impact on highway safety, visual amenity and neighbour amenity. Furthermore, the other variations to conditions have resulted from a need to update their wording to take account of variations in approved drawings and as such are not of such a significant scale to cause a deviation from the original assessment from 2012. For these reasons, it is considered that both of the applications are acceptable and in accordance with the requirements of national and local planning policies.

## **9. BACKGROUND PAPERS**

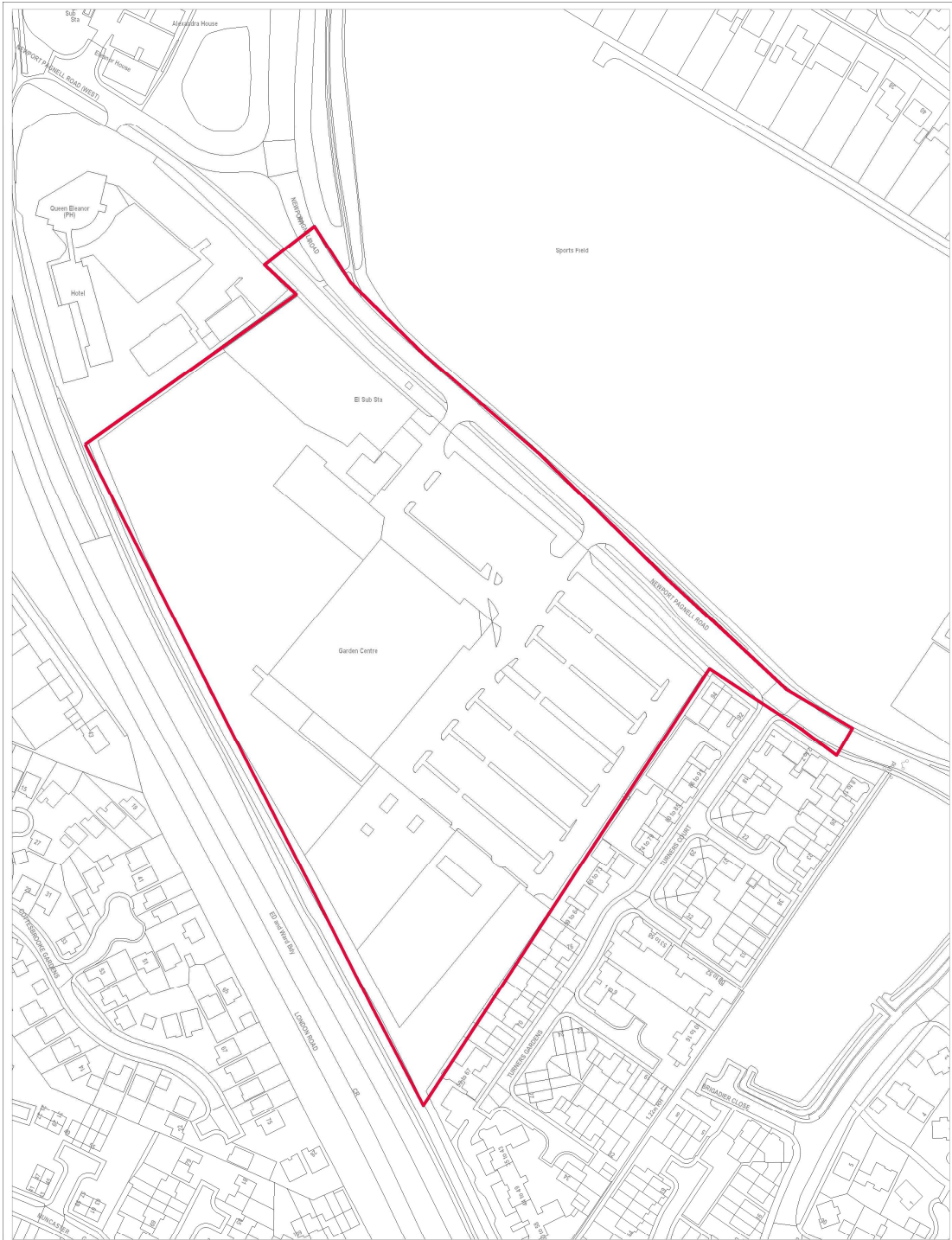
- 9.1 N/2011/1160, N/2012/1225 and N/2012/1226

## **10. LEGAL IMPLICATIONS**

- 10.1 None.

## **11. SUMMARY AND LINKS TO CORPORATE PLAN**

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



Name: **Becky Gittins**  
 Date: **29th January 2013**  
 Scale: **NTS**  
 Dept: **Planning Registration Team**  
 Project: **Location Plan**

Title

## Garden Centre, Newport Pagnell Road

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**PLANNING COMMITTEE:** 12<sup>th</sup> February 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2012/1250** Outline application for demolition of existing buildings and structures on site and the construction of retail floor space (use class A1), non-food (bulky goods) retail floor space (use class A1) and new petrol station (sui generis) together with all associated areas of hardstanding, car parking, engineering and landscape works (access not reserved)  
Land to west of Eastern Way, Daventry  
(DDC Reference: DA/2012/0936)

**N/2012/1261** Demolition of existing structures on site and construction of non-food retail floor space (use class A1), restaurants and café (use class A3), a new cinema complex (use class D2), replacement library (use class D1) and associated infrastructure, engineering and landscape works  
Land to north of High Street, Daventry  
(DDC Reference: DA/2012/0922)

**APPLICANT:** Mr A. Jones, Henry Boot Developments Ltd  
**AGENT:** Mr G. Sweeney, Alliance Planning

**REFERRED BY:** Head of Planning  
**REASON:** Major application

**DEPARTURE:** No

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**APPLICATION FOR CONSULTATION BY DAVENTRY DISTRICT COUNCIL:**

**1. RECOMMENDATION**

1.1 That the Council raise **NO OBJECTIONS** for the following reason:

The proposed developments by reason of their scale and location would not adversely impact upon the viability and viability of

Northampton and therefore accord with the requirements of the National Planning Policy Framework and Policies D1, D2, S2 and S8 of the West Northamptonshire Joint Core Strategy.

- 1.2 In terms of the application at the land to west of Eastern Way, Daventry, it is requested that DDC secure controls to ensure that the proposed convenience store is predominantly used for the sale of such goods (with ancillary comparison goods). This is to ensure certainty with regards to the potential impacts of the development and to accord with the details contained within the planning application.

## **2. THE PROPOSAL**

- 2.1 This report covers two separate planning applications that have been submitted to Daventry District Council and on which NBC has been consulted. The first of these applications (NBC reference: N/2012/1250) is an outline application which includes a food store with a net retail floor space of 4,837m<sup>2</sup> and a bulky goods unit with a net retail floor space of 4,198m<sup>2</sup>. The proposal also includes the provision of a petrol station.
- 2.2 The second application (NBC reference: N/2012/1261) seeks full planning permission to various retail facilities (with a net floor space of 8,104.5m<sup>2</sup>), facilities for financial and professional services (net floor space of 1,210m<sup>2</sup>), cinema (net floor space of 2,192m<sup>2</sup>), library (net floor space of 1,667m<sup>2</sup>) and other facilities (7,802m<sup>2</sup> floor space).
- 2.3 A single report has been prepared in respect of these applications no account of the similarities in content and location; consequently there are a number of issues that are consistent across both applications.

## **3. SITE DESCRIPTION**

- 3.1 The applications sites are located either within Daventry town centre or are directly adjacent to it. Both of the sites have previously been development and in the event of them being approved would require existing structures to be demolished and new accesses formed.

## **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 and specifically the following paragraphs:

- Paragraph 17 sets out the core principles of planning including the promotion of sustainable developments; seeking to achieve high quality buildings, a good standard of amenity and that planning be a plan lead system that provides a practical framework for the determination of planning applications.
- Paragraph 23 of the National Planning Policy Framework states that retailing is a main town centre use and such centres should be the primary location for retailing.
- Paragraph 24 requires that a sequential test be applied to applications for town centre uses.
- Further to this point, Paragraph 27 directs refusal of applications that have failed to comply with the requirements of the sequential test.

Previous national guidance relating to retail and economic development was contained within PPS4 – Planning for Sustainable Economic Growth, which has now been superseded by the National Planning Policy Framework. However, the accompanying PPS4 Practice Guide remains a material, for although it does not constitute formal policy, the guidance within it remains pertinent to this application. In particular, the definitions provided in terms of what constitutes ‘convenience’ and ‘comparison’ goods sales is still referred to in the context of this report

## 5.4 **West Northamptonshire Joint Core Strategy**

S1 – Distribution of development

S2 – Hierarchy of Centres

S8 – Distribution of jobs

D1 – Regeneration of Daventry Town Centre

D2 – Daventry Town Centre

The West Northamptonshire Joint Core Strategy (JCS) has been submitted to the Planning Inspectorate in order for the soundness to be tested.

## 5.5 **Local Policies**

The two application sites were first identified for future development in Daventry’s 2004 ‘Town Centre Vision’, which identified that the retail offer within the town was poor when compared to the level of demand. In particular, this document identified the site to the west of Eastern Way as being suitable for a bulky goods store. This Vision was built upon through the 2006 Daventry Town Centre Interim Master Plan, which reiterated the need to construct a bulky goods store adjacent to Eastern Way, which was to be supplemented by a convenience goods store as well as identifying the need to increase comparison goods retailing within the town centre.

## 6. CONSULTATIONS / REPRESENTATIONS

6.1 None

## 7. APPRAISAL

7.1 As NBC has been consulted upon these developments within Daventry, the primary considerations for this Council relate to retail hierarchy and impact on Northampton. Therefore, matters pertaining to other material considerations (such as design or access) are not given consideration as these are solely the concern of Daventry.

### *Policy position*

7.2 Policy S2 of the West Northamptonshire Joint Core Strategy (JCS) identifies a hierarchy of centres. Of particular note is that Northampton is identified as being a Regional Town Centre, with Daventry being identified as the next centre within the hierarchy (a Sub-Regional Town Centre). To support this proposed designation and to improve Daventry's leisure, retail and employment offer, Policy D1 of the JCS identifies that this vision can be achieved (in conjunction with other measures) through the creation of new employment opportunities in the town centre in addition to the provision of additional leisure and retail facilities in the town centre. Part of the preamble to Policy D1 states that new services and facilities (such as health care, education and shopping) would be focused upon Daventry town centre.

7.3 Policy D2 of the JCS, which specifically relates to Daventry Town Centre, identifies that major retail, office and leisure developments will take place within and adjoining the town centre and provision will be made for increases in shopping provision off a minimum of 7,600m<sup>2</sup> of net comparison goods floor space and 2,000m<sup>2</sup> of net convenience goods floor space provided within the central area between 2010 and 2026.

7.4 The JCS (within the preamble to Policy S9) identifies that there is a greater demand for retailing facilities within Daventry, which has been created by the experienced and projected increases in population. Furthermore, the town has a lack of retail units that are configured to meet modern needs. This has resulted in trade being lost to Rugby and Banbury and an under representation of national retailers in comparison with equivalent towns. Therefore, it would appear that there is a quantitative and qualitative need to improve the retail offer within Daventry.

### *Site at land to the north of Daventry High Street*

7.5 It is considered that the provision of new library would not detrimentally impact upon the viability and viability of Northampton on account of there being comparable facilities within the town. As such this element of the proposal represents an improvement of existing Daventry

facilities and is unlikely to form an attraction in its own right to the detriment of Northampton.

- 7.6 In terms of the proposed retail development, it is considered that the proposal meets the requirements of the JCS Policy D2 in terms of providing a level of retailing facilities that exceeds the minimum requirements for new retail development identified for Daventry to meet the needs of its growing population and for the town to achieve its position within the hierarchy of centres. Furthermore, the proposed development seeks permission for units of a variety of sizes, which are likely to meet the needs of a number of differing retailers. As such, it is considered that the proposed development is likely to respond to the planned growth of Daventry town centre and respond to the identified and planned needs of the town.
- 7.7 The proposed cinema and restaurants/café would improve the quality and quantity of the leisure offer within Daventry town centre. This approach is consistent with the objectives of JCS Policies D1 and D2 in terms of representing the sequentially more preferable locations for this type of development. The provision of such facilities within the town centre would also generate employment opportunities in accordance with JCS Policy S8.
- 7.8 As a result of these points, it is considered that the development proposed within this application is consistent with the planning policies contained within the JCS. Furthermore, the range and scale of the development proposed is consistent with the role that Daventry plays within the hierarchy of centres within the West Northamptonshire area.

***Land to west of Eastern Way, Daventry***

- 7.9 The application site is directly adjacent to Daventry town centre and is therefore, in policy terms, classed as being 'edge of centre'. Consequentially it is likely that the proposed development would operate in conjunction with the current retail offer within the town centre and it is considered that JCS Policies D1 and D2 are applicable to this application.
- 7.10 Therefore in light of the quantum of development proposed, it is considered that the development does not differ significantly from that planned for in the formulation of JCS Policies D1 and D2 and that the catchment area for a convenience store is unlikely to be large enough to encompass Northampton. Furthermore, there is no apparent significant deficit in the provision of convenience retailing towards the west of Northampton due to the presence of accessible stores within Sixfields, St James and Kingsthorpe, in addition to the superstore approved at the former sorting office on Barrack Road. Therefore for this reason, it is considered unlikely that significant amounts of trade would be directed to the proposed development at the expense of the viability and vitality of Northampton.

- 7.11 In order to maintain this situation, it is recommended that Daventry District Council be requested to ensure that controls are secured to ensure that this element of the development is used primarily as a convenience store, which would accord with the details submitted as part of the planning application. It is considered that this is reasonable on the grounds that if approved without such an obligation, the use of the building
- 7.12 It is considered that a 'bulky' goods store would be, by reason of its scale (with a retail of floor space of 4,198m<sup>2</sup>) be unlikely to impact upon the viability and vitality of Northampton due to the presence of comparable facilities within Northampton, notably at Sixfields, St James and Nene Valley Retail Parks on Towcester Road and Riverside Park. Furthermore, this element of the development, which would provide a comparison goods store that would meet modern retailing formats, which is identified as being an existing deficiency within Daventry as identified within the preamble to Policy S9 of the JCS.
- 7.13 By reason of the likely small catchment area of the proposed petrol station and the fact that it would most likely be used in conjunction with the proposed convenience and bulky goods stores and as such would not impact upon the viability and vitality of Northampton.

## **8. CONCLUSION**

- 8.1 The proposed developments are either located within a town centre location or edge of centre location and as a result of this the spatial arrangement of the proposed development is appropriate responds to the requirements of national and local planning policies. The quantum of development proposed is in accordance with the requirements of the JCS and as such responds to identified need within Daventry as opposed to competing with the retail/leisure offer within Northampton. As a result of this, the developments are unlikely to adversely impact upon the viability and viability of Northampton, nor prejudice the implementation of the Northampton specific policies within the JCS or the Central Area Action Plan.

## **9. BACKGROUND PAPERS**

- 9.1 None

## **10. LEGAL IMPLICATIONS**

- 10.1 None.

## **11. SUMMARY AND LINKS TO CORPORATE PLAN**

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

