



PLANNING COMMITTEE: 7th May 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/0131 **Redevelopment of site to provide a convenience store (Use Class A1), including ancillary parking and service area at Ashtree Service Station, 237-245 Main Road, Duston, Northampton**

WARD: **New Duston**

APPLICANT: **Mr G. Hartgrove**
AGENT: **Mr N. Teal; HTC Architects**

REFERRED BY: **Cllr. J. Caswell and Cllr. M. Golby**
REASON: **Due to the potential impacts upon highways, parking, local businesses and the potential for alternative developments.**

DEPARTURE: **No**

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions and for the following reason:

The proposed development is of an appropriate scale and compatible with the function of the surrounding allocated Local Centre. The proposed development would not detrimentally impact upon visual and neighbour amenity and would have a neutral impact upon the highways system. Therefore, the proposal is compliant with the requirements of the National Planning Policy Framework; Local Plan Policies E11, E20 and E40; and the Parking SPG and Planning Out Crime SPG.

2. THE PROPOSAL

2.1 This is a full application to redevelop this garage site in order to erect a convenience store with a total floor space of 410.1m², which includes a sales area of 279.7m². The development proposes the creation of 12 car parking spaces, including two for use by customers with disabilities. The proposed layout also seeks the consolidation of the existing

vehicular entrance and exit into one single junction adjacent to the southern boundary of the site. The front elevation of the building would also feature an ATM machine.

3. SITE DESCRIPTION

- 3.1 The application site is located within an allocated local centre as defined by the Northampton Local Plan. The surrounding land uses include a variety of commercial functions, including two convenience stores, takeaways and hairdressers. The wider area predominately features residential accommodation of a variety of ages, scales and styles. The site is located on Main Road, which serves as the main route through the Duston area. The site is notable for having three ash trees adjacent to the front boundary, which are protected by a Tree Preservation Order (TPO). The TPO was made following the submission of the planning application.

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 the saved policies of the Northamptonshire County Structure Plan and the Northampton Local Plan 1997.

- 5.2 **National Planning Policy Framework (NPPF)** and specifically Paragraph 17, which requires that developments be of a high standard of design. Paragraph 23 directs retail development to designated centres, which is expanded upon within Paragraph 24, where it is stated that a sequential approach should be taken to the provision of retail developments. Paragraph 58 requires that development support local facilities and transport networks and provide sites that ensure community safety.

- 5.3 **Joint Core Strategy (JCS)**, which has been submitted to the Planning Inspectorate for examination and comprises the Pre-submission JCS (Feb 2011) and Proposed Changes (July 2012).
S2 – Hierarchy of Centres
S9 – Sequential approach to retail development

5.4 Northampton Local Plan

E11 – Trees and hedgerows
E20 – New development
E40 – Crime and anti-social behaviour
Appendix 15 – Schedule of Recognised Shopping Centres

5.5 **Supplementary Planning Documents:**

Parking
Planning Out Crime

6. **CONSULTATIONS / REPRESENTATIONS**

6.1 **Arboricultural Officer (NBC)** – The three ash trees on site are of significant amenity value, are of good health and have been given protection.

6.2 **Environmental Health (NBC)** – Request conditions regarding contamination, noise, deliveries and opening times.

6.3 **Urban Designer (NBC)** – The site provides an opportunity to create a more cohesive local centre; however, the proposed layout favours car-based visits. There would be a lack of activity on the elevation facing Main Road and concerns are raised regarding the loss of trees from the site.

6.4 **Northamptonshire Crime Prevention Design Advisor** – No objections, but would recommend that car park areas be lit, that the site be covered by CCTV, that the ATM be protected by bollards and that a lockable gate be installed to the side of the store. It is also recommended that the building be alarmed and security shutters be installed.

6.5 **Cllr. J. Caswell** – Requesting that the application be determined by the Planning Committee due the proposal having an adverse impact upon existing shops, the proposal impacting upon the lives of locals, that the proposal would increase traffic levels and the site could be better used for alternative developments.

6.6 **Cllr. M. Golby** – Requesting that the application be decided by the Planning Committee due to the impacts on traffic and parking.

6.7 **Duston Parish Council** – Strongly objects as the proposal would adversely affect the viability and vitality of the existing businesses. Attention is drawn to recent appeal decisions in respect of this matter. Concerns are raised regarding parking provision, which is an issue due to the existing business (such as takeaways), the proposed opening hours of the store and the level of traffic that uses Main Road. The site could become an area for anti-social behaviour, which would create additional noise. There are significant concerns regarding the loss of mature trees. Alternative uses for the site may be more acceptable.

6.8 Letters from the occupiers of **3 Bretton Close; 229-231, 256, 258 and 328 Main Road, 5 Wrenbury Road** and **Duston Eldean Primary School** objecting to the development. Comments can be summarised as:

- The proposal would increase traffic levels to the detriment of highway safety.
- Deliveries taking place at school drop off/pick up times would add to congestion and potentially affect the safety of school pupils.
- Vehicles leaving the site during the hours of darkness would create additional disturbance when vehicles leaves the site, which is an increase on the existing situation, where the garage closes at 6pm.
- The proposed development would unduly impact upon the viability of existing businesses, which have served the local population for a number of years.
- Local businesses are experiencing difficulties due to increased competition, the cost of business rates and changes to customer purchasing patterns. This would be exacerbated by a larger store being constructed close by.
- The removal of trees from the front boundary would adversely affect amenity and lose some of the identity of the locality
- The trees are not within the ownership of the applicant.
- There are concerns regarding the potential impacts of the development from soil contamination, noise, dirt and disruption
- The proposal would create noise from deliveries and plant and equipment operating.
- Lights will cause disturbance
- Youths could congregate outside the store causing disturbance.
- There is little information as to what would be sold within the store

- 6.9 **167 standard letters** (i.e. letters of the same content) have been received objecting to the development due to the impact upon existing businesses, the increased traffic congestion, parking problems and noise.
- 6.10 A petition, signed by **761 individuals**, has been submitted, objecting to the development due to the generation of noise and increased parking problems.
- 6.11 A petition, signed by **23 individuals**, has been submitted which calls for the retention of the ash trees to the front of the site.
- 6.12 A letter of support from the occupier of **19 Weggs Farm Road** as the proposal would enhance the area, not impact upon the town centre and provide an enhanced retail offer to the western side of the town. The site is well served by public transport, meaning that it will be accessible. The proposal is unlikely to attract significant additional traffic. Landscaping should be conditioned to secure further improvements.
- 6.13 At the time of preparing this report, the consultation period for the most recent set of revised plans had yet to conclude. Therefore any further

consultation responses will be brought to the attention of the Committee by means of the Addendum report, which will be circulated at the Committee meeting.

7. APPRAISAL

Principle of the development

- 7.1 As detailed within Section 5 of this report local (in the JCS) and national (in the NPPF) policy promotes a sequential approach to site selection for retail uses. The application site is located within an allocated centre as set out within the Northampton Local Plan Appendix 15). The retail floor space is 279.7m² (which could be controlled by condition). This level is considerably below the locally set threshold of 1,000m² (within the JCS) and the threshold of 2,500m² (within the NPPF) that would trigger the requirement for an impact assessment to be submitted.
- 7.2 The relatively limited floor space of 279.7m² is likely to result in a relatively smaller range of products being sold within the store compared to other larger supermarkets. For this reason, it is likely that the proposed store, would for the greater part, be used for purchasing 'top up' items as opposed to being a retail destination in its own rights. For this reason, the proposal would only serve the market within the site's immediate vicinity and would not direct trade away from higher order centres in the allocated hierarchy of centres identified in the Northampton Local Plan and the submitted JCS. For these reasons the scale of the development is appropriate for its local centre context.
- 7.3 A number of representations have been received commenting upon the potential impact of the proposed development on the viability of existing businesses within the local centre. However, the impacts on the viability of specific existing businesses are not a material planning consideration and therefore cannot be taken into account in the determination of this application. Representations have also been made to the Council, which cite two appeal decisions (outside of the Borough), where retail developments have been refused due to the impact upon existing centres. However, the critical difference between the two cited examples and this proposal is that the application currently under consideration is situated within an allocated centre and therefore this specific application is in accordance with the provisions of the Development Plan. Moreover all planning applications must be assessed and determined on their individual merits.

Design and appearance

- 7.4 The proposed building is of a relatively low level height (approximately 7.5m to the ridge and 4m at the eaves) and features a pitched roof, which serves to reduce the massing of the building. The building would be set back from the edge of the pavement by a distance of approximately 16.5m. Therefore, it is considered that the building would not have a detrimental impact upon the quality of the streetscene

particularly bearing in mind the scale and appearance of the existing garage building.

- 7.5 The palette of proposed building materials is consistent with the prevailing vernacular, which ensures that the development harmonises with its surroundings. Furthermore, the use of glazing, brick pillars and rendered sections have the effect of breaking up the elevations of the building, which lends interest and provides an active frontage on to Main Road. Given these factors, the proposed building would not be detrimental to the quality of a streetscene and provides an appropriate response to the prevailing character. The additional landscaping created at the front of the site would also serve to soften the appearance of the proposed development.
- 7.6 The Council's Urban Designer has commented upon the possibility of further alterations to the design and layout of the building. These points have been taken in to account when negotiating the revised scheme. It is considered that the proposed development is acceptable particularly given what it would replace.
- 7.7 For these reasons, this aspect of the proposal is in accordance with the requirements of the National Planning Policy Framework and Local Plan Policy E20. In order to ensure this, conditions are proposed that would require the submission of details to the Council to enable the specific building materials to be approved.

Impact on neighbouring properties

- 7.8 The nearest properties to the development site are immediately to the north at 1, 1a and 1b Woodley Chase, which comprise flats over commercial units, with gardens to the south. The properties would be within 13m of the side elevation of the proposed store. Due to the limited height of the proposed building, the position of its eaves and the roof shape proposed, it is considered that this would not lead to an undue loss of amenity to these specific properties. Given the separation distances to other properties in the wider from the application site, it is likely that these properties would be unaffected by the built form.
- 7.9 The store is proposed to be open between the hours of 7am and 10pm on each day. Due to the presence of other commercial facilities within the centre, which could potentially be open for comparable hours and that the existing garage facility (which contains a small shop and undertakes vehicle repairs) does not currently have any restrictions on the hours of use, it is likely that these opening hours would not create any undue detrimental impact upon the amenities of neighbouring residents.
- 7.10 In order to maintain this neutral impact, conditions controlling the opening hours of the store, delivery times and an assessment of any external plant and equipment (such as chiller units) are recommended

in order to ensure that the development is compliant with the requirements of the National Planning Policy Framework.

- 7.11 Representations have been received commenting on disturbance from vehicles leaving the site after dark. In response to this, it should be recognised that the existing garage (including petrol station) does not currently have any restrictions on its opening times and as such could operate for hours comparable to or greater than those now proposed. By reason of this fall-back position, it is considered that the impacts of this activity would not be greater than the existing lawful use.

Highways

- 7.12 The proposed development includes the provision of 12 off street car parking spaces, which is considered to be appropriate given the scale of the development. It is also considered likely that due to the proximity of the application site to surrounding residential properties, a number of customers are likely to walk to the site, particularly if only purchasing a relatively small number of items. The two proposed disabled parking spaces are located in close proximity to the store entrance, which is likely to ensure convenience for patrons.
- 7.13 The details submitted demonstrate that there is sufficient room within the site for a large lorry to turn around. This would alleviate the need for delivery vehicles to turn within or reverse out into Main Road and prevent any undue congestion arising. A condition is proposed requiring the submission of a landscaping scheme that would ensure that sufficient visibility splays are maintained at the site's entrance.
- 7.14 The merging of the site's existing vehicular entrance and exit adds clarity to the layout as pedestrians and other road users are likely to have certainty as to where vehicles would join the highway, which would be an improvement to the current layout from a highway safety perspective.
- 7.15 It is also likely that the vast majority of trips to the existing facility are likely to involve car journeys (e.g. to purchase fuel or to collect or drop off a vehicle for servicing). Given that the proposed development would attract more patrons arriving on foot or possibly allow for linked trips with the other commercial facilities in the vicinity, it is considered that the proposal would not generate excessive traffic movements or congestion.

Other considerations

- 7.16 A number of representations have been made regarding the removal of three trees that are located within the site on the grassed area adjacent to the front boundary. The scheme has been amended to ensure that the three trees (that are protected by TPO) are retained. As these trees make a significant contribution to the character of the surrounding area,

it is considered that their retention would ensure that the development complies with the requirements of Local Plan Policy E11.

7.17 The car parking areas would benefit from natural surveillance due to their proximity to the street. Visibility would also be present from the footpath that runs adjacent to the southern boundary of the site. For these reasons, it is also considered that the proposed ATM machine would be sufficiently overlooked to prevent this from becoming a target for anti-social behaviour. In the interests of securing a good standard of development (in line with the requirements of Local Plan Policy E40), a condition is recommended to secure details of the anti-ram raid bollards.

7.18 Whilst a contamination assessment has been submitted as part of the application, with reference to the advice of the Council's environmental health officers, it is considered that this should be expanded in order to provide a method statement as to how the underground petrol tanks would be decommissioned and remediated. Condition is recommended to address this point.

7.19 Representations have also been received commenting on alternative uses for the site that may be more appropriate. Whilst such schemes may have their individual merits, it is incumbent upon Local Planning Authorities to make a decision based on the scheme that has been submitted and therefore the potential for an alternative scheme for the site cannot be taken into consideration.

8. CONCLUSION

8.1 In conclusion, it is considered that the proposed development represents an appropriate development (in terms of scale and type) in an allocated local centre and would not unduly impact upon the viability and vitality of the established hierarchy of centres within the Borough. It is considered that the proposed development would have a neutral impact upon neighbour and visual amenity in addition to highway safety and as result is compliant with national and local planning policies.

9. CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 04 Rev. C; 06; 07; NN5 6PR; and SCP/12239/SK002

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. The sales area within the store hereby permitted shall not exceed 279.7 square metres.

Reason: In the interests of maintaining the viability and vitality of the hierarchy of centres in accordance with the requirements of the National Planning Policy Framework.

4. The store hereby permitted shall only be open to customers between the hours of 7:00am and 10:00pm on any single day.

Reason: In the interests of securing a satisfactory standard of development in terms of impacts upon residential amenity in accordance with the National Planning Policy Framework.

5. All deliveries to the store shall take place between the hours of 7:00am and 8:00pm only.

Reason: In the interests of securing a satisfactory standard of development in terms of impacts upon residential amenity in accordance with the National Planning Policy Framework.

6. The parking and manoeuvring space as shown on drawing 01 Rev. S shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter. The manoeuvring space shall also be kept clear throughout the life of the development.

Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

7. 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.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously

damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

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

Reason: To protect the amenities of nearby occupants from noise and vibration amenity in accordance with the advice contained in the National Planning Policy Framework

11. Notwithstanding the details submitted, a method statement for the decommissioning of the fuel storage tanks, the investigation into any contamination arising from these tanks and a strategy for any remediation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works on site.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in the National Planning Policy Framework.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in the National Planning Policy Framework.

13. Notwithstanding the details submitted, full details of CCTV, protective bollards to the ATM, external lighting and security shutters shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The development shall only be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Local Plan Policy E40.

14. Full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the building 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.

15. Notwithstanding the details submitted, an external lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details, implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interest of securing a satisfactory standard of development in terms of neighbour amenity and crime prevention in accordance with the requirements of the National Planning Policy Framework and Local Plan Policy E40.

16. All trees shown to be retained in the approved plans shall be protected for the duration of the development by stout fences to be erected and maintained on alignments to be approved in writing by the Local Planning Authority before any development works shall take place. 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 E11 of the Northampton Local Plan.

17. Notwithstanding the details submitted, prior to the commencement of development, a statement detailing the technical specification of and the construction methods of the parking area shall be submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

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 E11 of the Northampton Local Plan.

10. BACKGROUND PAPERS

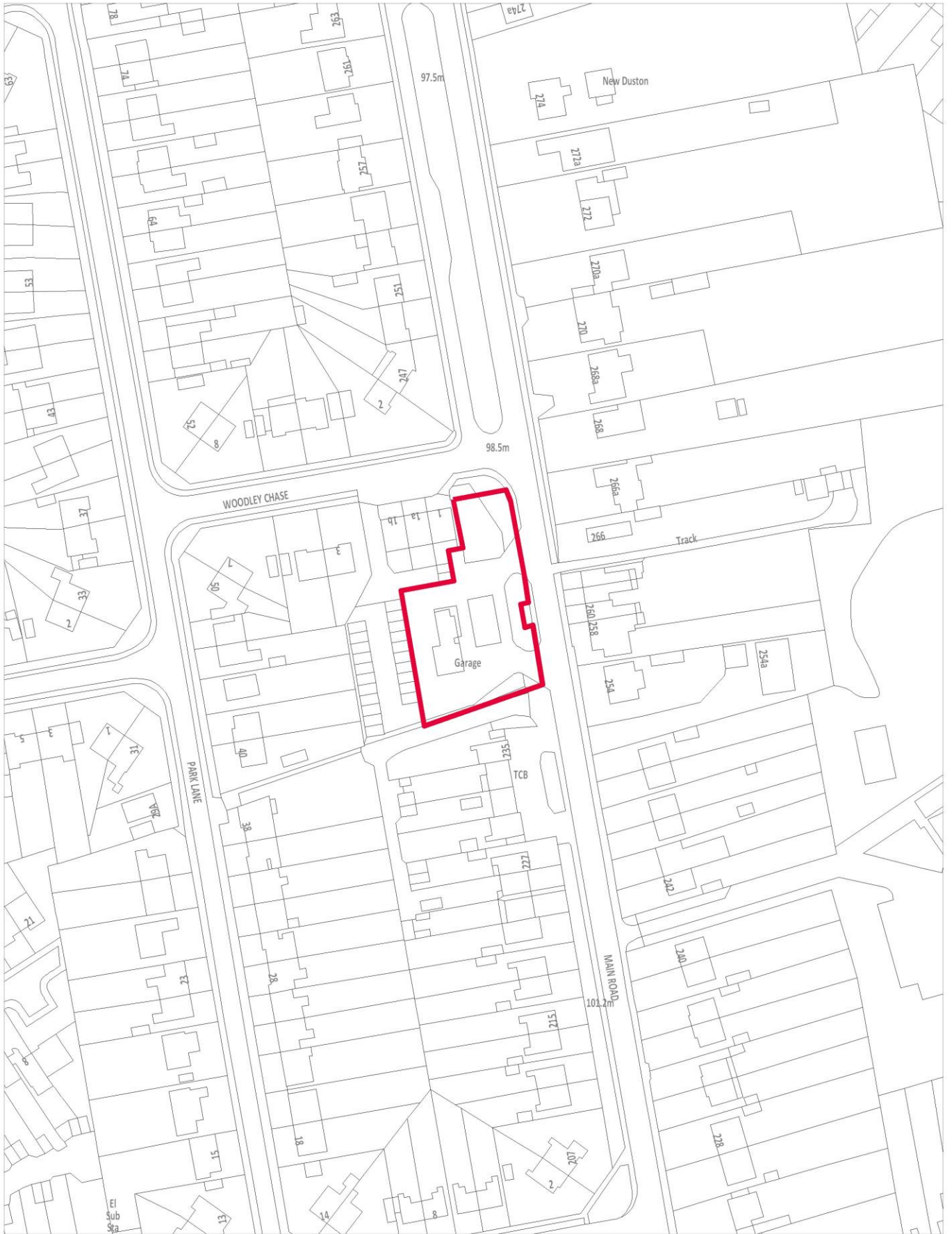
10.1 N/2013/0131

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: **Planning**
 Date: 18th April 2013
 Scale: 1:1250
 Dept: **Planning**
 Project: **Committee**

Title

237 - 245 Ashtree Service Station, Main Road

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