

PLANNING COMMITTEE: 26th July 2016
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

APPLICATION REF: N/2016/0773

LOCATION: St Peters House, Castle Street

DESCRIPTION: Erect single storey building for convenience store
WARD: Castle Ward

APPLICANT: Northampton Partnership Homes
AGENT: rg+p Ltd

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: NBC owns the land and is the Applicant

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposed retail unit is considered acceptable in principle in an established residential area and would not have an undue detrimental impact on the appearance and character of the area, amenity of neighbours or highway safety to comply with Policy 1 of the Central Area Action Plan, Policy OP1 of the Spring Boroughs Neighbourhood Plan, S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The application relates to the erection of a single storey building to provide a retail unit (Use Class A1) with a floor area of 122sqm, which is intended to provide a convenience store to serve the local area.

2.2 The retail unit is to be located on a vacant grassed area of the St Peters House residential development on the corner of Little Cross Street, opposite its current location. The site would have originally formed part of the landscaping area. The retail unit also utilises an existing refuse store that whilst intended for use by the residents, it has been a potential location for crime and anti-social behaviour.

2.3 The development has been designed in character with the main building and links with the current refuse store for the development. A new refuse store for the retail unit is located at the rear of the unit, in a secure area, to avoid unauthorised access.

- 2.4 As part of the redevelopment and regeneration of the area, the residential block that currently includes the existing retail unit Nicky's News in Little Cross Street is to be demolished and a proposal for residential accommodation is the subject of a separate application to be considered at this meeting of the Planning Committee.

3. SITE DESCRIPTION

- 3.1 The site is within a predominantly residential area of Spring Boroughs and Little Cross Street provides one of the main links between the neighbourhood and the Town Centre.
- 3.2 St Peters House is a three storey flatted development constructed in a simple style with balconies and finished in a white render. The frontage has a uniformed appearance being set the same distance back from the highway along the complete frontage.
- 3.3 The landscaped area around the flats is predominantly grassed, with some shrubs and a few mature trees in the corners of the site. Other street trees add to the overall open feel to the area.

4. PLANNING HISTORY

- 4.1 There is no relevant planning history associated with this site, although the Spring Boroughs Neighbourhood Plan sets out proposals for the regeneration of the area.

5. PLANNING POLICY

5.1 Statutory Duty

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 Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy, Central Area Action Plan and the adopted Spring Boroughs Neighbourhood Plan.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 14 supports sustainable economic development.

Paragraph 17 - advises on the need to proactively drive and support sustainable economic development; seek high quality design; encourage the effective use of land.

Paragraph 19 - places considerable weight on the need to support sustainable economic growth, operating to encourage and not act as an impediment to sustainable growth.

Paragraph 56 – good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 70 – seeks to ensure positive planning for community facilities to enhance the sustainability of communities and residential environments and ensure that social, recreational and cultural services the community needs are delivered.

5.3 **West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy S1: The distribution of development - in assessing the suitability of sites for development priority will be given to making best use of previously developed land and vacant and under-used buildings in urban or other sustainable locations contributing to the achievement of a West Northamptonshire target of 30% of additional dwellings on previously developed land or through conversions.

Policy S2: Hierarchy of Centres - The vitality and viability of centres must be maintained and enhanced commensurate with their role and function.

Policy S9: Distribution of Retail Development - proposals for new retail development which cannot be accommodated within the town centres will be subject to a sequential approach where first preference is given to well-connected edge of town centre sites, and then sites within district / local. Only if sequentially preferable sites are not suitable and available should out of centre sites be considered.

Policy S10: Sustainable Development Principles – seeks, amongst other things, to achieve high standards of sustainable design; protect, conserve and enhance the natural environment and built environment; and minimise pollution from noise, air and run off.

Policy N1: Regeneration of Northampton – supports development in the Town Centre and Central Area for office, retail, leisure and service development providing high quality urban design and public realm, and protecting heritage assets and historic character through managed change. It further supports proposals that address factors of deprivation within communities such as Spring Boroughs.

Policy N11: Supporting Areas of Community Regeneration aims to support the regeneration of Spring Boroughs by working in partnership with service providers and the community to address the key principles of delivering inclusive, sustainable communities which includes creating local opportunities for employment and business development. This policy also is the policy context for the Spring Boroughs Neighbourhood Plan.

5.4 **Northampton Central Area Action Plan 2013**

The Central Area Action Plan (CAAP) provides specific planning policy and guidance for the town centre and adjoining areas where significant regeneration and investment is proposed in the period up to 2026 and is in conformity with the objectives of the NPPF. Relevant policies include:

Policy 24 – Spring Boroughs: Spring Boroughs will be regenerated consistent with encouraging a more balanced community in terms of: age, wealth, household size and reducing the turnover of residents through appropriate provision of housing management, housing types and tenures, access to necessary social and physical infrastructure. In addition proposals should seek to enhance the setting of the Castle Mound and Grade II Listed Castle Hill United Reform Church.

5.5 **Supplementary Planning Documents**

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

5.6 **Other Material Considerations**

Spring Boroughs Neighbourhood Plan

The Spring Boroughs Neighbourhood Plan was made in April 2016, and now forms part of the development plan for Northampton.

Policy OP1 relates to Sustainable Development Principles and supports development within the Neighbourhood Plan area that provides new and affordable homes, a high quality environment for residents, visitors, community groups and businesses and infrastructure to support improved leisure, recreational and social facilities. It further adds the need to incorporate “Secured by Design” principles, as set out in the Planning Out Crime SPG referred to above.

The policy continues that development should have regard to the principles set out in the Neighbourhood Plan and be mindful of the amenity of nearby residents, the character and appearance of the local area in which it is located and the social, built, historic, cultural and natural heritage assets of Spring Boroughs.

OP5 relates to streets movement and parking and seeks to improve connectivity in Spring Boroughs and increase kerbside parking for residents and businesses.

AB Policy 2: Central Spring Boroughs relates to the development of the central housing area of Spring Boroughs as new residential development to include a high proportion of affordable housing suitable for families.

Whilst the retail unit is not specifically referred to within AB Policy 2, the retail unit replaces one to be demolished and seeks to meet the needs of the community.

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows;

- 6.1 **NCC Highways and Access** – no objections.
- 6.2 **Northamptonshire Police** – Extensive pre-application discussions took place with the applicant and some of the matters have been addressed. Concern is expressed about the privacy and disturbance of residents and fencing of the grassed area to the front of St Peter’s House was discussed. However, the design of fence indicated could encourage people to sit outside the shop which could result in noise and anti-social behaviour. A CCTV camera has also been requested. This would be off the site and would ideally serve Little Cross Street towards St Katherine’s.
- 6.3 **NCC Archaeology** – Although the site is outside the main area of archaeological interest, there is still the potential for evidence of archaeology to be discovered during the course of the works. It is therefore suggested that a condition is added to allow access during the course of works.
- 6.4 **NBC Public Protection** have raised concerns about the potential for noise and disturbance of residents connected with construction management, opening hours, deliveries and any refrigeration units. Further information is also sought relating to the bin storage area, as the proposal would reduce the amount of space currently provided and the layout of the retail unit, to ensure compliance with the Food Safety Regulations. Conditions have been imposed to address these comments.
- 6.5 **Friends of Northampton Castle** – response received in respect of the redevelopment of the adjacent site, but no comments relevant to this application.

- 6.6 At the time of writing this report the consultation period had not expired. As a result, any outstanding responses from Technical Consultees and any representations will be reported at the meeting via the addendum.

7. APPRAISAL

Principle of retail development

- 7.1 The principle of retail development in this location has been established in that there was a small retail newsagents/convenience store close to this site in Little Cross Street, which is in disrepair and is to be demolished as part of the redevelopment of the site for housing. This is the subject of a separate application (N/2016/0772).
- 7.2 Policy N1 of the West Northamptonshire Joint Core Strategy seeks to implement the regeneration of Spring Boroughs and address factors of deprivation. Policy N11 further supports the regeneration of the area and seeks to create a sustainable community which also creates local opportunities for employment and business development.

Impact on the street scene and the character and appearance of the area

- 7.3 The retail unit utilises an existing refuse store of 18.5sqm to create a single storey extension to the front of the existing residential block, on what is currently a grassed open area. The area currently includes some shrubs and hedging.
- 7.4 The main building is set back from the highway by approximately 11.5m and the depth of the retail unit is approximately 9m, although the ramp to serve the premises, extends to the edge of the footway.
- 7.5 Located on the corner of the junction of Castle Street and Little Cross Street, is a mature Cherry tree in the footway. This is shown to be retained. However, a further Purple Leafed Plum tree close to the junction, in Little Cross Street, is shown to be removed. This tree is not the subject of a Preservation Order or any other form of statutory protection. It is not considered that its removal would cause significant harm to the amenity of the area.
- 7.6 The addition of a retail unit in this location would stand forward of the residential block and would appear to be a prominent feature in the street scene, however this is not considered to be unacceptable in terms of design and impact on the scene.

Impact on the amenities of the adjoining and nearby occupiers

- 7.7 The retail unit would be located below the existing residential properties and concerns have been raised by Environmental Health Officers that the flats may be affected by noise arising from opening hours of the shop and deliveries.
- 7.8 The application seeks opening hours of 06.30-19.30hrs seven days a week (including bank holidays). Discussions have taken place with the applicant proposing that these times are reduced to 07.30-19.30hrs. In addition the Environmental Health Officer has proposed that delivery times shall be restricted to between 08.00 and 20.00hrs every day.
- 7.9 A condition is proposed which would require details of appropriate sound mitigation. As referred to above conditions are proposed which would limit the opening hours and delivery times of the shop premises. The applicant has agreed to such a condition.

Parking and Highway Issues

- 7.10 The parking area outside the St Peters House is currently permit holder only parking and there is restricted parking in the area. However, the retail unit is intended to serve the local community and is therefore considered to be a sustainable location.
- 7.11 The Highway Authority is yet to comment on the application and an update of any comments, will be provided for the meeting.

Other Matters

- 7.12 Given that the retail unit is within a residential area, it is considered that it would be appropriate to impose a condition requiring the submission of a Construction Environmental Management Plan, which will consider issues such as hours of work, considerate workforce requirements and any proposed delivery/haul routes. This could be a joint document with the adjacent residential redevelopment scheme, but it will offer a level of protection for local residents.
- 7.13 Following discussions with Northamptonshire Police Crime Prevention Design advisor, measures have been incorporated into the design to minimise crime and anti-social behaviour. The fence indicated on the submitted drawings has raised concerns as it has the potential to encourage people to congregate and sit on the fence. The agent has agreed to supply amended details of the fence, in line with that sought by Northamptonshire Police, prior to the meeting.
- 7.14 Whilst a request for an off-site CCTV has been sought, it is considered that this is more appropriately dealt with through the adjacent residential application.

8. CONCLUSION

- 8.1 In considering this application, there is a balance to be struck between the concerns of neighbouring residents and the need to secure appropriate development of the site. Prior to the submission and during the consultation exercise on the Neighbourhood Plan residents expressed a wish to see the retail unit retained. This offers an acceptable alternative to the current site.
- 8.2 The proposed development would add to the regeneration of the area and utilise an area of land that is currently underused. The replacement building has been designed with the aim of making a positive visual impact on the character of the area and rather than being out of character, it is considered that the proposal would result in a landmark feature which would enhance the area.
- 8.3 The retail element of the proposal is considered to be acceptable as it is considered that there are no alternative preferable locations for this. The proposed convenience store would also have the benefit of enhancing local facilities, whilst being of a small enough scale to not have an impact on existing centres.
- 8.4 The proposal overall would have no undue adverse impact on the amenities of existing neighbouring residents and would be acceptable in respect of the impact on the highway network and the level of parking provided.

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: site location plan: 40720/001A, Ground floor plan: 40720/009B, retail sections: 40720/006D, Retail elevations: 40720/005F, Landscape proposals: 50126/003.

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

(3) The external walls 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 building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policies 1 of the Central Area Action Plan and S10 of the West Northamptonshire Joint Core Strategy.

(4) Prior to the commencement of any part of the development, a Construction Environmental Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Construction Environmental Management Plan shall include and specify the provision to be made for the following:

- Dust mitigation measures during the construction period;
- Control of noise emanating from the site during the construction period;
- Hours of construction work for the development;
- Arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent public highways;
- Routing agreement for construction traffic
- Details of any temporary site construction access; and
- Loading and unloading arrangements for any large vehicles.

The construction of the development shall be carried out in accordance with the approved Construction Environmental Management Plan unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenities of adjoining premises and to minimise the impact on the highway network, in accordance with the National Planning Policy Framework. This is a pre-commencement condition as it is essential that the plan is agreed prior to construction commencing.

(5) Full details of all external lighting and CCTV shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy 1 of the Central Area Action Plan.

(6) A scheme shall be first submitted to and approved in writing by the Local Planning Authority that specifies the external sources of noise on the site and the provisions to be made for its control (this might include air conditioning units and extract fans). The scheme agreed shall be implemented prior to the development coming into use and shall be retained thereafter and the applicant shall demonstrate that the scheme agreed has achieved its design criteria.

Reason: In order to safeguard the amenities of adjoining/nearby occupiers and in accordance with Policy S20 of the West Northamptonshire Joint Core Strategy.

(7) Details of the provision for the storage of refuse and materials for recycling shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the building hereby permitted and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy 1 of the Central Area Action Plan.

(8) The retail unit hereby approved shall not remain open to the public between the hours of 7.30pm and 7.30am on any day.

Reason: In the interests of the protection of residential amenities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

(9) Deliveries to or collection from the retail premises shall not take place before 08:00 or after 20:00 on Mondays to Saturdays or at any time on Sundays or Bank Holidays.

Reason: In the interests of the protection of residential amenities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

10) Prior notice shall be given to the Local Planning Authority of the exact date on which it is proposed that construction of the development hereby permitted is to begin. During the construction period representatives of the Local Planning Authority shall be allowed access to the site in order to observe and inspect all excavation works and record all findings of archaeological interest. If required they shall be allowed to excavate such remains, provided that this shall not interfere unreasonably with the progress of the development.

Reason: In the interests of archaeological research in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

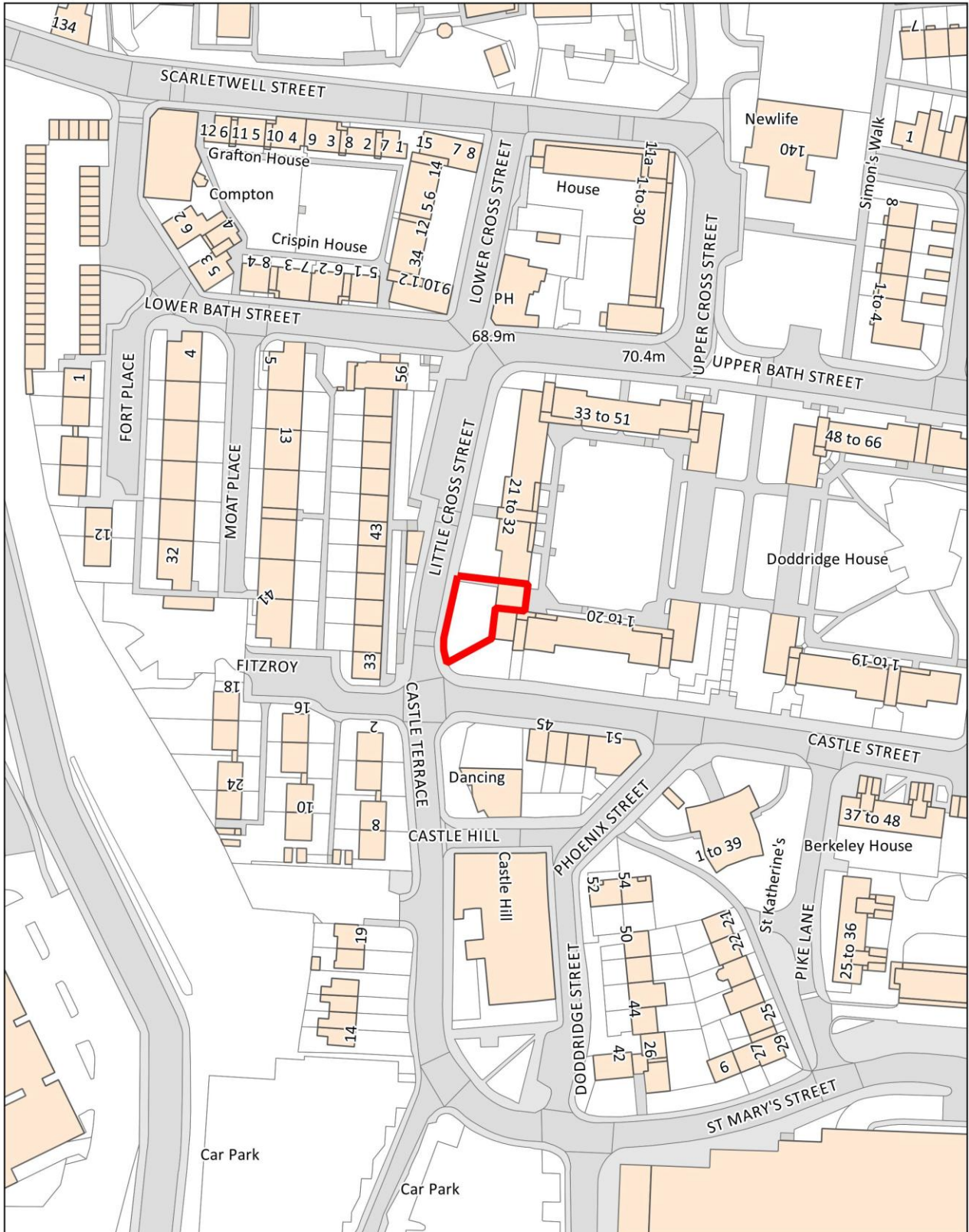
10.1 N/2016/0773

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.



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Date: 14-07-2016

Scale: 1:1,250

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