



**NORTHAMPTON**  
**BOROUGH COUNCIL**  
Planning Committee

**PLANNING COMMITTEE:** 21<sup>st</sup> November 2017  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/1096

**LOCATION:** Chilli Village, 145 Wellingborough Road

**DESCRIPTION:** Erection of canopy and deck platform area (retrospective)

**WARD:** Castle Ward

**APPLICANT:** Chilli Village  
**AGENT:** Design Board-Architectural Services

**REFERRED BY:** Councillor D Stone  
**REASON:** An eyesore

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

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

Due to its siting, scale and design, the development does not have an undue detrimental impact on the appearance and character of the host building, street scene, setting of the adjacent listed building, nearby conservation, highway safety, security and impact on neighbouring amenity and complies with Policies E20 of the Northampton Local Plan, S10, BN5 and BN9 of the West Northamptonshire Joint Core Strategy and aims and objectives of the National Planning Policy Framework.

**2. THE PROPOSAL**

2.1 Retrospective planning permission is sought for erection of canopy and deck platform. The structure is constructed in timber posts and wood frame and the roof covering is in black shingle felt. The structure is accessed from a set of steps off Wellingborough Road and would be used as an external dining space for customers to the existing restaurant.

**3. SITE DESCRIPTION**

3.1 The site consists of a restaurant building (Class A3) on northern side of Wellingborough Road adjacent to the former St Edmunds Hospital, which is Grade II listed. The site does not fall within a conservation area. The building is of modern

appearance, built in red brick and occupies a prominent position. The side of the site is next to a public house and there are other commercial units on the opposite side of Wellingborough Road.

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

- 4.1 Planning permission was refused (N/2016/1597) for external seating pods along the side of the building in 2016.
- 4.2 The current application follows the grant of planning permission in 2015 under N/2015/0414 for erection of new canopy and decked platform with alterations to external appearance of the building. This scheme was for a different design with slate roof and amendments to fenestration.

#### **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 (2014), Northampton Local Plan (1997) saved policies.

- 5.2 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character, setting or appearance of a conservation area.

##### **5.3 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 17 seeks to secure high quality design and good standard of amenity for existing and proposed occupiers.

Paragraph 58 relates to security and crime prevention.

Paragraph 132 relates to impact on heritage assets.

##### **5.4 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 S10 Sustainable Development Principles - requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling;

and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

BN5 – relates to impact on heritage assets and includes effect on conservation areas.

BN9 –relates to pollution control, impact on noise.

## 5.5 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

E20 Design of new development - requires good design in terms of layout, materials, scale and appearance.

## 5.6 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG (2003)

## 6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **Built Conservation (NBC)** - no objection, the alterations will not have any additional impact on nearby heritage assets.

6.2 **Environmental Health (NBC)** - no observations provided that the decked area would not extend to the side of the building facing the adjacent approved care home on the St Edmunds site.

6.3 **Local Highway Authority (NCC)** - an over-sailing license is required from the Local Highway Authority to cover the part that overhangs the highway.

6.4 **NCC Police** - a robust management policy will need to be put in place to address the possibility of the shelter being used as a refuge for homeless.

6.5 **Councillor Danielle Stone** has requested that the application is discussed at Planning Committee as she considers that the development is an eyesore.

6.6 One neighbour objection:-

- Looks like an eyesore
- Concern over drainage

## 7. **APPRAISAL**

### **Main issues**

7.1 Then main issues to consider are the impact on the appearance and character of the host building, street scene, setting of the adjacent listed building, highway safety and nearby conservation area as well as amenity of nearby occupants.

### **Impact on appearance and character of host building, street scene and heritage assets**

- 7.2 The site is prominently located on the busy Wellingborough Road and the development is clearly visible by a high volume of passing traffic. The design, materials and general construction is modern although this is acceptable given the character of the existing building which is also very modern. It is considered that the installation would not be out of keeping with the character of the existing building and would comply with Policies E20 of the Northampton Local Plan and S10 of the Joint Core Strategy.
- 7.3 In terms of the impact on the setting of the adjacent listed building and nearby conservation area, the Council's Conservation Officers raise no objections. It is not considered that the development would cause harm to heritage assets and the proposal therefore complies with Policies S10 and BN5 of the Joint Core Strategy.

### **Impact on amenity of adjoining neighbours**

- 7.4 The closest residential uses would be located in the adjacent listed building (St Edmunds hospital) which has planning permission to become a care home with habitable windows facing the side elevation of the site at first floor level. Given that the development is sited at a reasonable distance from these proposed windows, it is not considered that the effect in terms of noise would be overly significant that would justify refusal of planning permission, bearing in mind the location of the site fronting onto a busy main road. In terms of overshadowing, loss of light and outlook, the effect would also be reasonably limited.

### **Security and Crime Prevention**

- 7.5 The Police Crime Design Advisor has concerns that the canopy could be used by homeless persons acting as a shelter. However, given that the decked area is gated off from the entrance and that the site is very visible from Wellingborough Road, it is not considered that the development warrants a refusal due to this reason.

### **Highway safety**

- 7.6 Although it is noted that part of the development overhangs the adjacent footpath, the Local Highway Authority raise no objections provided that the applicant applies for a license.

## **8. CONCLUSION**

- 8.1 The development is considered to have an acceptable impact on the appearance and character of the host building, street scene, security and setting of adjacent heritage assets. In addition, the impact on amenity of neighbouring uses is considered acceptable and on balance the proposal is recommended for approval.

## **9. CONDITIONS**

- 9.1 1) The development hereby permitted shall be carried out in accordance with the following approved plans: A491-1a and 2a, A491-SLP.

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

**10. BACKGROUND PAPERS**

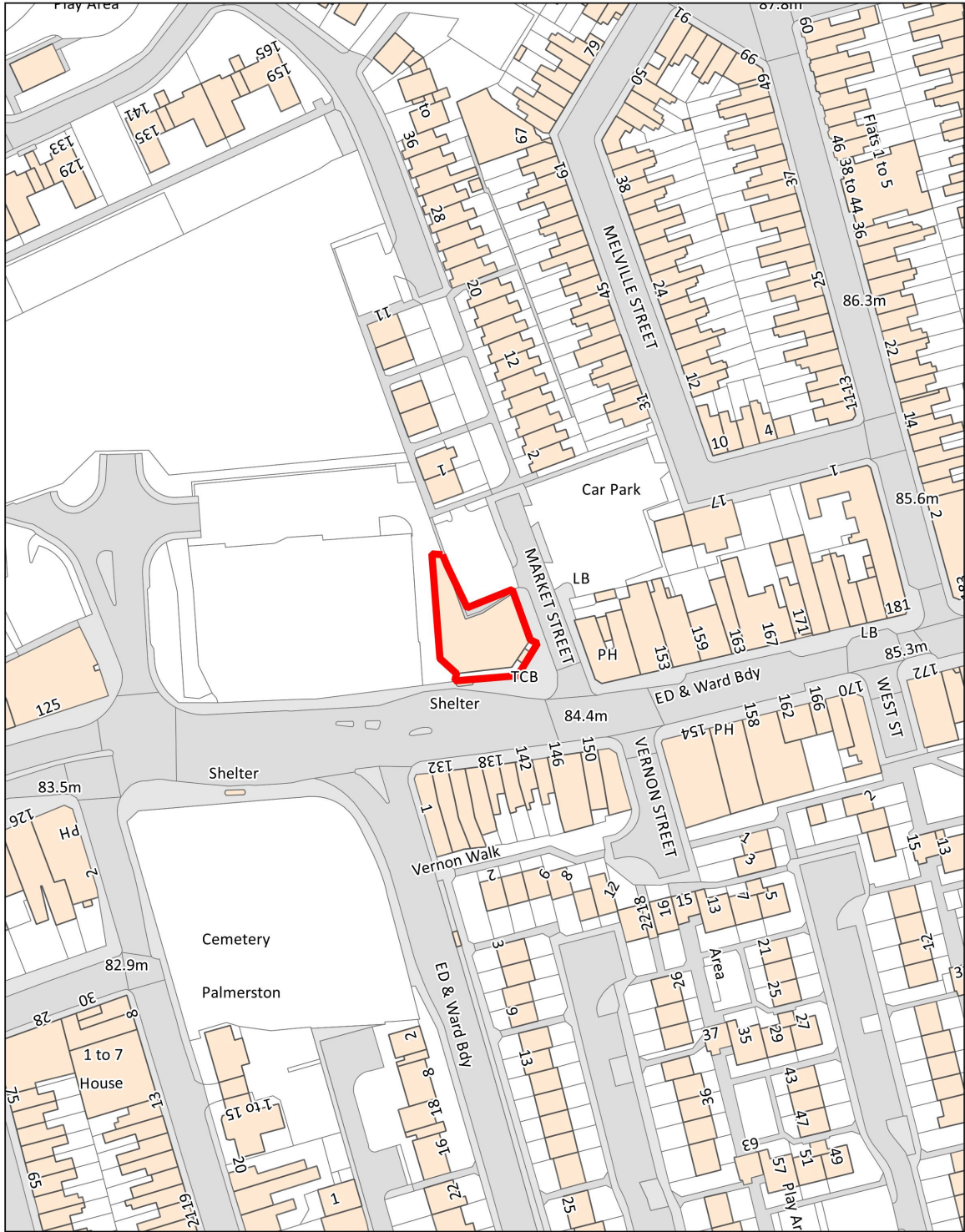
10.1 N/2016/1096.

**11. LEGAL IMPLICATIONS**

11.1 The development is not Community Infrastructure Levy liable.

**12. SUMMARY AND LINKS TO CORPORATE PLAN**

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



Title: **Chilli Village, 145 Wellingborough Road**

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