



PLANNING AGENDA

Tuesday, 24 November 2020

Remotely via Zoom:
<https://www.youtube.com/user/northamptonbctv/>
At 5:00 pm

Members of the Committee

Councillor: Brian Oldham (Chair), Jamie Lane (Deputy Chair)

Councillors: Alan Bottwood, Mary Markham, Matthew Golby, Anna King, Samuel Kilby-Shaw, Catherine Russell, Jane Birch, Muna Cali, Naz Choudary, Arthur McCutcheon and Brian Markham.

Chief Executive

George Candler

If you have any enquiries about this agenda please contact
democraticservices@northampton.gov.uk or 01604 837722

PLANNING COMMITTEE

AGENDA

Meetings of the Planning Committee will take place at 5:00pm on 14th April, 12th May, 19th May, 9th June, 7th July, 28th July, 1st September, 29th September, 27th October, 24th November, 22nd December 2020, and 21st January, 16th February and 16th March 2021.

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?

PLEASE BE AWARE THAT THIS MEETING WILL BE TAKING PLACE REMOTELY – SEE BELOW FOR DETAILS OF PUBLIC SPEAKER REGISTRATION/HOW TO VIEW THE MEETING

- 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

Once registered to speak, an invitation will be sent to join the Zoom video conferencing webinar for this meeting.

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.

*****Remote Meeting Access for Participants*****

- Members of the public should register to speak by email (democraticservices@northampton.gov.uk) or telephone (01604 837722) by 12pm on the day of the meeting.
- An invitation will be sent to Members and registered Public Speakers for the meeting via Zoom Video Conferencing Webinar

*****Remote Public Access*****

- The meeting will be available to view here: <https://www.youtube.com/user/northamptonbctv>

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Your attendance is requested at a meeting to be held:
in Remotely via Zoom: <https://www.youtube.com/user/northamptonbctv/>
on Tuesday, 24 November 2020
at 5:00 pm.

AGENDA

1. **APOLOGIES**
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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** (page 11)
Report of Head of Planning (copy herewith)
7. **OTHER REPORTS**
 - (A) **N/2020/1396 - REQUEST FOR VARIATIONS TO S106 AGREEMENT DATED 29 JULY 2015 TO REMOVE OBLIGATIONS RELATING TO HIGHWAYS AND SECONDARY EDUCATION THAT ARE NOW COVERED BY THE COMMUNITY INFRASTRUCTURE LEVY. LAND TO THE EAST OF HARDINGSTONE NORTH OF NEWPORT PAGNELL ROAD** (page 13)

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

10. ITEMS FOR DETERMINATION

- (A) N/2016/0810 - HYBRID APPLICATION FOR UP TO 170 NEW DWELLINGS IN TOTAL INCLUDING OUTLINE APPLICATION FOR THE DEMOLITION AND CONVERSION OF EXISTING UNIVERSITY BUILDINGS AND THE ERECTION OF NEW BUILDINGS TO PROVIDE RESIDENTIAL ACCOMMODATION (USE CLASS C3) OF UP TO 112 UNITS AND ASSOCIATED CAR PARKING (INCLUDING RECONFIGURATION OF NEWTON BUILDING CAR PARK), LANDSCAPING AND OPEN SPACE (ALL MATTERS RESERVED EXCEPT ACCESS) AND FULL APPLICATION FOR THE PART DEMOLITION, CONVERSION AND EXTENSION OF THE MAIDWELL BUILDING TO PROVIDE 58 NEW DWELLINGS TOGETHER WITH ACCESS AND PARKING. UNIVERSITY OF NORTHAMPTON AVENUE CAMPUS, ST GEORGES AVENUE (page 19)**
- (B) N/2019/0612 - ERECTION OF PURPOSE-BUILT STUDENT ACCOMMODATION COMPRISING 347NO ROOMS WITH 356NO BED-SPACES, FOLLOWING PARTIAL DEMOLITION OF EXISTING BUILDINGS. REFURBISHMENT AND CHANGE OF USE OF LISTED BUILDING TO PROVIDE ANCILLARY STUDENT HUB, RETAIL UNITS, PLANT, STORAGE AND REFUSE AREAS, WITH ASSOCIATED LANDSCAPING AND OTHER WORKS. BECTIVE WORKS, BECTIVE ROAD (page 49)**
- (C) N/2020/0866 - VARIATION OF CONDITION 5 OF PLANNING PERMISSION N/2018/0011 (CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION FOR 4 OCCUPANTS (USE CLASS C4) INCLUDING SINGLE STOREY EXTENSIONS TO THE REAR, A LOFT CONVERSION WITH REAR DORMER WINDOW & INTERNAL ALTERATIONS) TO ALLOW THE PROPERTY TO BE OCCUPIED BY A MAXIMUM OF 5 OCCUPANTS. 70 VICTORIA ROAD (page 81)**
- (D) N/2020/1157 - CONSTRUCTION OF 6NO NEW TWO BED DWELLINGS WITH ON-SITE PARKING. LAND AT BROWNLEE PLACE (page 89)**

11. ITEMS FOR CONSULTATION

12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

- (A) N/2019/1429 - CONSTRUCTION OF 5NO NEW BUILD DWELLINGS WITH ASSOCIATED PARKING. LOCK UP GARAGES, DERWENT DRIVE (page 101)**
- (B) N/2020/0542 - VARIATION OF CONDITION 2 OF PLANNING PERMISSION N/2018/1594 (DEVELOPMENT OF 6NO NEW DWELLINGS WITH ASSOCIATED PARKING) TO AMEND SITE ENTRANCE TO RETAIN EXISTING HIGHWAY JUNCTION. LOCK UP GARAGES, SWALE DRIVE (page 111)**

(C) N/2020/1113 - CHANGE OF USE FROM DWELLING TO SUPPORTED LIVING ACCOMMODATION FOR TWO OCCUPIERS (USE CLASS C2) INCORPORATING FENESTRATION ALTERATIONS TO EXISTING DWELLING AND GARAGE, REPLACEMENT ROOF TO AND CONVERSION OF EXISTING GARAGE TO ANCILLARY ACTIVITY ROOM, 2.4 METRE HIGH SECURITY FENCE WITH AUTOMATED GATED ACCESS, ADDITIONAL PARKING AND NEW PEDESTRIAN STEPS TO LINGS WAY. THE BUNGALOW LINGS WOOD, LINGS WAY (page 119)

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.”

PHOTOGRAPHY AND AUDIO/VISUAL RECORDINGS OF MEETINGS

Anyone may record meetings of the Council, the Cabinet, any Committee or Sub-Committee of the Council through any audio, visual or written method to include taking photographs of meetings, filming meetings or making audio recordings of meetings. The Chair of the meeting shall have the discretion to revoke the permission in the event that the exercise of the permission is disturbing the conduct of the meeting in any way or when it is otherwise necessary due to the nature of the business being transacted at the meeting. Permission may only be exercised where the public have the right to attend the meeting; and if a meeting passes a motion to exclude the press and public, then in conjunction with this, all rights to record the meetings are removed.

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 27 October 2020

PRESENT: Councillor Oldham (Chair); Councillor Lane (Deputy Chair);
Councillors Birch, Bottwood, Cali, Choudary, Kilby-Shaw, B Markham
and M Markham

OFFICERS: Peter Baguley (Director of Planning and Sustainability), Rita Bovey
(Development Manager), Nicky Scaife (Development Management
Team Leader), Hannah Weston (Principal Planning Officer), Adam
Smith (Principal Planning Officer), Theresa Boyd (Planning Solicitor),
Ed Bostock (Democratic Services Officer)

1. APOLOGIES

Apologies for absence were received from Councillors Golby, Russell, and King. It was advised that Councillors Cali and Lane would be arriving late.

2. MINUTES

The minutes of the meeting held on 29th September 2020 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED:

That under the following items, the members of the public and Ward Councillors listed below were granted leave to address the Committee:

N/2016/0810

Catherine Mason

N/2019/1055

Councillor Stone
Jonathan Weekes

N/2020/0777

Councillor Davenport
Ali Ay

N/2020/0866

Councillor Stone

N/2020/1109

Councillor Stone

N/2020/0952

Jonathan Evans

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Birch declared a personal, non-pecuniary interest in respect of item 10a as the Ward Councillor.

Councillor Bottwood declared a disclosable and pecuniary interest in respect of item 12a as a board member of Northampton Partnership Homes (NPH) and advised that he would leave the meeting whilst this item was discussed.

Councillor M Markham declared a disclosable and pecuniary interest in respect of item 12a as a board member of Northampton Partnership Homes (NPH) and advised that she would leave the meeting whilst this item was discussed.

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 Development Manager submitted a List of Current Appeals and Inquiries on behalf of the Director of Planning and Sustainability. The Committee were informed that 6 appeal decisions had been reached. The initial decisions had all been made under delegated powers. An appeal relating to 33 Harlestone Road was dismissed; the Inspector gave significant weight to the national space standards, which the proposed development fell short of. An appeal relating to 69 Moore Street was dismissed; the Inspector agreed with the officer decision to refuse on concentration grounds. An appeal relating to lock-up garages at Barry Road was also dismissed; the Inspector agreed with the officer decision to refuse and concluded that the proposed access was poor and would lead to an unsafe development.

Members discussed the report.

RESOLVED:

That the report be noted.

7. OTHER REPORTS

**(A) N/2020/1106
VARIATION TO S106 AGREEMENT TO VARY THE MORTGAGEE
EXCLUSION AND REINVESTMENT CLAUSES
FORMER PARKLANDS MIDDLE SCHOOL, DEVON WAY**

The Principal Planning Officer submitted a report to the Committee which sought approval to agree variations to the S106 Agreement for the site to amend the mortgagee exclusion and reinvestment clauses in relation to affordable housing. The

Committee were informed that the number and mix of affordable housing to be provided on site was not being altered.

Members discussed the report.

RESOLVED:

The Committee **AGREED** that the Director of Planning and Sustainability be given delegated authority to agree the variation of the Section 106 Agreement dated 18 March 2019 in order to amend the wording of the mortgagee exclusion and reinvestment clauses and relevant definitions together with any consequential amendments as are considered necessary.

(B) DELEGATED AUTHORITY FOR DIRECTOR OF PLANNING AND SUSTAINABILITY TO AGREE VARIATIONS TO SECTION 106 AGREEMENTS TO AMEND MORTGAGEE EXCLUSION CLAUSES

The Principal Planning Officer submitted a report to the Committee which sought to delegated authority to the Director of Planning and Sustainability to agree variations to S106 Agreements to amend mortgagee exclusion clauses.

Members discussed the report.

RESOLVED:

The Committee **AGREED** that the Director of Planning and Sustainability be given delegated authority to agree variations of completed Section 106 Agreements in order to amend the wording of the mortgagee exclusion clauses and relevant definitions in completed Section 106 Agreements and any consequential amendments as are considered necessary.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

- (A) N/2016/0810**
HYBRID APPLICATION FOR UP TO 170 NEW DWELLINGS IN TOTAL INCLUDING OUTLINE APPLICATION FOR THE DEMOLITION AND CONVERSION OF EXISTING UNIVERSITY BUILDINGS AND THE ERECTION OF NEW BUILDINGS TO PROVIDE RESIDENTIAL ACCOMMODATION (USE CLASS C3) OF UP TO 112 UNITS AND ASSOCIATED CAR PARKING (INCLUDING RECONFIGURATION OF NEWTON BUILDING CAR PARK), LANDSCAPING AND OPEN SPACE (ALL MATTERS RESERVED EXCEPT ACCESS) AND FULL APPLICATION FOR THE PART DEMOLITION, CONVERSION AND EXTENSION OF THE MAIDWELL BUILDING TO PROVIDE 58 NEW DWELLINGS TOGETHER WITH ACCESS AND PARKING

UNIVERSITY OF NORTHAMPTON AVENUE CAMPUS, ST GEORGES AVENUE

The Principal Planning Officer submitted a report to the Committee Members and attention was also drawn to the addendum which contained an additional condition. The Committee were informed that the application had been amended since its submission to reduce the maximum number of dwellings from 200 to 170 and has also been subject to extensive discussions with consultees. It comprises a hybrid proposal, with full planning permission sought for the part-demolition, conversion and reconfiguration of the Maidwell Building to provide 58 dwellings and associated parking, and outline planning permission for the construction of up to 112 dwellings to the rear of the site and alterations to the Newton Building car park, with the listed Newton Building falling outside the site. The site is located in the Kingsley Conservation, with the Maidwell Building on the frontage being locally listed, and it was explained that the works to this building result in harm to heritage assets that needs to be weighed against the benefits arising from the scheme, which include the redevelopment of brownfield land and a significant contribution towards the Council's housing supply. It was highlighted that the indicative plans showed the bulk of the existing treed areas on the site retained, but that the final layout of the rear part of the site would be assessed as part of a future reserved matters application. In addition, it was highlighted that an independent viability assessment had concluded that the scheme could not afford to provide any affordable housing, but could make some contributions towards education and healthcare facilities as well as off-site highway improvements to seek to mitigate the impacts of the development.

Catherine Mason, the agent on behalf of the applicant, spoke in favour of the application and commented that the proposal was sustainable development and a good use of a brownfield site which had been carefully designed and of high quality. She advised that the site is allocated for dwellings in the emerging Local Plan Part 2. The most significant elements of the Maidwell Building would be retained with new high quality apartments created and existing green areas within the site would be protected with new play spaces. Any impacts arising from the scheme have been satisfactorily mitigated against. The scheme had been amended to ensure that it complied with the Council's standards and ecology, archaeology, drainage and transport issues have been resolved. The University is an important stakeholder in the town and the redevelopment of Avenue Campus is linked to the development of the new Waterside Campus and the financing of the University.

In response to questions, the Committee heard that a condition is proposed to ensure the recorded of the Maidwell Building to prior to its partial demolition.

Members discussed the report.

RESOLVED:

That the application be **APPROVED IN PRINCIPLE** subject to the prior finalisation of a S106 agreement to secure planning obligations and conditions and reasons as set out in the report and **Additional Condition 35** contained in the addendum.

Councillors Cali, Choudary and Lane joined the meeting at this juncture.

**(B) N/2019/1055
PROPOSED CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT,
COMPRISING 22NO. SELF-CONTAINED APARTMENTS, WITH
ASSOCIATED STORAGE, REFUSE STORE, CYCLE STORE AND
EXTERNAL AMENITY.
14 - 18 ST MICHAELS ROAD**

The Development Management Team Leader submitted a report to the Committee. Members' attention was drawn to the addendum which contained an additional Condition 16. It was explained that consent had been previously agreed for up to 20 dwellings on site. Members were advised that the Conservation Officer raised no objection to the design and the housing provision and regeneration of the site were a positive benefit. The ridge height of the proposed development was slightly taller than neighbouring properties but lower than previously approved and the building 4 stories to the front and 6 to the rear due to a change in site levels. The gross internal floor area of proposed apartments would be between 35-50m² and 55-72m² for 1 and 2 bed respectively. Conditions relating to drainage, contamination, noise and air quality mitigation were proposed. Whilst there was no parking proposed, there had been no objections from the Local Highway Authority. An independent viability assessment had concluded that the site would not be viable if it provided any affordable housing or S106 contributions.

Councillor Stone spoke against the application and voiced concern around the density of the development and commented that storage space did not seem to have been factored into the available space in the apartments. She also voiced concern around air quality, noting the adjacent car park and insufficient refuse storage. Councillor Stone believed that the proposed mitigations were insufficient.

Jonathan Weekes, the agent on behalf of the applicant, spoke in favour of the application and commented that the proposal had been designed as a bespoke scheme for the site and noted that the development was sat in a sustainable location.

In response to questions, the Committee heard that the applicant intended to rent the properties.

The Development Management Team Leader advised that whilst the floor space of some residential units fell short of national space standards, they had not yet been adopted by the Council, and that a number of units complied or exceeded space standards. Regarding air quality, it was noted that Condition 10 required the submission of a health impact assessment which would be reviewed by Environmental Health. It was further noted that Environmental Health continually carried out studies with the aim of improving air quality in the town. Storage for waste would be provided on the ground floor and Environmental Health had not raised objections to the proposal.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report and **Additional Condition 16** contained in the addendum.

(C) **N/2019/1063**
APPLICATION FOR VARIATION OF CONDITIONS 2, 8, AND 13 OF PLANNING PERMISSION N/2017/0127 (DEMOLITION OF EXISTING BUILDING. ERECTION OF 40NO DWELLINGS (USE CLASS C3) WITH ASSOCIATED CAR PARKING AND ANCILLARY SPACE AND 130.10M2 OF RETAIL SPACE (USE CLASS A1)) TO ALTER THE DESIGN OF THE APPROVED BUILDING, TO AMEND THE FLOOD RISK ASSESSMENT AND TO REDUCE THE LEVEL OF PARKING BY 1 SPACE
SOFA KING TIVOLI HOUSE, TOWCESTER ROAD

The Principal Planning Officer submitted a report to the Committee. Members' attention was drawn to the addendum which contained comments from a Ward Councillor and an additional Condition 24. The application sought to amend several conditions to slightly alter the design of the approved building. It was explained that the retail space would remain the same size, but the variation would result in the loss of 1 parking space. A revised flood risk assessment had been submitted with the variation application which the Lead Flood Authority and Environment Agency raised no objection to. The application approved by the Committee in 2019 included a S106 Agreement which was not tied to this variation application so a new S106 is required; it was proposed to be identical to the one previously approved, including as previously agreed by Committee to be amended with nil affordable housing provision due to an independent viability assessment concluding that it was not viable to do so.

In response to questions, the Committee were informed that the developer had discussed allocating parking spaces to residents of the development, however it was considered unreasonable to require this by condition as the application was a variation application and the site is in a sustainable location. It was noted that a condition requiring EV charging points was included to the benefit of the scheme.

Members discussed the report.

RESOLVED:

That the application be **APPROVED IN PRINCIPLE** subject to the prior finalisation of a S106 agreement to secure planning obligations and conditions and reasons as set out in the report and **Additional Condition 24** contained in the addendum.

(D) **N/2020/0777**
CHANGE OF USE FROM RETAIL SHOP (USE CLASS E) TO RESTAURANT/TAKEAWAY (SUI-GENERIS) INCLUDING INSTALLATION OF EXTRACTION DUCTING SYSTEM
103 ST LEONARDS ROAD

The Development Manager submitted a report to the Committee. The Committee heard that the site, previously a coffee shop, had been vacant for 2 years. It was proposed that the ground floor be converted to a restaurant and takeaway with an extraction flue attached to the back of the building. The flue would be similar in appearance to others nearby, so the visual impact was considered acceptable. Since the coffee shop generated parking demand, the change of use was not considered to

impact the highway condition severely and no objections had been raised by the Local Highway Authority. Environmental Health had also raised no objection subject to conditions relating to hours of use, noise mitigation and waste storage. It was noted that planning permission was no longer required for a change of use from café to restaurant; planning permission was required in this instance due to the takeaway element of the application.

Councillor Davenport, in her capacity as the Ward Councillor, spoke against the application and voiced concern around parking and the additional traffic that would be generated at night. In reference to comments made by Northamptonshire County Council, Councillor Davenport stated that she did not believe many people would get a bus to pick up takeaway food.

Ali Ay, the agent on behalf of the applicant, spoke in favour of the application and commented that there had been no objections from statutory consultees and that any increase in traffic generated by the change of use would not be sufficiently significant.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

Councillor B Markham left the meeting at this juncture.

**(E) N/2020/0805
SELF-CONTAINED ANNEXE ON FOOTPRINT OF APPROVED DOUBLE
GARAGE
24 PENFOLD DRIVE**

The Principal Planning Officer submitted a report to the Committee which sought approval for the construction of an annex of the same size and in the same location as a previously approved double garage. The annex would be associated with the main property and not a separate property in itself; this was reiterated by Condition 4. The annex would be set back from the street and screened by existing vegetation. It was noted that whilst annexes did not require an increase in parking provision, the property benefitted from a large driveway.

Councillor Kilbride, in his capacity as the Ward Councillor, spoke against the application and commented that the owners ran a business from the property and clients arriving in vehicles caused traffic and parking issues for the surrounding properties. He advised that a covenant existed which prohibited businesses from operating from the property. Councillor Kilbride asked the Committee to consider the impact that the proposal would have on neighbouring properties.

In response to a question, Councillor Kilbride explained that Billing Parish Council did not object to development in the ward generally, however they objected to what was perceived to be an extension to a home business in an improper location.

The Principal Planning Officer advised that the consideration could only be on the annex which itself would not result in an increased requirement for parking. The alleged business use would be a matter that would need investigating separately and could not be a consideration in the assessment of this application.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

- (F) **N/2020/0866**
VARIATION OF CONDITION 5 OF PLANNING PERMISSION N/2018/0011
(CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE
IN MULTIPLE OCCUPATION FOR 4 OCCUPANTS (USE CLASS C4)
INCLUDING SINGLE STOREY EXTENSIONS TO THE REAR, A LOFT
CONVERSION WITH REAR DORMER WINDOW & INTERNAL
ALTERATIONS) TO ALLOW THE PROPERTY TO BE OCCUPIED BY A
MAXIMUM OF 5 OCCUPANTS
70 VICTORIA ROAD

The Development Manager submitted a report to the Committee which sought to vary a condition to increase the maximum occupants from 4 to 5 and also included a single storey rear extension and loft conversion with rear dormer window and internal alterations. It was noted that the single storey extension had already been constructed so the application sought to regularise the discrepancy. A room on the ground floor, currently used as a study, would be converted to a bedroom. It was explained that the Local Highway Authority had raised no objection to the application and that the property sat within a sustainable location close to shopping facilities and public transport links. Conditions relating to the storage of waste and cycles were included as well as a condition to ensure that the basement would not be used as a bedroom at any time.

Councillor Stone, in her capacity as the Ward Councillor, spoke against the application and commented that the extra room was too small, she felt that the application was an act of greed by the applicant. She voiced concern around antisocial behaviour and litter generated by areas densely populated with HMOs and stated that the area was already under pressure due to the high number of HMOs. She further stated that it was difficult for people living in such densely populated areas and properties to act in a "covid-secure" way.

The Development Manager explained that any issues around COVID-19 were the remit of Public Health England and not a material planning consideration and noted that Private Sector Housing were satisfied with the room size and available facilities within the property.

The Development Manager advised that there was no policy that prohibited a bedroom from being located adjacent to a kitchen. It was explained that the window in the proposed new bedroom functioned as a fire escape but only for the occupant of that room; other occupants would use the front or back doors.

The Director of Planning and Sustainability advised that issues relating to fire escapes were dealt with under different legislation and not a consideration for the Planning Committee

Members discussed the report and expressed specific concerns that the proposed ground floor bedroom is adjoining a kitchen wall with potential noise and disturbance.

Councillor Choudary left the meeting at this juncture.

RESOLVED

That the application be **DEFERRED** pending further negotiation with the applicant to improve the layout.

- (G) **N/2020/1094
PRIOR NOTIFICATION OF CHANGE OF USE FROM OFFICES (USE CLASS E) TO 25NO RESIDENTIAL UNITS (USE CLASS C3)
PHOENIX COMPUTERS LIMITED DAISY GROUP HUNSBURY HILL AVENUE**

This item was withdrawn from the agenda.

- (H) **N/2020/1109
CONVERSION OF SINGLE DWELLING INTO 2NO APARTMENTS WITH NEW WINDOW TO BASEMENT AND ALTERATION TO WINDOW OPENING
64 CHARLES STREET**

The Development Management Team Leader submitted a report to the Committee. Members' attention was drawn to the addendum which contained further comments from a local resident and additional Conditions 4 and 5. The property had no outdoor space, being connected at the side and rear to a neighbouring property. The application sought to split the property into two flats; a new door would be created to access the ground floor flat and a window added to the basement which would be used as a study and a condition was included to ensure that it was not used as a bedroom at any time. Whilst the floorspace of the first floor flat fell slightly below national space standards, there were good levels of light and on balance this was considered acceptable by officers. Parking in the area was on-street and permit-only and the property sat within a sustainable location, well served by local facilities and local transport links. Members were advised that there was no external space for refuse storage and a condition requiring details of internal refuse storage was recommended.

Councillor Stone, in her capacity as the Ward Councillor, spoke against the application and advised that she received complaints from residents almost every week regarding antisocial behaviour. She believed that officers should not have recommended the application for approval due to its small size, the lack of light in the basement and stated that it was unreasonable to expect occupants to keep their waste indoors until collection day.

In response to a question, the Committee heard that the weight given to floorspace would increase once the Local Plan Part 2 was adopted but until then, only limited weight could be given to floorspace. Regarding the provision of waste storage, officers were only able to compare the proposal in relation to what currently existed on-site.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report and **Additional Conditions 4 and 5** contained in the addendum.

Councillors Bottwood and M Markham left the meeting.

11. ITEMS FOR CONSULTATION

12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

(A) N/2020/0952

**SINGLE STOREY SIDE EXTENSION AND NEW FRONT PORCH
TOGETHER WITH INTERNAL ALTERATIONS AND VEHICULAR
CROSSOVER
42 AYNHO CRESCENT**

The Principal Planning Officer submitted a report to the Committee which sought approval for the construction of a single storey side extension and new front porch with internal alterations and dropped kerb. An existing storeroom would be demolished to allow for the construction of the side extension; whilst slightly deeper than the storeroom, it would be set back from neighbouring properties.

In response to a question, Mr Evans (NPH) advised Committee that numerous NPH tenants were in need of disabled access properties; the proposed development would allow disabled tenants to live in the property.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

The meeting concluded at 7:46 pm

Planning Service

Director of Planning and Sustainability: Peter Baguley



List of Appeals and Determinations – 24th November 2020

Written Reps Procedure

Application No.	DEL/PC	Description	Decision
N/2019/0803 APP/V2825/W/20/3249179	DEL	Demolition of existing property and erection of 13no new flats and associated 15no car parking spaces at 104 Semilong Road	DISMISSED
N/2019/1174 APP/V2825/W/20/3258793	DEL	Variation of Conditions 2 and 7 and removal of Condition 3 of Planning Permission N/2017/1442 (Conversion of part of building to 2no dwellings) to amend location of parking areas for the new dwellings, retain accesses as existing and replace proposed boundary walls with fencing at Billing Arbours House	AWAITED
N/2019/1335 APP/V2825/W/20/3257246	DEL	2no new dwellings with off road parking at Billing Arbours House	AWAITED
N/2019/1374 APP/V2825/W/20/3259799	DEL	New detached two storey dwelling, double garage and associated hard landscaping at 74 Barley Lane	AWAITED
N/2019/1524 APP/V2825/W/20/3248396	DEL	Erection of detached single storey dwelling at 47 Beech Avenue	DISMISSED
N/2020/0036 APP/V2825/W/20/3255691	DEL	Change of Use of Dwellinghouse (Use Class C3) to House in Multiple Occupation (Sui Generis) for 7 occupants at 104 Lower Thrift Street	AWAITED
N/2020/0099 APP/V2825/W/20/3254573	DEL	Garden room extension at 1 Frosts Court, High Street, Wootton	AWAITED
N/2020/0100 APP/V2825/Y/20/3254574	DEL	Listed Building Consent Application for garden room extension for 1 Frosts Court, High Street, Wootton	AWAITED
N/2020/0101 APP/V2825/D/20/3256391	DEL	Loft conversion with front and rear rooflights at 102 Ashby Wood Drive	AWAITED
N/2020/0177 APP/V2825/W/20/3258634	DEL	Change of Use from Dwellinghouse (Use Class C3) to Residential Institution (Use Class C2) for a 3-bedroom Children's Care Home including alterations to windows and doors at Little Norway Lodge, Houghton Lane	AWAITED
N/2020/0178 APP/V2825/W/20/3259658	DEL	Erection of new Dwelling on land adjoining 39 Cottingham Drive	AWAITED
N/2020/0227 APP/V2825/W/20/3254653	DEL	Change of use of existing dwelling (Use Class C3) to part dwellinghouse with hairdressing studio (Sui Generis) at 110A Harlestone Road	ALLOWED
N/2020/0229 APP/V2825/W/20/3256999	DEL	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants (retrospective) at 46 Adams Avenue	AWAITED
N/2020/0366 APP/V2825/W/20/3259493	DEL	Variation of Conditions 1, 4 and 5 of Planning Permission N/2017/0515 (Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants (retrospective)) to increase the maximum number of occupants to 5 and permit the basement for use as a bedroom at any time at 5 Essex Street	AWAITED
N/2020/0389 APP/V2825/W/20/3256183	DEL	Conversion of ground and basement from 1no flat into 2no flats and installation of windows at 22 Watkin Terrace	AWAITED
N/2020/0431 APP/V2825/D/20/3258219	DEL	Two storey front extension at 32 Belfry Lane	AWAITED
N/2020/0622 APP/V2825/D/20/3257431	DEL	Replace an existing hedge with a brick wall with piers to allow for a rise in the ground level within the site at 4 Wrekin Close	AWAITED
N/2020/0663 APP/V2825/W/20/3258808	DEL	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Sui Generis) for 7 occupants, including new rear door and rear dormer at 17 Holly Road	AWAITED

Public Inquiry

None

Hearings

None

Enforcement Appeals

None

Tree Preservation Order (TPO) Appeals

None

The Address for Planning Appeals is:

Mr Brian Rowe, Room 301, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Appeal decisions can be viewed at - <https://acp.planninginspectorate.gov.uk>

Local Government (Access to Information) Act 1985

Background Papers

The Appeal Papers for the appeals listed

Author and Contact Officer:

Mrs Rita Bovey, Development Manager

Telephone 01604 837237

Planning Service

The Guildhall, St Giles Square,

Northampton, NN1 1DE



PLANNING COMMITTEE: 24th November 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/1396

LOCATION: Land to the east of Hardingstone north of Newport Pagnell Road

DESCRIPTION: Request for variations to S106 agreement dated 29 July 2015 to remove obligations relating to highways and secondary education that are now covered by the Community Infrastructure Levy

WARD: Nene Valley Ward

APPLICANT: Kier Living Ltd
AGENT: N/A

REFERRED BY: Director of Planning and Sustainability
REASON: Major application requiring S106 agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

- 1.1 That the Committee **AGREE** to vary the Section 106 Agreement dated 29 July 2015 to remove the obligations to make financial contributions towards highway works forming part of the Northampton Growth Management Scheme and secondary education as set out in the report.
- 1.2 That the Borough Secretary and Monitoring Officer in consultation with the Director of Planning and Sustainability be given delegated authority to remove the obligations to make financial contributions towards highway works forming part of the Northampton Growth Management Scheme and secondary education together with any consequential amendments as are considered necessary.

2 THE PROPOSAL

- 2.1 The application requests variations to the S106 agreement dated 29 July 2015 (relating to the development of land to the east of Hardingstone which forms part of the Northampton South of Brackmills SUE) to remove obligations relating to highways and secondary education which are now covered by the Community Infrastructure Levy.

3 SITE DESCRIPTION

- 3.1 The application site is located to the north of Newport Pagnell Road and comprises two parcels of agricultural land located either side of Landimore Road. A public footpath (KN6) runs through both parcels of land diagonally, extending from the northwest in Hardingstone across the site south-eastwards towards Pagnell Court and onto Newport Pagnell Road. The site is situated on a ridge where the land rises up from the Nene Valley and Brackmills Industrial Estate towards Brackmills Wood and then undulates throughout the site dropping away to Newport Pagnell Road. The site is bounded by residential properties on The Warren to the west, Newport Pagnell Road to the south west and residential properties on Pagnell Court to the south east.

4 PLANNING HISTORY

- 4.1 N/2013/0338: Sustainable Urban Extension for up to 1,000 dwellings; local centre; primary school; community uses; associated infrastructure improvements and highway access from Landimore Road and Newport Pagnell Road. Refused permission; appeal allowed.
- 4.2 N/2019/0048: Reserved Matters Application pursuant to Outline Planning Permission N/2013/0338 (Sustainable Urban Extension for up to 1,000 dwellings; local centre; primary school; community uses; associated infrastructure improvements and highway access from Landimore Road and Newport Pagnell Road) for Phase One development comprising 385no dwellings with associated infrastructure and open space areas. Approved.

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), and Northampton Local Plan (1997) saved policies.

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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Section 4 - Decision making

Section 5 - Housing Supply

Section 8 - Promoting healthy and safe communities

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well designed places

Section 14 - Meeting the challenge of climate change and flooding

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

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:

SA - Presumption in Favour of Sustainable Development

S5 - Sustainable Urban Extensions
S10 - Sustainable Development Principles
N6 - Northampton South of Brackmills SUE
C1 - Changing Behaviour and Achieving Modal Shift
C2 - New Developments
H1 - Housing Density and Mix and Type of Dwellings
H2 - Affordable Housing
BN1 - Green Infrastructure Connections
BN2 - Biodiversity
BN3 - Woodland Enhancement and Creation
BN7A - Water Supply, Quality and Wastewater Infrastructure
BN7 - Flood Risk
BN9 - Planning for Pollution Control
Policy INF2 - Contributions to infrastructure requirements

5.4 **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 policies are material to this application:

E7 – Skyline Development
E20 – New Development (design)
E26 – Conservation Areas

5.5 **Other Material Considerations / Supplementary Planning Documents**

NBC CIL Charging Schedule 2015
NBC CIL Regulation 123 List 2016
Planning Obligations Strategy SPD 2013
Affordable Housing Interim Statement 2013

6 **CONSULTATIONS/ REPRESENTATIONS**

- 6.1 **NCC Development Management:** No objection to the application to vary the s106 agreement for this development in the manner set out, on the basis that the level of s106 contributions proposed to be removed from the agreement will instead be met through the Community Infrastructure Levy.

7 **APPRAISAL**

- 7.1 On the 29 July 2015, a S106 agreement was entered into in connection with an appeal against the refusal of outline application N/2013/0338 for up to 1000 dwellings together with provisions for other facilities at land relating to the east of Hardingstone. The appeal was determined by the Secretary of State in April 2016, following a public inquiry, and the outline application was allowed. The completed S106 agreement includes various obligations to mitigate impacts of the development and the current application seeks to remove the obligations to make financial contributions to the Northampton Growth Management Scheme, specifically the A45 Queen Eleanor, Brackmills and Lumbertubs Junctions (Clause 3.1 of the Second Schedule), and Secondary Education (Clauses 7.1-7.2 of the Second Schedule), which are now covered by the Community Infrastructure Levy (CIL).
- 7.2 However, Clause 19 (Community Infrastructure Levy) of the S106 Agreement details that, if after the date of the Agreement but prior to the planning permission being issued by the Secretary of State the Community Infrastructure Levy (CIL) is applicable, then all parties shall use reasonable endeavours to agree amendments to the Agreement with the intent that the owner is not adversely prejudiced by the introduction of CIL or required to contribute more than once for any item of infrastructure. As detailed above, the S106 Agreement was completed on the 22 July 2015 and the Appeal Decision Notice was issued by the Secretary of State on 14 April 2016.

- 7.3 The Council adopted CIL on 21 September 2015 and it came into effect on the 1 April 2016 such that all residential developments granted after this date are required to pay the levy to contribute to infrastructure on the Council's list of CIL infrastructure types/projects (the CIL Regulations 123 List). Furthermore, the Council's CIL infrastructure list includes 4 infrastructure types/projects, which include the Northampton Growth Management Strategy and education (excluding primary schools). As such, CIL came into effect prior to the Appeal Decision Notice on the site being issued and its introduction would result in the developer being required to make financial contributions towards the NGMS and secondary education under both the S106 Agreement and CIL. Therefore, the provisions under Clause 19 of the S106 are enacted, which detail that the owner should not contribute more once for an item of infrastructure, and it is recommended that the NGMS and secondary education obligations are removed from the S106 Agreement.

8 CONCLUSION

- 8.1 The completed S106 agreement and CIL both include requirements for financial contributions towards the NGMS and secondary education. However, the completed S106 agreement also includes a clause detailing that the owner should not contribute more than once for an item of infrastructure following the introduction of CIL. Therefore, the removal of the requirement in the S106 agreement to contribute towards these two forms of infrastructure is considered an acceptable request.

9 BACKGROUND PAPERS

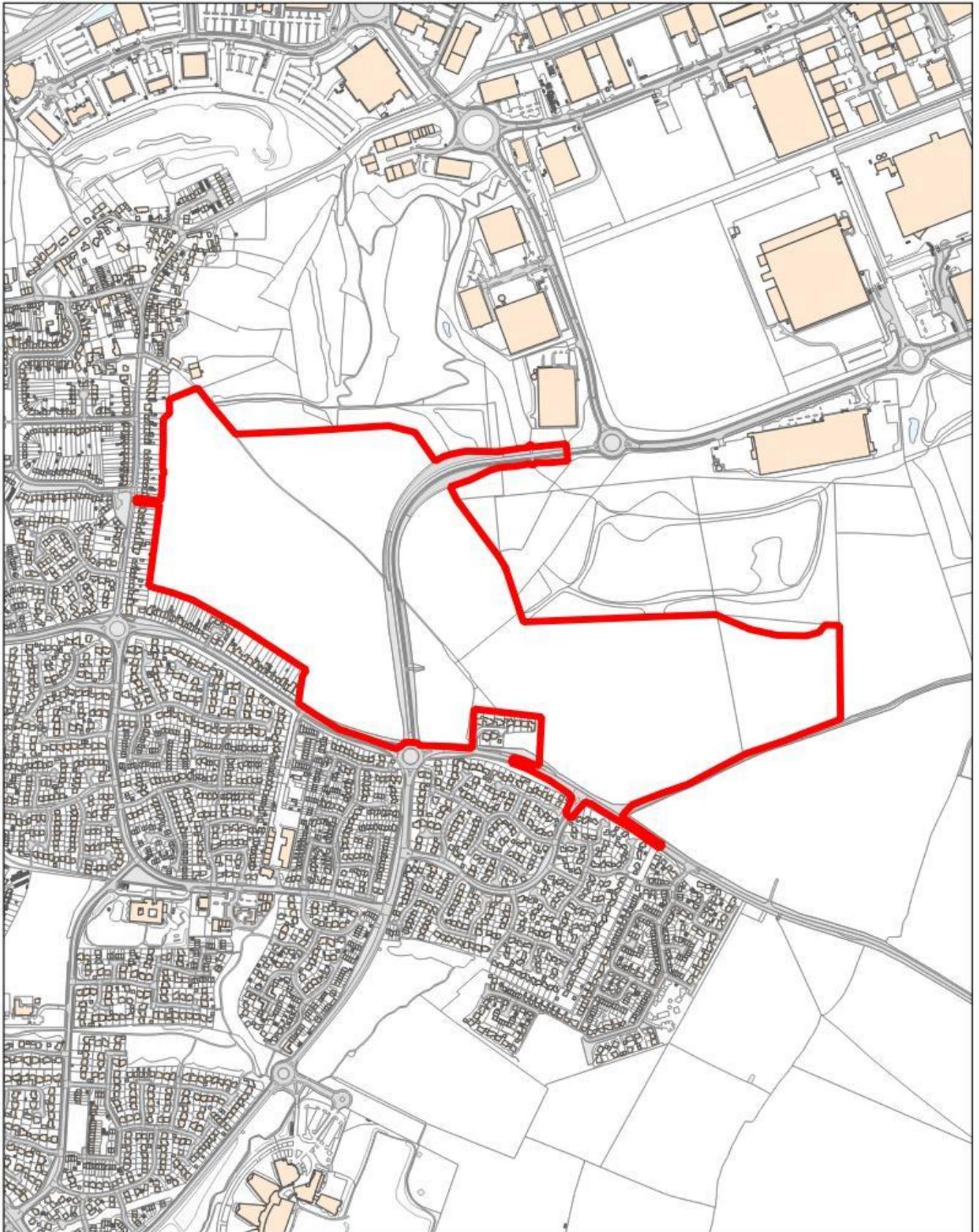
- 9.1 N/2013/0338.

10 LEGAL IMPLICATIONS

- 10.1 The development is CIL liable.

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.



Title: **Land East of Hardingstone, North of
Newport Pagnell Road**

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Date: 12-11-2020

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PLANNING COMMITTEE: 24th November 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2016/0810

LOCATION: University of Northampton Avenue Campus, St Georges Avenue

DESCRIPTION: Hybrid application for up to 170 new dwellings in total including outline application for the demolition and conversion of existing University buildings and the erection of new buildings to provide residential accommodation (Use Class C3) of up to 112 units and associated car parking (including reconfiguration of Newton Building car park), landscaping and open space (all matters reserved except access) and full application for the part demolition, conversion and extension of the Maidwell Building to provide 58 new dwellings together with access and parking

WARD: Trinity Ward

APPLICANT: University of Northampton
AGENT: Catherine Mason

REFERRED BY: Director of Planning and Sustainability
REASON: Major application requiring S106 agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to the completion of a S106 Agreement to secure:

- 1.1.1 i) A payment towards primary school education;
ii) A payment towards healthcare facilities;
iii) A payment towards highway signal improvements at the A508 Barrack Rd / A428 Grafton Street / Campbell Street junction and A5095 Kingsley Rd / A5095 Abington Grove / A5123 St. Matthews Parade / A5123 East Park Parade junction;
iv) The provision of on-site open space and for this space to be continually maintained and made available for public access; and;
v) The Council's monitoring fee, subject to the Director of Planning and Sustainability being satisfied the monitoring fee is necessary and of an appropriate scale.

1.1.2 The conditions as set out below and for the following reason:

The proposed development would contribute to the Council's five-year housing land supply and, as part of a balanced assessment, is considered acceptable subject to conditions and a Section 106 Legal Agreement. Therefore, no objections are raised to the proposal with regards to the National Planning Policy Framework; Policies SA, S1, S3, S10, C1, C2, RC2, E6, H1, H2, BN1, BN2, BN3, BN5, BN7a, BN7, INF1 and INF2 of the West Northamptonshire Joint Core Strategy and Saved Policy E20, E26, H14 and L2 of the Northampton Local Plan.

- 1.1.3 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Director of Planning and Sustainability be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.
- 1.1.4 Furthermore, due to the nature and complexity of the Application, it is recommended that delegated authority be given to the Director of Planning and Sustainability in consultation with the Chair of Planning Committee to amend, omit or add planning conditions as appropriate.

2 THE PROPOSAL

- 2.1 The proposal is a hybrid application for the redevelopment of the Northampton University Avenue Campus site for up to 170 dwellings. However, and for the avoidance of doubt, the Newton Building does not form part of the application and is to be retained unaltered and in education use.
- 2.2 The outline part of the application predominantly relates to the rear of the site and comprises the demolition and conversion of existing University buildings and the erection of new buildings to provide residential accommodation (Use Class C3) of up to 112 units and associated car parking (including reconfiguration of Newton Building car park), landscaping and open space, with all matters reserved except access.
- 2.3 The full/detailed part of the application comprises the part demolition, conversion and extension of the Maidwell Building to provide 58 new dwellings in two separate buildings together with car parking to serve these units and also includes full details of the vehicular accesses to the site.
- 2.4 The proposed works to the Maidwell Building comprise the demolition of the northern (front) and southern (rear) wings of the building, the retention and conversion of the east and west (side) wings/pavilions to residential, new infill residential terraces to the front and a rear extension to the retained western pavilion. The retained and converted Maidwell wings/pavilions would contain 26 residential apartments (5 x 1 beds, 16 x 2 beds, and 5 x 3 beds) over four storeys. The new infill terraces would provide 32 residential units (12 x 1 beds, 12 x 2 beds, and 8 x 4 beds) over 5 storeys. The parking for these 58 dwellings, comprising a total of 129 spaces, would be located in parking courts to the rear of the pavilions and served off a new vehicular entrance from St Georges Avenue that would run between the new terraces to the southern frontage of the site.
- 2.5 The application includes full details of two vehicular accesses onto St Georges Avenue with footways. The existing vehicular access to the east of the Maidwell Building would be widened to allow two-way traffic with a footway to one side and a shared cycleway and footway to the other side. In addition, a new vehicular access with footways to both sides would be formed to the centre of the site running through the demolition parts of the Maidwell Building and adjacent to the new infill terraces, as detailed above. The existing western vehicular access is indicatively shown as a footpath and cycleway on the submitted details.
- 2.6 The remaining 112 dwellings located to the rear of the site and alterations to the Newton Building car park are proposed in outline only; the details of appearance, landscaping, layout and scale of this part of the development would be submitted as a reserved matters application(s) in the event that the current application is approved. The current application, however, has been accompanied

by indicative parameter plans and an illustrative masterplan to seek to demonstrate that the proposed units could be accommodated within the site. These details indicate that the new dwellings would form a mix of houses and apartments of between 2 and 4 storeys in height. The new dwellings would be located to the northern and western parts of the site, predominantly on previously developed land, with the existing areas of open green space retained and a new surface water attenuation pond and play facility to the west of the site. A main east to west internal link road is envisaged to run across the centre of the site with pedestrian links onto Trinity Avenue and Freehold Street.

- 2.7 It should be noted that the application has been amended since its original submission to seek address the comments of consultees and officers including a reduction in the maximum number of dwellings from 200 to 170.
- 2.8 In addition, it should be noted that the application was considered by the Planning Committee on the 27th October 2020. However, a late objection letter raising concerns regarding the demolition of the Maidwell Building was received that was not reported to the Planning Committee (as it unfortunately omitted the application reference and the site address) and therefore it is necessary for the application to be reconsidered by the Planning Committee.

3 BACKGROUND AND SITE DESCRIPTION

- 3.1 The application site, Avenue Campus, forms part of the University of Northampton. The University of Northampton historically operated from two campuses: Avenue Campus (the application site) and Park Campus on Boughton Green Road. Avenue Campus comprised the University's centre for art, design, technology, architecture and the performing arts and also contains some student accommodation. Park Campus contained the University's management and administration facilities, lecture theatres, library, restaurant, a sports hall, shops, bars and a nightclub. However, in 2014 outline planning permission was granted for the development of a new Waterside Campus (under reference N/2013/0912) to relocate the University and this new campus opened in September 2018. An application was also submitted in 2014 to redevelop Park Campus for residential purposes (under reference N/2014/0475) and this was subsequently approved, but the current application for Avenue Campus (submitted in 2016) has been delayed in determination due to issues raised by statutory consultees.
- 3.2 The application site is located approximately one mile to the north of Northampton's town centre and immediately to the north of the Racecourse, accessed off St Georges Avenue. It contains five buildings in educational use (Newton, Maidwell, Isham, Walgrave and Heyford) together with a halls of residence (Bassett Lowke), an innovation centre, some seven car parks served by two accesses, areas of open space (including a treed area to the west) and its frontage falls in land levels down to the centre of the site. The scale of the existing buildings on the site vary from single storey to four storeys in height.
- 3.3 The Newton Building and Maidwell Building front onto St Georges Avenue and fall within the Kingsley Conservation Area. The Newtown Building is Grade II listed and is to be retained, falling outside the application red edge boundary. The Maidwell Building is locally listed and occupies the frontage of the application site. It is three storeys in scale with a basement to the front elevation and is laid out in a courtyard arrangement including 1930s pavilion wings but with a modern 1960s infill to the front.
- 3.4 The locality of the application site is predominantly residential along St Georges Avenue, although Bosworth Independent School is located to the west of the site. The site backs onto the Malcolm Arnold Academy, including a number of sport pitches, and beyond these playing fields to the north west lies an existing employment area and housing.

4 PLANNING HISTORY

- 4.1 The site has a long and complex planning history relating to the educational use of the site together with associated student accommodation (Bassett Lowke building), however the following application is most relevant to the current application:

N/2015/0426

Request for a screening opinion as to the need to undertake an Environmental Impact Assessment for the redevelopment of the site comprising a residential development of up to 250 dwellings. Environmental Impact Assessment is not required.

- 4.2 In addition, the following outline application for a new campus for the University of Northampton at Waterside is also a material consideration of the current application:

N/2013/0912

Outline planning permission for redevelopment of the site as a new campus for the University of Northampton, including site clearance and enabling works comprising remediation and re-levelling of the site, demolition of all buildings on the site (except the Grade II listed structures). The proposal includes up to 40,000m² university floorspace (all floorspace is GEA); up to 15,000m² university expansion floorspace; up to 35,000m² commercial (B1) floorspace; up to 3,550m² of retail floorspace (up to 1800m² of A1, up to 150m² of A2, and up to 1600m² A3/A4); up to 1,500 beds of student accommodation; up to 760 car parking spaces for University use; up to 1,100 car parking spaces for commercial / leisure use; a hotel of up to 7,000m² (up to 150 bedrooms); floodlit sports facilities; reuse of listed locomotive shed (520m²) and curtilage listed office building; an energy centre of up to 600m²; a new road bridge and junction on to Bedford Road including reconfiguration of Midsummer Meadow car park; a new pedestrian foot bridge connecting the site to Becket's Park; a new secondary substation (adjacent to existing substation); and retention of the existing access via Nunn Mills Road.

Approved with a number of subsequent reserved matters applications approved and implemented for the construction of the new university facilities.

- 4.3 The outline application at Park Campus, Boughton Green Road is also noteworthy in the consideration of the current application:

N/2014/0475

Outline application (with all matters reserved except access) for the demolition of existing University facilities and erection of new buildings comprising residential accommodation (use class C3) up to 800 units associated car parking, retail unit, landscaping and open space with accesses from Boughton Green Road.

Approved, with subsequent variation of condition and reserved matters applications also approved and works have commenced on the construction of the residential development.

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, and Northampton Central Area Action Plan (2013).

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 or appearance of a conservation area.

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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Section 5 - Housing Supply

Section 7 - Ensuring the vitality of town centres

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well designed places

Section 14 - Meeting the challenge of climate change and flooding

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

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:

SA - Presumption in Favour of Sustainable Development

S1 - The Distribution of Development

S3 - Scale and Distribution of Housing Development

S10 - Sustainable Development Principles

C1 - Changing Behaviour and Achieving Modal Shift

C2 - New Developments

RC2 - Community Needs

E6 - Education, Skills and Training

H1 - Housing Density and Mix and Type of Dwellings

H2 - Affordable Housing

BN1 - Green Infrastructure Connections

BN2 - Biodiversity

BN3 - Woodland Enhancement and Creation

BN5 - The Historic Environment and Landscape

BN7A - Water Supply, Quality and Wastewater Infrastructure

BN7 - Flood Risk

BN9 - Planning for Pollution Control

INF1 - Approach to Infrastructure Delivery

INF2 - Contributions to Infrastructure Requirements

5.4 **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 policies are material to this application:

E20 - New Development (design)

E26 - Conservation Areas

H14 - Residential Development, Open Space and Children's Play Facilities

L2 - School and College Sites

5.5 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004

Planning Obligations Strategy SPD 2013

Affordable Housing Interim Statement 2013

5.6 Other Material Considerations

Kingsley Conservation Area Appraisal and Management Plan 2009

The Northampton Local Plan Part 2 – The Northampton Local Plan Part 2 has recently been subject to a second round of consultation (Regulation 19) and the policies in this emerging plan will attract more weight as the plan progresses. Policies 13 and 38 of the Northampton Local Plan Part 2 Proposed Submission are of particular relevance to this proposal as they seek to allocate the application site for 200 dwellings. In addition, Appendix C to the Part 2 Plan details that improvements to the Barrack Road / St. Georges Road, and Kingsthorpe Road / Balfour Road junctions will be required to support the redevelopment of Avenue Campus.

6 CONSULTATIONS / REPRESENTATIONS

Comments received are summarised as follows:

6.1 Anglian Water:

- Assets – There are Anglian Water assets that may affect the layout of the development and an informative should be imposed to draw this matter to the attention of the developer.
- Wastewater Services – There is capacity available for the foul drainage and sewerage arising from the development.
- Surface water disposal – A condition should be imposed to require a surface water management strategy.

6.2 **Arboricultural Officer:** No objection on tree-related grounds. The submitted arboricultural survey and report are thorough and the analysis is thoughtful, considered and well-balanced with adequate justification for the proposed tree removals, essentially the second tier of planting in front of the Maidwell Building. At the front of the property an arboricultural method statement and tree protection plan will be required. An up-to-date tree survey of the area behind the Maidwell Building will be required for any future reserved matters application; the submitted arboricultural report dates from 2016 and the survey itself was completed in 2014, and this should inform an arboricultural method statement and tree protection plan.

6.3 **Conservation Officer:** No objection to the revised proposal, which will not impact on the character or appearance of the Kingsley Conservation Area.

6.4 **Construction Futures:** A financial contribution should be made to secure a construction training programme.

6.5 **Environment Agency:** The previous use of the proposed development site presents a potential risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary A aquifer. Therefore, to ensure the development does not propose an unacceptable risk to the environment, conditions should be imposed to address the following:

- Land contamination
- Infiltration of surface water drainage.

6.6 Environmental Protection:

- Construction Works – A Construction and Environmental Management Plan condition should be imposed to address the impacts of construction works.
- Land contamination – This matter can be addressed by conditions.
- Noise Assessment / Mitigation – The submitted Noise Report includes baseline noise measurements and identifies the need for onsite mitigation to protect future residents from noise disturbance. A condition should therefore be imposed to secure a detailed noise control

scheme prior to the construction of each property; the scheme will likely include measures such as windows with improved noise attenuation and ventilation/heat control systems that allow windows in habitable rooms to be kept closed in warm weather and also provisions to protect outdoor amenity spaces.

- Air quality - The Council's Low Emissions Strategy requires electric vehicle charging points and specifies minimum standards for gas boilers.

6.7 **Highways England:** No comments.

6.8 **Historic England:** No comments regarding the amended details.

6.9 **NCC Archaeology:** Initially objected in the absence of intrusive on site works to provide an appropriate level of archaeological assessment. However, four trenches were subsequently excavated on the site and an Archaeological Evaluation Report submitted which indicates that the site does not retain evidence for the former Kingsthorpe Brickworks that is known to have been present on the site. The trial trenching found evidence for modern disturbance and for quarrying which appeared to have been backfilled relatively recently. There is therefore no requirement for further work on below ground archaeology. However, a building recording condition for the Maidwell Building is recommended, to cover those parts of the building to be converted as well as those demolished, if consent is forthcoming.

6.10 **NCC Development Management:**

- Primary Education – There will not be sufficient capacity within existing provision to be able to accommodate the likely numbers of pupils generated from this development. Therefore, a financial contribution is required to ensure that the children generated by this development can be accommodated within a local school.
- Secondary Education – The majority of the secondary schools serving the proposed development are operating at 99% capacity or above. Secondary education in Northampton have previously been secured through developer contributions under the Community Infrastructure Levy, however changes to legislation in 2019 allow section 106 contributions to be sought and therefore such a contribution is sought from this development.
- Fire hydrants and sprinklers – A condition is sought regarding fire hydrants and sprinklers.
- Libraries – A financial contribution is sought for libraries
- Broadband – Guidance should be provided to the developer regarding broadband.

6.11 **NCC Ecology:** Initially raised concerns regarding the potential impacts on protected species but, following the submission of further ecological assessments, raises no objections subject to conditions to address the following:

- A Construction Environmental Management Plan to address impacts on protected species.
- A Landscape and Ecological Management Plan to cover the management of soft landscaping.
- The removal of Japanese Knotweed from the site.

6.12 **NCC Highways:** Initially raised concerns regarding highway impacts. However, following a reduction in the number of units from 200 to 170 and the submission of revised and further details the following observations have been provided:

- Layout - A condition should be imposed to ensure that the Maidwell part of the development is laid out in accordance with the detailed site plan.
- Construction works – A Construction Traffic Management Plan condition should be imposed.
- Private streets – A condition should be imposed to address any streets that may not be adopted as public highway.
- Travel Plan – A Travel Plan should be secured by condition
- Transport impacts - The applicant has agreed to seek to mitigate the traffic impacts of the development via signal timing changes at affected junctions: A5095 Kingsley Rd / A5095 Abington Grove / A5123 St. Matthew's Parade / A5123 East Park Parade and A508 Barrack Rd / A428 Grafton Street / Campbell Street. These works should be secured prior to the occupation of the 60th dwelling.

- 6.13 **NCC Lead Local Flood Authority:** Initially objected due to insufficient information supporting the application regarding surface water drainage, however following the submission of further details no objections are raised to the proposal subject to the imposition of conditions to secure a surface water drainage scheme.
- 6.14 **Nene Clinical Commissioning Group & NHS England:** There will not be sufficient capacity in the local primary healthcare system to absorb the anticipated increase in demand created by the proposed development. Practices in the local area are already at the limit of their capacity and the increase in population could push practices to the point that they are no longer able to accept new patients. If this were to be the case it could result in the population brought to the area by the new housing development experiencing difficulties accessing primary care health services. Therefore, the Clinical Commissioning Group and NHS England are seeking a financial contribution towards infrastructure to ensure the new population has access to good quality primary health care services.
- 6.15 **Northants Police Crime Prevention Design Advisor:**
Outline application
- There are references in the supporting submissions to Secured by Design and the principles of designing out crime. The general layout with back to back gardens and on plot parking shows an adherence to these principles as both reduce opportunities for crime. However, there are examples on the illustrative master plan where parking is behind the rear garden and where the rear garden perimeter is exposed by the introduction of a road and both of these should be avoided on the final layout.
 - Pleased to note the play space to the rear of garden has been removed. The play space indicatively shown to the west of the site is acceptable as it benefits from overlooking and is separated from the nearest housing by a road which reduces the impact of the nuisance and noise which can often accompany a play space.
 - The purpose of the green space behind the houses on the north east side of the plan is unclear; the green space serves to expose the rear garden boundary of the houses backing onto it and will create a hidden space for children to play in. A similar situation exists on the north west side.
- Maidwell Pavilions and Terrace
- Access controls should be incorporated.
 - Postal deliveries should be made to external letter boxes.
 - The cycle storage is set away from the buildings and will need to be very secure to encourage persons to store bikes in the public domain; a brick built lockable building is recommended with security rated internal anchor points.
 - The residential amenity for those persons living on the bottom floor of Maidwell Terrace facing into the car park can be enhanced by the inclusion of some secure amenity space to provide a buffer for ground floor residents. The lower gardens may prove attractive for burglars as they would appear to be screened from overlooking from St Georges Avenue and there does not seem to be much to stop persons accessing the space. Any glazing in any basement level or ground floor level window should be laminate and meet the requirements of P1A.
 - All new external doors and windows at accessible levels plus all internal flat entrance doors should meet the requirements of BS PAS24:2012
 - Lighting to the communal car park should meet the requirements of BS 5489 and provide a uniform level of light of between 0.2 and 0.4UO.
 - The extensive area of parking would lend itself to being designed in line with guidance from the Safer Parking Scheme
- 6.16 **Sport England:** Initially objected due to the proximity of residential uses to existing sports facilities at Malcolm Arnold School (particularly a flood lit artificial grass pitch and court facilities), which are used by the school and community (including at weekends and in the evenings) meaning that the new dwellings may impact on the continual use of the sports facilities. However, having assessed the noise assessment submitted in response to these concerns, the objections were withdrawn subject to conditions to secure an acoustic barrier and attenuated ventilation to buildings affected by noise from the neighbouring sports facilities. In addition, the detailed design of any reserved matter applications should seek to ensure that there would be no private or shared gardens

bordering the sports pitches and the design of the buildings seeking to avoid noise sensitive rooms on elevations facing the sports pitches.

6.17 Councillor Jane Birch:

- Pleased to note the reduction of housing units to 170; this reduction (from 200) will have a less adverse impact on the traffic along St George's Avenue which has concerned local residents since the original proposals came forward.
- Note that there is no plan to widen St. George's Avenue with the loss of established trees.
- The Traffic Plan is also far more comprehensive and again this is seen as an improvement on the previous plan.
- Note that the cycle path leading onto Freehold Street has been repositioned to the edge of the Wildlife Area reducing the disruption to the local wildlife. This area of wild woodland to the rear of properties on St George's Avenue now remains relatively undisturbed; it is regarded as highly important to the character of the neighbourhood.
- Concerns have been expressed about security of the site and the adjoining residential properties.
- Details of boundary treatments as the application develops are important.
- Residents need to be assured that the digging of deep foundations will not impact on the stability of nearby properties.
- As far as this application looks at a detailed planning application for Maidwell, the front elevation facing the Racecourse presents a cohesive facade in line with the perception of this being a significant building in the area.
- Pleased to see the alterations to the original proposals, many reflect the objections raised at the time by local residents.

6.18 Six neighbour objections to the application have been received. These objection letters include the following points:

- The 1930s Maidwell Building should not be demolished and instead should be listed and retained as part of Northampton's heritage.
- The provision and quality of the flats to the St George Avenue frontage is not comparable to the quality and social mix of existing properties along St Georges Avenue; houses should be provided to the frontage.
- The proposal would exacerbate existing traffic issues on Trinity Avenue.
- Concerned regarding the impacts of the development to wildlife including protect species in the western portion of the site; this area is known locally as a wildlife area and recognised as a wildlife conservation area by the University who, together with the St Georges Community and Wildlife Group, secured lottery funding to enhance the site 20 years ago. The large balancing pond and pedestrian routeway will destroy an important hedgerow and trees used by nesting birds. There are existing ponds and another pond is not needed. Lighting of the routeway will be detrimental to wildlife. The land was also historically recognised as a greenspace in the 1990s under the draft Local Plan, but this was changed to an education designation in the final plan.
- Tree preservation orders should be extended in the western area of the site.
- The new bicycle path exit at Trinity Avenue would necessitate the loss of a hedge that has been nominated for the Local Heritage List.
- There are potential archaeological remains in the western area of the site of historic importance; it comprises the longest occupied and most extensive brick working area in Northampton (operating from at least 1755). The submitted desk based archaeological report is below acceptable quality and has incorrect conclusions. An archaeological trial trench evaluation should take place in accordance with a brief agreed with the County Archaeologist to inform the need for any future work.
- Proposed pedestrian only route from the frontage of the site is welcomed.
- East west link is questionable in purpose, utility and practicality; it will have highway impacts (e.g. emerging cyclists would have to penetrate a stream of pedestrians on Trinity Avenue including those en route to school), conflict with the residential setting, it is unclear how the level differences will be addressed and will result in the loss of a historic hedge together with tree removal and street-lamp displacement.

- The proposed cycle track along the eastern frontage access also only leads to a busy pedestrian footpath.
- The provision of paths with no surveillance creates security issues and requires unnecessary lighting.
- Site boundaries should be preserved for security.
- A new access should be provided to the school from the new estate.
- Concerned regarding impacts of construction works including noise, dust and vibration; neighbouring residents should be temporarily relocated during demolition.
- Proposal has potential to impact on mains drainage.
- Application proposals misunderstand local feedback.

6.19 **One neighbour representation in support** of the proposed development has also been received, which include the following points:

- The additional housing provided by the scheme is welcomed; particularly now the scheme has been reduced in number.
- The local area and Malcolm Arnold School should directly benefit from financial contributions arising from the development.
- Welcome the retention of trees along St Georges Avenue
- Cycle path location is appropriate.

6.20 In addition, **four neighbour representations providing comments** on the scheme have been received, which include the following points:

- Proposal would open up and alter a significant part of an existing wildlife site.
- The play areas should be re-sited away from the wildlife site and proposed drainage pond to ensure children are not encouraged to venture too near these features.
- The security of the rear of existing dwellings along St Georges Avenue needs careful consideration under future reserved matters application together with the possibility for anti-social behaviour and fly tipping.
- Additional traffic generated by proposal needs careful consideration and review, including the ability to cross St Georges Avenue.
- Four storey buildings would likely involve pile driving construction which would potentially damage neighbouring properties as would the demolition of the halls of residence.
- Four storey housing would also lead to overcrowding and could be imposing.
- The proposal has implications for rights of way.

7 APPRAISAL

Principle of the development

7.1 The application site is located within the urban area of Northampton and therefore residential development of the site is acceptable in principle under Policy S1 of the Joint Core Strategy.

7.2 The site is however allocated for education purposes under Saved Policy L2 of the Local Plan. Although, the proposed redevelopment of the site is linked to the relocation of the University of Northampton's facilities to the new Waterside Campus at Nunn Mills Road, which was permitted under application N/2013/0912 and occupied in 2018. Furthermore, it is understood that the University, a not for profit organisation, is committed to reinvesting any capital receipts from the application site into the costs of relocating the University and the provision of higher education. As such, a strong case can be made that the retention of this site for education purposes is no longer necessary and the site can be released for other uses, particularly in the case of residential accommodation, which would assist in addressing an identified need within Northampton.

7.3 In addition, Policy E6 of the Joint Core Strategy sets out a requirement to support the role of the University. Furthermore, the supporting text in the Joint Core Strategy (paragraph 5.57) refers to the proposed relocation of the University to Waterside helping to create a better relationship to the town centre and Enterprise Zone and replacement housing provision being made on the existing campuses.

- 7.4 The emerging Local Plan Part 2 is also a material consideration in the assessment of the current application and, having recently completed a second Regulation 19 consultation, it is considered that some weight can be attributed to the proposed allocation of the application site under Policies 13 and 38 for residential purposes for up to 200 dwellings.
- 7.5 In light of the above, it is considered that objections could not be sustained to the redevelopment of this education facility to housing under Saved Policy L2 of the Local Plan.
- 7.6 It should also be noted that the NPPF sets out in Paragraph 117 that planning should make an effective use of land in meeting the needs for housing and seek to use as much as possible of previously developed or “brownfield” land to meet housing need. In addition, Paragraph 118 of the NPPF details that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other needs. The illustrative plans accompanying the application indicate that the new housing would be concentrated on the previously developed parts of the site and it is understood that the majority of the buildings at Avenue Campus have been vacant since the relocation to the Waterside Campus in 2018. Therefore, it is considered that the proposal would support the objectives for brownfield land in the NPPF
- 7.7 Notwithstanding the above, the Council cannot presently demonstrate a five years housing land supply. Therefore, in accordance with the presumption in favour of sustainable development in Paragraph 11 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The development of the site for housing would contribute towards the Council’s housing supply with associated social and economic benefits and this therefore weighs heavily in favour of the proposal. In addition, weight can be attributed to the benefits arising from the redevelopment of brownfield land. The application would also support the relocation of the University to the Waterside Campus, with the capital receipts from the sales of Avenue Campus contributing to relocation costs, and thus would indirectly assist with the regeneration of Northampton Town Centre and the Enterprise Zone and contribute to the aims and objectives of the Central Area Action Plan.

Heritage Assets – Conservation Area and historic buildings

- 7.8 The frontage of the application site is located in the Kingsley Conservation Area and contains the Maidwell Building which is a locally listed building and thus comprises a non-designated heritage asset. In addition, the site neighbours the Grade II listed Newton Building. As such, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area and to preserving the setting of the listed building, with great weight given the conservation of the heritage asset. Furthermore, the effect of the application on the significance of a non-designated heritage asset should also be considered, with a balanced judgement required having regard to the scale of any harm or loss and the significance of this heritage asset.
- 7.9 The Kingsley Conservation Area was designated in 1991 and the Conservation Area Appraisal details that its character is defined by high-quality late 19th century grand terrace houses which are the result of speculative development undertaken by house builders during the Victorian period. Furthermore, the Conservation Area Appraisal details that the Racecourse provides the focal point of the Kingsley area, and it is this large green open space which has defined the development of houses around it. However, the application site did not originally form part of the Conservation Area and was only included when the Kingsley Conservation Area boundary was extended in 2009 to cover the entire extent of the Racecourse and also buildings surrounding it that have been deliberately designed to take advantage of this amenity. The Newton and Maidwell Buildings are both identified in the Conservation Area Appraisal as making a positive contribution to the extended Conservation Area.
- 7.10 In terms of the Maidwell Building, the Kingsley Conservation Area Appraisal details that the building was originally constructed in 1932 and is of idiosyncratic construction set around three sides in a horseshoe construction with an open courtyard in the centre. Furthermore, it details that

the St Georges Avenue facades of the original building consist of two wings each with a central doorway with stone surround flanked by two stone pillars, with the west wing having “Technology” inscribed above the doorway, and the east wing having “Art” inscribed above the doorway. The central area of the frontage was filled in with a modern block design with flat roof and a large expanse of windows in the 1960s.

- 7.11 The supporting submissions set out that the applicant originally proposed the demolition of the Maidwell Building and a higher quantum of development on the site (c. 250 dwellings). However, in response to pre-application engagement, the proposal was altered to retain and replace parts of the Maidwell Building and full details of the works to this locally listed building form part of the consideration of this hybrid application. Indeed, the application proposes the retention of the front parts of the 1930 east and west wings (referred to as the Maidwell Pavilions by the applicant) incorporating alterations to side facades (due to the removal of internal side projections) together with the construction of a new rear extension to the western wing and stairwell to the rear elevation of the eastern wing; the demolition of the 1930s rear wing; and two new terraces to the frontage (referred to as the Maidwell Terraces by the applicant) in place of the 1960s infill. In addition, there would be a new access road running between the resulting two buildings with a parking courtyard to the rear.
- 7.12 A Heritage Impact Assessment accompanies the application, and this details that the proposal partial demolition of the Maidwell Building would result in a moderate degree of harm to the heritage value of this locally listed building as a result of its partial demolition and negligible impact on the character and appearance of the Kingsley Conservation Area.
- 7.13 It is considered that the findings in the applicant’s Heritage Impact Assessment regarding the impact of the works to the locally listed Maidwell Building are reasonable and well considered. Indeed, the Heritage Impact Assessment notes that the building derives significance from not only its aesthetic value but also its historic and communal role as an education establishment, including its training role linked to the locally important boot and shoe industry. Furthermore, the Heritage Impact Assessment details that the moderate degree of harm derives from the impact in both fabric and aesthetic terms from the demolition of the 1930s northern and 1960s southern ranges. However, the Heritage Impact Assessment details that the elements to be lost do not make a defining contribution to the architectural and historic interest of the building, although acknowledges that they do contribute to its overall integrity and interest in its form and historic significance. In addition, the Heritage Impact Assessment notes that the most significant elements of the locally listed building, the entrances to the eastern and western ranges and parts of the ranges themselves, are being retained, and key features such as the critical windows can be protected by condition. Furthermore, the Heritage Impact Assessment sets out that the new infill southern range echoes the form and materiality of the existing pavilions in a contemporary form and are of appropriate scale, thereby retaining the sense of primacy of the pavilions in the streetscene. It is considered that the design of the basement parts of the front elevation are relatively weak, with limited fenestration details that do not tie in particularly well with the upper floors, but this element of the scheme would largely be screened by retaining walls. The division of the southern infill by a new site entrance is noted as a minor heritage impact on the value of the Maidwell Building but mitigated to a degree by design detailing.
- 7.14 The rear extension to the west pavilion of the Maidwell Building is not specifically addressed in the Heritage Impact Assessment nor is the appearance of the courtyard facing inner facades of the retained buildings. The proposed rear extension would replicate part of the form of the existing building which would help to some extent to limit the harm from the loss of this part of the building and would also have a sympathetic roof form and subordinate scale to the retained pavilion. However, the west facing windows in the rear projection would contrast poorly with the retained pavilion and are only considered acceptable due to their similarity with the fenestration details in the more successfully designed front terraces. The facades facing onto the parking court would effectively all be new (predominantly due to the removal of existing courtyard projections) and would have a contemporary design with an informal relationship of windows which would not reflect the historic appearance of the building. However, the existing courtyard elevations are much plainer than the exterior elevations and of limited aesthetic value. Furthermore, as a similar

approach is reflected on all 4 elevations it creates a sense of cohesion between the existing and new parts of the building. In addition, the design of the courtyard facing facades together with the layout of the altered Maidwell Building, which wraps around the front corners of the parking area, retains a sense of the historic courtyard form. The shared landscape setting to the frontage of the building would also largely be retained, with the existing frontage basement area replicated in the infill terrace designs in the form of small outdoor amenity areas for the duplex apartments.

- 7.15 Overall, it is considered that the harm to the locally listed Maidwell Building is moderate and that this equates to less than substantial harm in the terms of the NPPF.
- 7.16 In respect of the impact of the proposal of the Kingsley Conservation Area, whilst the findings of the submitted Heritage Impact are noted, it is considered that the proposal would result in some minor harm to the character and appearance of the Conservation Area. Indeed, the Maidwell Building is specifically identified in the Conservation Area Appraisal as making a positive contribution to the Conservation Area and it is considered that this is derived from a combination of the high quality of the frontages of the 1930s pavilions and also the continuous frontage formed by the pavilions and central range. Therefore, the provision of an access road through the centre of the Maidwell Building and division of the building into two would clearly disrupt the frontage within the Conservation Area and also result in the loss of the historic form of this building. However, the retention of the grand 1930s Pavilions, which includes the most significant architectural details identified in the Conservation Area Appraisal, together with the sense of enclosure to St Georges Avenue created by the new terraces would help to limit this harm. As such, it is considered that the harm to the Conservation Area is only minor and less than substantial as defined in the NPPF.
- 7.17 It is also necessary to consider the impact of the proposal on the neighbouring Grade II listed Newton Building. The Newton Building dates from 1915 and was originally built as the Northampton Grammar School for Girls and is to be retained in education use by the University. It is a grand Renaissance style building with red brick in English bond and ashlar dressing and occupies an imposing position on the corner of St Georges Avenue and Trinity Avenue. To the west of the Newton Building is an existing vehicular access onto the wider University site. Given the retention of the eastern front corner of the Maidwell Building and the presence of a landscaped strip to the eastern side of the enlarged access drive, it is considered that the works the subject of the full application would not have an adverse impact on the setting of this listed building.
- 7.18 Turning to the outline part of the application, it is considered that there are no overriding objections to the principle of the proposed works with regards to the implications for the Conservation Area and historic buildings on the frontage of the site. Indeed, the indicative details show the retention and conversion of the Quinton Building, which has a sympathetic design to the Maidwell and Newton Buildings; although, detailed proposals for the Quinton Building would form part of a reserved matters application. In addition, whilst acceptable in principle, an assessment of the impacts of the alterations to the car park to the rear of the Newton Building on the setting of this listed building will need to be undertaken at the reserved matters stage. Furthermore, any development to the rear of the site will also need to be sympathetic to the character of the retained historic buildings on the Avenue Campus site and the wider Kingsley Conservation Area.
- 7.19 Overall, it is considered that the proposed works to the Maidwell Building would result in moderate harm to a non-designated heritage asset and some limited harm to the character and appearance of the Conservation Area. This harm would be less than substantial as defined in the NPPF. However, it is considered that this harm is mitigated to some extent by the retention of the 1930s pavilions to the frontage of the building and the new terraces. Furthermore, as part of a balanced assessment, it is considered that the harm would be outweighed by the benefits arising from the scheme securing a viable use for the retained part of the Maidwell Building, the contribution of 170 dwellings to the Council's housing land supply facilitated by the proposed scheme, and support the scheme provides to the relocation of the University to the Waterside Campus together with associated benefits as detailed above. However, it is recommended that a building recording condition is imposed together with conditions relating to materials, boundary treatments and landscaping to seek to preserve historic features and the character of the area.

Heritage Assets - Archaeology

- 7.20 Heritage assets also include sites of archaeological interest. Paragraph 189 of the NPPF advises that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 7.21 In this instance, the site includes former historic brickworks to its western side and thus has the potential to include heritage assets with archaeological surveillance. The application was initially accompanied by a desk based archaeological report to seek to assess the impact of the proposal on archaeological heritage assets, however the submitted document was weak and the County Archaeologist together with a third party with archaeological interests advised that on site intrusive investigations would be required to understand the potential impact on the assets' significance. As a consequence, on site investigations were subsequently undertaken with an evaluation report submitted which indicates that the site does not retain evidence for the former brickworks due to modern disturbance and quarrying. As such, the County Archaeologist has advised that there is no requirement for further work or conditions relating to below ground archaeology and it is considered that the proposal would not result in an adverse impact on heritage assets with archaeological interest.

Design and layout

- 7.22 Policies S10 and H1 of the Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan seek high quality design and this approach is supported by the NPPF.
- 7.23 The application site presently has a high quality and cohesive frontage to St Georges Avenue, as detailed in the Heritage section above. However, to the centre and the rear of the site it has a more sprawling form with a mixture of building designs and scales, large areas of parking and a somewhat contrived internal road layout that has evolved over time. In addition, the edges of the site benefit from treed areas which are subject to ecological constraints, including a wildlife area to the western side of the site, as addressed in more detail in the Green Infrastructure, Ecology and Trees section below.
- 7.24 The design consideration of the alterations to the Maidwell Building, which form the detailed part of this application, have largely been addressed in the Heritage section above and, overall, would result in a strong frontage to St Georges Avenue with a mix of traditional and more contemporary architecture tied together with elevation treatments.
- 7.25 Turning to the outline parts of the scheme, the application has been accompanied by a range of indicative plans include parameter plans relating to land use, building heights and access and movement together with an indicative masterplan and landscaping scheme to provide an indication of how the site could potentially be developed.
- 7.26 The illustrative details show the parking court to the rear of the altered Maidwell Building enlarged and including two additional residential buildings to reflect the square courtyard layout of the current Maidwell Building. To the rear of this parking area is an east to west link road running from an altered car park for the Newton Building to the east and surface water drainage pond to the west of the site. The link road is shown connecting into the two new vehicular accesses from the St Georges Avenue frontage to the south. A cycle way is detailed to the northern side of the link road and this is shown as connecting into the highway network on Trinity Avenue and Freehold Street to improve the permeability of the site. The concerns of third parties regarding the loss of part of a boundary hedge to Trinity Avenue and the potential for crime associated with pedestrian links are noted. However, only a small section of hedge would need to be removed, the Police Crime Design Advisor does not raise concerns regarding the indicative movement network and clearly a balance needs to be struck with the permeability benefits and promotion of sustainable forms of travel that such new connections would facilitate. In any event, the details of any such pedestrian and internal vehicular movement routes would be considered at the reserved matters stage.

- 7.27 Housing and flats are shown to the northern centre/rear part of the site with landscaped buffers to the boundaries and also to the western part of the site, with a large portion of the treed wildlife area to the western side of the site retained as open space and incorporating a play facility and surface water drainage facility to its northern edge. The residential dwellings are generally laid out in perimeter block arrangements and the parameter plans suggest that they would likely be developed as predominantly two to three storey units. However, given the presence of the existing four storey Bassett Lowke building on the site, there is clearly scope for sensitively sited and designed taller buildings to come forward in parts of the site at the reserved matters stage.
- 7.28 The indicatively shown areas of green space across the site would result in a developable area of around 3.7 hectares and therefore a density of approximately 46 dwellings per hectare. The locality is characterised by terraced dwellings and is approximately a mile from the town centre, and thus it is considered that the density is acceptable in this sustainable urban location.
- 7.29 It must be acknowledged that the indicative layout does include some shortcomings, such as the relationship of the open space to some of the proposed dwellings as identified by the Police CPDA. In addition, the design and siting of parking will also be important to ensure the Parking Standard are met without the development being overly dominated by parking, but an amended layout could be secured at the reserved matters stage.
- 7.30 Overall, having regard to the indicative details, it is considered that the proposed number of residential units in the outline part of the site could be accommodated as part of a sensitively designed reserved matters application without an adverse impact on the character of the area.

Sports Facilities

- 7.31 Sport England initially submitted a holding objection regarding the application due to the potential for the proposed development, once occupied, to impact on the ability to use the sport pitches to the north and west of the site (particularly a floodlit Artificial Grass Pitch [AGP] and court facilities which are used by the Malcolm Arnold Academy and community in the evenings and during weekends).
- 7.32 To address Sport England's concern, the applicant commissioned a specific noise assessment for the AGP. This assessment finds that reasonable and practicable forms of noise mitigation can be used to protect new dwellings from noise from the existing AGPs, such as a 1.8 metres high noise barrier along the boundary with the sport pitches, double glazing and passive acoustic ventilators. The conclusions of this noise assessment have been accepted by Sport England, with their holding objection withdrawn subject to conditions to secure the noise mitigation measures detailed in the report and the provision of guidance regarding layout that should be taken into account in any subsequent reserved matters applications to minimise conflict between the existing sports facilities and future occupiers of the new dwellings.
- 7.33 It should also be acknowledged that existing flood lights also have the potential to cause conflict between existing sports facilities and new residential occupiers. However, in this instance, the floodlights on the adjacent sport pitch are subject to a condition (under planning permission N/2006/1109) preventing their use between the hours of 21:00 and 9:00 and it is considered that this would help protect future occupiers from unacceptable amenity impacts from the flood lights. However, it will also be necessary for any future reserved matters application to be sensitively designed to address this matter
- 7.34 Overall, subject to conditions requiring the reserved matters application for the dwellings to the north of the site being accompanied by details of noise mitigation measures and noting that such a reserved matters application will need to be carefully designed to minimise conflict, it is considered that the proposal would not have an unacceptable impact on neighbouring sports facilities.

Residential Amenity

- 7.35 Policy H1 of the Joint Core Strategy, Saved Policy E20 of the Local Plan and the guidance in the NPPF all seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.36 In terms of the amenity of neighbouring properties, the proposed works to the Maidwell building and vehicular access alterations would have no implications for the residential amenities of neighbouring properties nor would any subsequent reserved matters application to revise the parking layout for the Newton Building.
- 7.37 In respect of the remainder of the outline part of the proposal, the indicative details show the retention of green open space to the rear of and acting as a buffer to properties on St Georges Avenue. It is noted that representations have been received regarding the security of the rear boundaries of properties on St Georges Avenue, however this green open space comprises an existing feature of the site and the proposal also offers the potential to introduce surveillance to this area of land. In addition, it is noted that the indicative plans show a play facility located on the edge of this open space in relatively close proximity to the rear garden of one existing property on St Georges Avenue. However, this garden area does not form part of the original curtilage of the property and is over 60 metres in depth such that it is considered that the play space would not have an unacceptable impact on the amenity of this neighbouring property. In any event, the above matters would be considered in detail at the reserved matters stage. Furthermore, it is considered that the indicative plans show that acceptable separation distances could be achieved on the site between existing and new dwellings and that development could come forward under a reserved matters application that would not give rise to unacceptable noise, disturbance or loss of daylight to neighbouring properties. However, to safeguard the amenities of neighbours during the construction phase of the development, a Construction Environmental Management Plan (CEMP) condition is recommended.
- 7.38 Turning to the amenity of future occupiers of the application site, it is considered that the application site is of sufficient size such that adequately sized amenity spaces, separation distances, privacy and daylighting for future occupiers could be secured at the reserved matters stage for the outline part of the proposal.
- 7.39 In respect of the detailed part of the application, the proposed apartments to be created in the altered Maidwell Building would comprise a mix of 1, 2, 3 and 4 bed units. All the units would accord with the national space standards, with a number of the units having generous floor areas that significantly exceed the national space standards to the benefit of the amenity of future occupiers. Furthermore, all habitable rooms would be served by windows and whilst there would be some basement bedrooms to the frontage of the development, these properties would look out onto small garden courtyards and also comprise duplex apartments. An apartment in the western rear extension would also have constrained outlook from its bedrooms, but the living space for the unit would be served by windows affording good outlook and daylight and it is not considered that objections could be sustained on the grounds of the amenity of this unit only. The only communal open space in the detailed part of the application is the shared frontage area, but the Racecourse Recreation Ground opposite the site offers a range of recreational opportunities.
- 7.40 It is noted that the application has been accompanied by noise reports and these identify that the site is presently affected by noise arising from vehicles to the south of the site on St Georges Avenue; existing plant on the Newton Building to the east of the site; and the playing pitches to the north of the site. These noise reports have been assessed by Environmental Protection (and Sport England as detailed above) and, subject to conditions to secure appropriate mitigation measures (e.g. window glazing, acoustic ventilation and boundary treatments) and a sensitively designed layout coming forward as part of a reserved matters application, it is considered that the development is not objectionable on noise grounds.
- 7.41 Taking into account the above, it is considered that an acceptable standard of amenity could be secured for both existing and future occupiers at the reserved matters stage for the quantum of development proposed. Therefore, no objections are raised to the proposal on residential amenity grounds.

Green infrastructure, ecology and trees

- 7.42 Policies BN1, BN2 and BN3 seek to enhance existing green infrastructure, woodland areas and biodiversity as well as safeguard protected species.
- 7.43 St Georges Avenue is tree lined along the boundary with the Racecourse and the frontage of the application site also benefits from trees running along the frontage of the site that contribute positively to the amenity of the area. The proposal would result in the loss of some of the trees on the frontage of the application site, predominantly the second tier of planting. However, a cohesive group of trees would remain, and the Council's Arboricultural Officer advises that the approach is reasonable and raises no objections subject to conditions to secure tree protection measures during the construction phase. Furthermore, it is recommended that a condition is imposed to secure landscaping to the frontage of the site and within the car park of the altered Maidwell Building on amenity grounds and to the benefit of ecology.
- 7.44 The interior of the application site covered by the outline part of the application contains a wooded area to the western side with a spring fed pond and several trees the subject of Tree Preservation Orders, which it is understood has been managed as a wildlife conservation area by the University and a local wildlife group for a number of years. In addition, the western and eastern edges of the rear part of the site contain treed areas with ecological constraints. These existing areas are indicatively shown to be largely retained on the illustrative details. However, a new surface water drainage pond and footway is shown running through the northern edge of the western wooded area.
- 7.45 To address the potential impacts of the outline part of the scheme on protected species, including bats, badgers and great crested newts and also in response to concerns raised by local residents and the County Ecologist, a number of ecological assessments and surveys have been submitted during the course of the application. In addition, the submitted Arboricultural Assessment also covers the interior of the site. Having regard to the findings of these reports, the County Ecologist and the Council's Arboricultural Officer raise no objections to the principle of the outline part of the application subject to conditions to secure a Construction Environmental Management Plan, Landscape and Ecological Management Plan, remediation of Japanese knotweed and a future reserved matters application being accompanied by an updated arboricultural assessment. In addition, it is recommended that the retention of the main part of the wooded area to the west of the site is secured as part of the Section 106 Legal Agreement. Furthermore, it is highlighted that any future reserved matters application will need to be sensitively laid out to in response to and to safeguard the ecological constraints identified in the submitted assessment and a future landscaping scheme should clearly secure biodiversity enhancements and strengthen green corridors.
- 7.46 It should be noted that the County Ecologist also initially raised concerns regarding the potential for the demolition of parts of the Maidwell Building to impact on roosting bats. However, further assessments for bats were undertaken in 2019 and 2020 and no evidence was found of bats utilising any of the buildings on site. As such, the County Ecologist raises no objections to the implications of the proposed demolition works for bats subject to a Construction Environmental Management Plan.
- 7.47 Overall, subject to conditions and planning obligations, no objections are raised to the proposal with respect to green infrastructure, ecology and trees.

Parking and highways

- 7.48 Policy C2 of the Joint Core Strategy requires development to mitigate their impacts on the highway network and be supported by a Transport Assessment. Furthermore, Paragraph 109 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network

would be severe. Detailed and complementary guidance on parking requirements are set out in the Northamptonshire Parking Standards and Northampton Parking Standards.

- 7.49 The application includes full details of the vehicular access arrangements to the site, comprising alterations to the existing access between the Maidwell Building and the Newton Building and a new access running through the centre of the remodelled Maidwell Building. The existing access to the west of the Maidwell is shown on the indicative plans to be closed and converted to a footway and cycleway and the indicative plans also show a new pedestrian and cycle route running east to west across the site from Trinity Avenue to Freehold Street. The Highway Authority has advised that the proposed vehicular accesses are acceptable and recommends the imposition of a condition to require their provision prior to the occupation of the development. The submitted plans also show the relocation of an existing pedestrian crossing to the frontage of the site and it is also recommended that this is secured by condition.
- 7.50 In terms of the impact of the proposal on the highway network, the application has been amended from 200 units to 170 units on the request of County Highways to mitigate its impact and has also been accompanied by Transport Assessment, the scope of which has been agreed by County Highways. The Transport Assessment evaluates the impact on the proposal on the highway network until 2031 and details that the proposal would result in an overall reduction in trips on the highway network between the existing generation from Avenue Campus and the proposed 170 dwellings. Indeed, the assessment calculates that there would be 17 fewer trips overall in the morning peak and 36 fewer trips in the evening peak. However, and whilst not disputing that the proposal would result in an overall reduction in vehicular movements and also improvements to queues to several arms of a number of junctions in the local highway network, County Highways initially raised concerns that the proposal would result in additional traffic to arms of the following junctions: A508 Barrack Rd / A428 Grafton Street / Campbell Street and A5095 Kingsley Rd / A5095 Abington Grove / A5123 St. Matthews Parade / A5123 East Park Parade. Although, following negotiations, County Highways have agreed that the development will not have an adverse impact on the highway network subject to changes to the signal timing on these junctions and a Travel Plan. Therefore, subject to the signal timing works being secured by a Section 106 Legal Agreement and a Travel Plan condition, it is considered that the development would not have a severe impact on the highway network.
- 7.51 In addition, County Highways also advise that a Construction Environmental Management Plan condition is required in order that the route of construction traffic, site compounds and construction matters are controlled to mitigate impacts on the highway network.
- 7.52 Turning to parking, the detailed part of the application has been amended to include the parking area to serve the 58 new apartments (17 x 1 beds, 28 x 2 beds, 5 x 3 beds, and 8 x 4 beds) within the converted and extended Maidwell Pavilions. The Parking Standards seek one parking space per 1 bed dwelling, two parking spaces for 2 and 3 bed dwellings and 3 parking spaces for 4 bed dwellings plus visitor and cycle parking, which equates to 107 car parking spaces plus visitor and cycle parking for this detailed part of the application. The proposed parking area contains 128 car parking spaces and thus there would be sufficient parking for each dwelling plus 21 visitor spaces which would be acceptable for this sustainable location. This parking can be secured by condition and it is also recommended that details of car park lighting are also secured by condition. It is noted that the indicative plans show the car park serving the two resulting Maidwell buildings to potentially be enlarged and shared with two further blocks of flats and, whilst such an approach would appear to integrate acceptably with the detailed parking proposals and be beneficial from a design perspective, this would form part of a future reserved matters application.
- 7.53 In respect of cycle parking, the submitted plans indicate 30 cycle parking spaces within the proposed car park and also 'cage' storage areas in the basement of the Maidwell Pavilions that could be used for cycle storage. The details are however somewhat limited, but this matter can be addressed by condition to ensure that the detailed part of the application would be served by adequate and secure cycle parking.

- 7.54 In regard to parking for the outline part of the application, the supporting documents (including the Transport Assessment) detail that the Northamptonshire Parking Standards will be met as part of any reserved matters application. The indicative masterplan is, however, a little ambiguous in this respect and does not clearly show two hard surfaced parking spaces for all two and three bed properties as required under the Parking Standards. Although, this matter would be addressed under a reserved matters application and it is considered that there is scope for an improved layout with adequate parking that meets the Standards but does not overly dominate the streetscene to be secured on site under such an application.
- 7.55 A revised parking area for the retained Newton Building would also form part of a reserved matters application.
- 7.56 Overall, given that the County Highway Authority raise no objections, and subject to conditions and a planning obligation, it is considered that the proposal would be acceptable on parking and highway safety grounds.

Planning obligations and affordable housing

- 7.57 By reason of the scale and type of the development, a Section 106 Legal Agreement will need to be entered into. The Community Infrastructure Levy (CIL) Regulations 2010 and Paragraph 56 of the NPPF specify three key legal tests in ascertaining whether a particular obligation can be requested. These specify that obligations should be:
- i) Necessary to make the development acceptable in planning terms;
 - ii) Directly related to the development; and
 - iii) Fairly and reasonably related in scale and kind to the development.
- 7.58 In addition, the NPPF details that major housing developments should be expected to provide at least 10% affordable Housing, with Policy H2 of the JCS seeking the provision of 35% affordable housing, subject to the assessment of viability, to be provided as an integral part of the development with a tenure to reflect local housing need.
- 7.59 In terms of viability, the NPPF advises that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances. Furthermore, the Planning Practice Guidance supporting the NPPF provides detailed standards for viability appraisals and indicates that an assumption of 15-20% profit is a suitable developer return.
- 7.60 The application has been supported by a viability assessment which sets out that the proposed scheme would be unviable if it includes affordable housing or Section 106 financial contributions. The assumptions in the applicant's viability assessment have been tested by an Independent Viability Consultant on behalf of the Council. The Independent Viability Consultant advises that the assumptions made in the submitted assessment are generally sound and reasonable and details that, whilst there is some scope to adjust some of the costs and fees, the provision of affordable housing on this site would not be viable in any scenario and would result in the development being undeliverable. As such, it is considered that it would not be reasonable to require any affordable housing on the site on viability grounds.
- 7.61 However, the Independent Viability Consultant's findings differ from the applicant's assessment with regards to the availability of some money for Section 106 financial contributions. Indeed, the Independent Viability Consultant advises that there is scope for some limited Section 106 financial contributions and initially suggested the inclusion of a clawback mechanism to address uncertainty regarding demolition costs. However, such a mechanism has the potential to significantly impact on land values, which has implications for funding of the Waterside Campus development, and there is also no guarantee that additional Section 106 monies would be forthcoming. As a potential way forward, the applicant has offered additional Section 106 financial contributions on a without prejudice basis, and these would cover a significant proportion (i.e. approximately three fifths) of the highway, primary education and health infrastructure costs arising from the impacts of

the proposed development. The Independent Viability Consultant advises that the applicant's offer would, on balance, comprise a fair risk adjusted compromise to all parties.

- 7.62 It is noted that the County Council are seeking contributions for not only primary education but also secondary education. However, secondary education is addressed by CIL contributions and therefore, and given the reduced contributions available from this development on viability ground (as detailed above), it is considered that it is not reasonable to require such additional contributions for secondary education under the Section 106 Legal Agreement.
- 7.63 The County Council are also seeking financial contributions for libraries but, in the absence of a specific planning policy requiring such a contribution, it is considered that there is insufficient justification to include such matters within a Legal Agreement.
- 7.64 A further infrastructure requirement is for the provision of construction training and the Council would also normally seek contributions relating to off-site open space to mitigate the impacts of the development. These requests would satisfy the tests for planning obligations and the payments would be secured through a Section 106 Legal Agreement. However, these Section 106 financial contributions are also subject to viability assessment as discussed above. Furthermore, given the conclusions of the viability assessment, the requirement for any contributions in respect of these matters would result in the development being unviable and this is a material consideration in determining the planning application. In addition, it is noted that the proposed development would include a generous provision of onsite open space, including play facilities, and these could be secured in perpetuity under the Section 106 Legal Agreement to ensure open space benefits are obtained as part of the proposal.
- 7.65 Overall, it has been demonstrated through viability assessments that the scheme cannot afford to deliver any affordable housing and only with reduced Section 106 financial contributions will the development be deliverable. It is recommended that these contributions prioritise primary education, health infrastructure and transport impacts, mindful that money will be collected under CIL for secondary education and on-site open space would be secured by the Section 106 Legal Agreement. However, it must be acknowledged that there is harm arising from the inability of the development to fully mitigate its impacts on education and health and also harm emanating from the lack of contributions to offsite open space and construction training. Although, as part of a balanced assessment, it is considered that this harm is outweighed by the significant benefits arising from the proposed development, which include the delivery of 170 residential units to contribute to the Council's five year housing supply, the redevelopment of vacant brownfield land, and the support the scheme affords to the University's relocation to the Waterside Campus together with its associated benefits to Northampton Town Centre and the Enterprise Zone as detailed above.

Other considerations

- 7.66 Whilst the application site is not located in Flood Zones 2 or 3, it proposes a major development and therefore has been accompanied by a Flood Risk Assessment and details of sustainable drainage, with the indicative plans showing a surface water drainage pond to the west of the site. The submitted details have been reviewed by the Lead Local Flood Authority, the Environment Agency, and Anglian Water and, subject to conditions, no objections are raised with respect to flood risk.
- 7.67 Environmental Health and the Environment Agency recommend conditions relating to ground contamination and, given the historic use of the site as a brickworks with associated quarrying and the sensitivity of the underlying aquifer, it is considered that such conditions would be reasonable.
- 7.68 The comments of Environment Health regarding air quality mitigation measures are noted, and whilst details of electric charging points can be secured by conditions, matters relating to the efficiency of boilers are addressed under the Building Regulations such that it would not be reasonable or necessary to impose conditions to attempt to control boiler efficiency.

- 7.69 The County Council are seeking a condition relating to fire hydrants and sprinklers; however such matters are also addressed under the Building Regulations.
- 7.70 The comments of the Police Crime Prevention Design Advisor (CPDA) are noted and also referred to in the Design and Layout section above. The issues raised by the CPDA predominantly have implications for future reserved matters applications should planning permission be forthcoming. However, it is considered that details of the security measures for the Maidwell apartment and car park together with details of external lighting for this detailed part of the application should be secured by conditions under the current application.
- 7.71 It is noted that third parties have raised concerns regarding construction impacts, and it is considered that the matters controllable under planning can be addressed by a Construction and Environmental Management Plan. Although, and for the avoidance of doubt, it is not unusual for construction sites to operate alongside existing residential properties and thus it would not be reasonable for a future developer to be required to temporarily relocate neighbours as suggested in one representation. Furthermore, any potential damage to neighbouring properties from the construction works would be a civil and not a planning matter.

8 CONCLUSION

- 8.1 To conclude, whilst no objections are raised to the principle of the proposed development under the development plan, the Council cannot presently demonstrate a five year housing land supply and it is therefore necessary to assess the proposal against the presumption in favour of sustainable development in accordance with the guidance in the NPPF.
- 8.2 The application site is sustainably located, and the proposal would reuse a largely vacant brownfield site and secure a viable use for the retained parts of the locally listed Maidwell Building and the retention of the treed wildlife area to the west of the site. Furthermore, it would make a significant contribution to the Council's five-year housing land supply through the provision of up to 170 dwellings with associated social and economic benefits. In addition, the application site would support the relocation of the University to the Waterside Campus, with the capital receipts from the sales of Avenue Campus contributing to relocation costs, and thus would indirectly assist with the regeneration of Northampton Town Centre and the Enterprise Zone and contribute to the aims and objectives of the Central Area Action Plan.
- 8.3 The proposed development however proposes the demolition of a large proportion of the locally listed Maidwell Building resulting in moderate harm to a non-designated heritage asset and some limited harm to the character and appearance of the Kingsley Conservation Area. This harm equates to less than substantial harm in the terms of the NPPF and needs to be weighed against the benefits of the scheme.
- 8.4 In addition, it is considered that it has been satisfactorily demonstrated that the scheme would not be viable if any affordable housing or the requisite S106 contributions for open space and construction training are sought, and can only afford to deliver contributions towards highway impacts together with reduced contributions for education facilities and health infrastructure. However, these considerations also need to be weighed against the benefits of the scheme
- 8.5 Overall, and as part of a balanced assessment, it is considered that the identified harm would not significantly and demonstrably outweigh the benefits. The development is therefore considered to be in accordance with the requirements of the National Planning Policy Framework, Policies SA, S1, S3, S10, C1, C2, RC2, E6, H1, H2, BN1, BN2, BN3, BN5, BN7a, BN7, INF1 and INF2 of the West Northamptonshire Joint Core Strategy, and Saved Policies E20, E26, H14 and L2 of the Northampton Local Plan.

9 CONDITIONS

1. Approval of the details of the appearance, landscaping, layout and scale (“the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced in respect of the part of the site for which outline permission is hereby granted.

Reason: This is a hybrid application and part of this permission is in outline only granted under Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or, if later, before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the attached schedule of plans.

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

5. The outline development hereby permitted shall be for a maximum of 112 dwellings.

Reason: In the interests of creating a sustainable form of development in accordance with the requirements of the National Planning Policy Framework.

6. Any subsequent reserved matters applications shall include a noise assessment, including acoustic and ventilation mitigation measures as appropriate, of the exposure of habitable rooms and outdoor amenity spaces of the proposed dwellings based on the final building and estate layout due to noise arising from the adjacent playing pitches and plant on buildings neighbouring the site.

Reason: To secure a satisfactory standard of development and in the interests of residential amenity in accordance with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

7. Any subsequent reserved matters applications shall include an arboricultural impact assessment incorporating an arboricultural method statement and tree protection plan.

Reason: In the interests of securing a good standard of development and ecology in accordance with Policies BN1, BN2, BN3, H1 and S10 of the West Northamptonshire Joint Core Strategy.

8. No development shall take place until a phasing plan detailing the programme of works for the demolition and for the development of the site has been submitted to and approved in writing by the Local Planning Authority. Development and demolishing works on site shall be carried out in accordance with the approved phasing plan.

Reason: To secure a satisfactory standard of development and to ensure that demolition and development works on site would not prejudice the character and setting of the heritage assets in accordance with Policies H1, BN5 and S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure that all works on site are carried out in a timely manner.

9. No development shall take place until the applicant has secured the implementation of a programme of archaeological work for recording the Maidwell Building, covering those parts to be converted as well as those demolished, in accordance with a written scheme of investigation that

has been submitted by the applicant and approved by the Planning Authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) fieldwork in accordance with the agreed written scheme of investigation;
- (ii) post-fieldwork assessment (to be submitted within six months of the completion of fieldwork unless otherwise agreed in writing by the Planning Authority);
- (iii) completion of post-fieldwork analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined, recorded and publicly available in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework. Pre-commencement condition to ensure that archaeological works are undertaken before development commences.

10. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP which shall include:
- i. Traffic management and signage during construction (including details of construction access, gates, tracking and routing to and from the site)
 - ii. Parking for site operatives and visitors.
 - iii. Storage areas for plant and materials.
 - iv. The erection and maintenance of security fencing/hoardings and lighting.
 - v. Welfare and other site facilities.
 - vi. Working hours and delivery times.
 - vii. Measures to control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
 - viii. Measures to prevent mud and other debris being deposited on the surrounding highway including details of wheel washing and road sweeping
 - ix. A method statement for the demolition of the buildings on site including details of any measures to ensure the protection of the retained parts of the Maidwell Building.
 - x. Ecological mitigation measures in accordance with BS42020:2013:

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework. Pre-commencement condition to ensure details are agreed in a timely manner.

11. Notwithstanding the submitted details, no development shall take place until an updated Arboricultural Report including tree protection measures for all the trees shown to be retained as part of the full planning permission and a method statement for all works within the root protection areas of these retained trees shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of the character and appearance of the locality and Conservation Area in accordance with Policies H1 and BN5 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

12. No development shall take place until a full scheme of works for the relocation of the existing pedestrian crossing to the frontage of the site has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and fully implemented prior to the first occupation of any dwelling on site.

Reason: In the interests of promoting sustainable transport methods and to ensure a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework. Pre-commencement condition to ensure details are agreed in a timely manner.

13. No development shall take place until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

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, including the prevention of water pollution, in accordance with Policies BN7a and BN9 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

14. Prior to the occupation of the development hereby permitted, a contamination verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

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, including the prevention of water pollution, in accordance with Policies BN7a and BN9 of the West Northamptonshire Joint Core Strategy.

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved and following completion of measures identified in the approved remediation strategy 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, including the prevention of water pollution, in accordance with Policies BN7a and BN9 of the West Northamptonshire Joint Core Strategy.

16. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with Policies BN7a and BN9 of the West Northamptonshire Joint Core Strategy.

17. No development shall take place until a surface water drainage phasing plan for the application site has been submitted for approval in writing by the Local Planning Authority. No development shall take place in each surface water drainage phase as identified by the approved phasing plan until full details of the surface water drainage scheme for that phase, based on the approved Flood Risk Assessment and Outline Drainage Strategy document no. 203299-RPT-058 rev 04 dated September 2020 prepared by Jacobs, has been submitted to and approved in writing by the Local Planning Authority. The schemes shall subsequently be implemented in accordance with the approved details relevant to that phase and shall include:

- i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).
- ii) Details of the drainage system are to be accompanied by full WinDES modelling or similar with the details on proposed discharge rates, simulating storms through the whole drainage system, with results of critical storms, demonstrating that there is no surcharge in the system for the 1 in 1 year, no above ground flooding for the 1 in 30 year, and that any above-ground flooding for 1 in 200 year storm is limited to areas designated and safe to flood, away from sensitive infrastructure or buildings. These storms should also include an allowance for climate change.
- iii) Cross sections of control chambers and manufacturers hydraulic curves for all flow controls

Reason: To reduce the risk of flooding both on and off site and ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with Policies BN7, BN7A and BN9 of the Core Strategy for West Northamptonshire. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

18. Prior to occupation of any dwelling within an approved surface water drainage phase, a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed within the relevant surface water drainage phase shall be submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space containing SuDS) with evidence that the organisation/body has agreed to such adoption. The scheme shall include:

- i) A maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.
- ii) A site plan including access points, maintenance access easements and outfalls.
- iii) Plans identifying maintenance operational areas to ensure there is room to gain access to the asset, maintain it with appropriate plant, and then handle any arisings generated from the site.
- iv) Details of expected design life of all assets with a schedule of when replacement assets may be required.

Reason: To ensure the future maintenance of drainage systems associated with the development in accordance with Policies BN7, BN7A and BN9 of the Core Strategy for West Northamptonshire.

19. Prior to occupation of any dwelling within an approved surface water drainage phase, a Verification Report for the installed surface water drainage system within the phase shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:
- a) Any departure from the agreed design is keeping with the approved principles
 - b) Any As-Built Drawings and accompanying photos
 - c) Results of any Performance Testing undertaken as a part of the application process (if required / necessary)
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
 - e) CCTV Confirmation that the system is free from defects, damage and foreign objects

Reason: To ensure the installed Surface Water Drainage System is satisfactory in accordance with Policies BN7, BN7a and BN9 of the Core Strategy for West Northamptonshire.

20. Prior to the occupation of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted for approval in writing by the Local Planning Authority. The LEMP should include:
- a) Description and evaluation of features to be managed
 - b) Ecological trends and constraints on site that might influence management
 - c) Aims and objectives of management
 - d) Appropriate management options for achieving aims and objectives
 - e) Prescriptions for management actions
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
 - g) Details of the body or organisation responsible for implementation of the plan
 - h) Ongoing monitoring and remedial measures including details of the long-term management of the retained and new habitats within the site.

The development shall be implemented and maintained in accordance with the approved details thereafter.

Reason: In the interest of biodiversity and to secure a satisfactory standard of development in accordance with the requirements of Policies BN1 and BN2 of the West Northamptonshire Joint Core Strategy.

21. Prior to the occupation of the development hereby permitted, a method statement including a timetable for the removal and disposal of Japanese Knotweed from the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard protected species and biodiversity in accordance with Policies BN1 and BN2 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner.

22. Prior to the occupation of the development hereby permitted, the new and altered vehicle accesses shall be construction in accordance with drawing MW-MW-DR-A-00002 P5.

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

23. Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The measures identified in the Travel Plan shall thereafter be carried out in accordance with a timetable to be included in the Travel Plan.

Reason: In the interests of promoting more sustainable means of travel in accordance with the requirements of the National Planning Policy Framework.

24. In the event of any of the streets associated with the residential element of the development hereby permitted not being proposed for adoption as public highway, the following applies:
- a) Details of a site management company and associated management and maintenance methodology of the streets within the development, to operate in perpetuity, shall be submitted to the planning authority and agreed in writing prior to the commencement of development;
 - b) The streets will, in any event, be required to be laid out and constructed to adoptable standards to ensure safe and practical operation, prior to first occupation of any dwelling;
 - c) That prior to first occupation of any dwelling a legal undertaking is provided by the developer that the streets will not be put forward for adoption and will remain private in perpetuity; and,
 - d) That the streets will be identified as private through the use of appropriate private street name plates on the entrances to the development from the public highway (to be placed within the site).
 - e) Prior to commencement of development any vehicular access to the site from the public highway shall be implemented as standard vehicle crossovers.

Reason: For the avoidance of doubt and in the interests of safety to accord with the National Planning Policy Framework.

25. Prior to the commencement of development within each approved phase, full details of the proposed surface treatment of all roads, access and parking areas, footpaths and private drives including their gradients within that phase 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: To secure a satisfactory standard of development in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan. This is a pre-commencement condition to ensure timely submission of details.

26. Prior to occupation of any dwelling within each approved phase of the development, a scheme for the installation of electric vehicle charging points within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling that they would serve.

Reason: In the interests of reducing carbon emissions and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and the Northampton Parking Standards.

27. Prior to the occupation of any dwelling forming part of the full planning permission, car parking shall be constructed and laid out in accordance with the details shown on drawing number MW-MW-DR-A-00002 P5 and retained thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with Policies S10 and C2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

28. Prior to the commencement of any works to the Maidwell Building hereby permitted, full details of all proposed external facing materials for the retained and extended parts of the Maidwell Building including windows, doors, elevation treatments, roof and retaining wall details 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 the historic integrity of the Maidwell Building and to ensure that the materials are appropriate to the appearance of the Conservation Area and setting of the listed building in accordance with Policies BN5, H1 & S10 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure materials are appropriate to the integrity of the buildings.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates, fences, walls or any means of enclosure or similar structures other than approved pursuant to Condition 28 above shall be erected or constructed forward of the southern front elevations of the retained and extended parts of the Maidwell Building hereby permitted.

Reason: To ensure that the historic character of the open frontage of the site is maintained in accordance with Policies H1 and BN5 of the West Northamptonshire Joint Core Strategy.

30. Notwithstanding the submitted details and prior to the occupation of any dwelling forming part of the full planning permission, a detailed scheme of hard and soft landscaping for the full planning application site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, where present, the location and species of any existing trees and hedgerows on the land and details of any to be retained, and a tree planting method statement. 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 first occupation of the dwellings and shall be maintained thereafter 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.

Reason: In the interests of the character and appearance of the locality and Conservation Area and the setting of the listed building in accordance with Policies H1, BN1, BN2, and BN5 of the West Northamptonshire Joint Core Strategy.

31. Notwithstanding the submitted details and prior to the occupation of any dwelling forming part of the full planning permission, full details of facilities for the secure and covered parking of bicycles to serve occupiers of this part of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be provided in accordance with the approved details prior to the occupation of the dwellings and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

32. The bin stores to serve the dwellings forming part of the full planning permission hereby permitted shall be provided in accordance with the approved plans and fully implemented prior to the occupation of the dwellings and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

33. Prior to the occupation of any dwelling forming part of the full planning permission, full details of all external lighting within the full application site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be fully implemented prior to the occupation of the dwellings and retained thereafter.

Reason: In the interests of amenity, heritage, crime prevention and biodiversity in accordance with Policies H1, S10, BN1, BN2 and BN5 of the West Northamptonshire Joint Core Strategy.

34. Prior to the occupation of any dwelling forming part of the full planning permission, full details of security measures including access control, the security performance of doors and windows, and details of post boxes to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the occupation of the dwellings and retained thereafter.

Reason: To ensure the provision of a safe and secure development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent order revoking and re-enacting the provisions of the Order, the dwellings hereby permitted shall be used only for purposes within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and shall not be used as a House in Multiple Occupation.

Reason: In the interests of amenity and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

10 BACKGROUND PAPERS

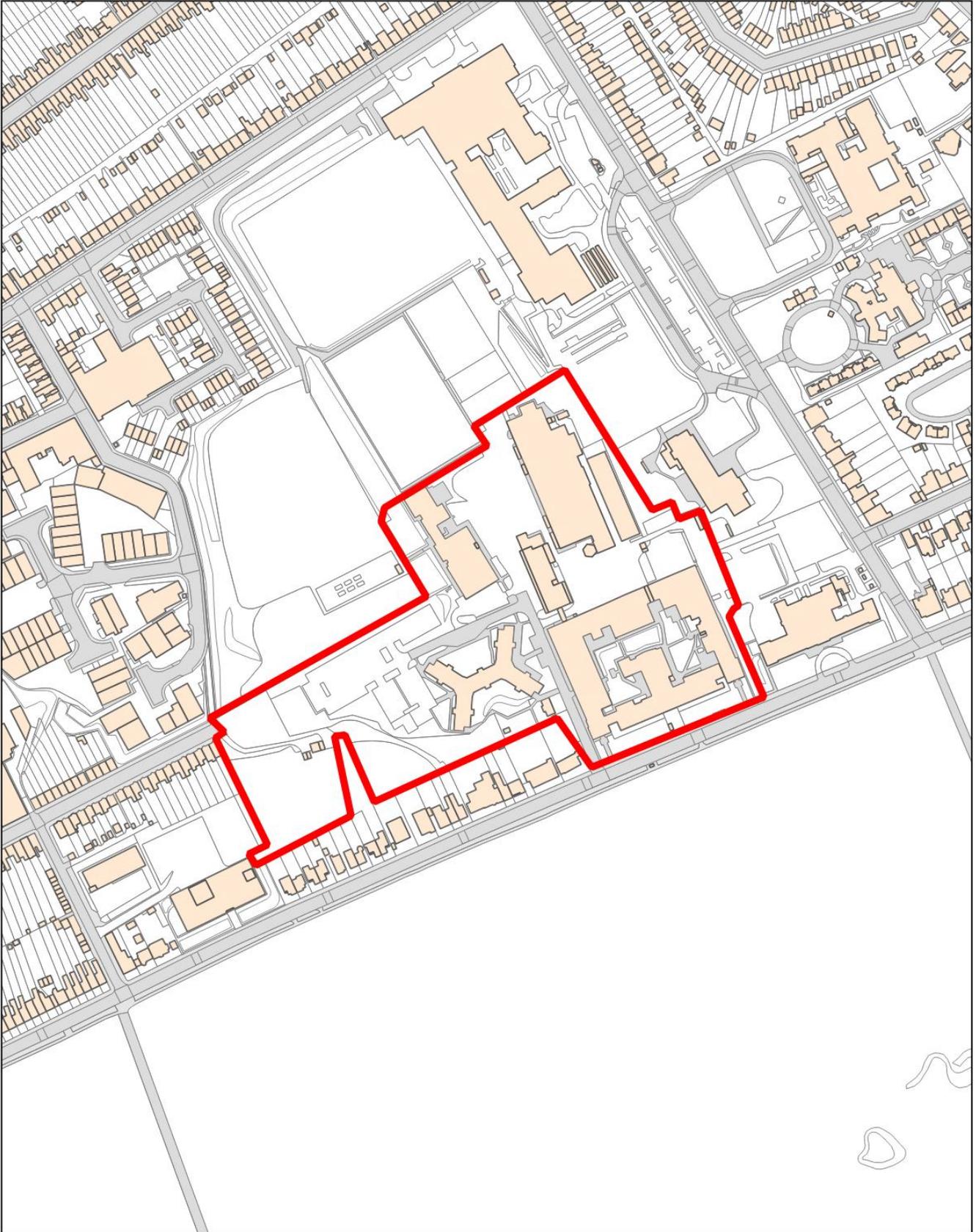
- 10.1 N/2016/0810, N/2015/0426, N/2013/0912 and N/2014/0475.

11 LEGAL IMPLICATIONS

- 11.1 The development is CIL 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: **St Georges Avenue**

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Date: 16-10-2020

Scale: 1:3,179

Drawn by: -----



PLANNING COMMITTEE: 24th November 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0612

LOCATION: Bective Works, Bective Road

DESCRIPTION: Erection of purpose-built student accommodation comprising 347no rooms with 356no bed-spaces, following partial demolition of existing buildings. Refurbishment and change of use of listed building to provide ancillary student hub, retail units, plant, storage and refuse areas, with associated landscaping and other works

WARD: Sunnyside Ward

APPLICANT: U3 Developments Limited
AGENT: Smith Jenkins Ltd

REFERRED BY: Director of Planning and Sustainability
REASON: Amendment to Planning Obligations and Condition

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to S106 legal agreement to secure:

- Contribution to Fusion 22 for construction training;
- Contribution to sustainable transport improvements;
- Contribution to the maintenance of bus shelters;
- Contributions towards monitoring of Travel Plan;
- Requirement as an obligation that listed building works on site must be completed prior to first occupation of the student hall;
- Requirement for the minibuss service to continue for the life of the development.

1.2 The conditions as set out below and for the following reason:

The proposed development represents an acceptable land use and would not have a significant adverse impact upon the character and appearance of the surrounding area, neighbour amenity, the highway system, crime and safety. Whilst there would be some harm to the historic environment, this would not be significant and would be outweighed by the public benefits of the scheme. As a consequence, the proposal is in conformity with the requirements of the National

Planning Policy Framework, Policies C2, E1,H1, BN5, BN9, INF1, INF2, N1, S1, S2, S3 and S10 of the West Northamptonshire Joint Core Strategy; and Policy E20 of the Northampton Local Plan (Saved policies) 1997.

- 1.3 It is recommended that in the event that the Section 106 Legal Agreement is not completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Director of Planning and Sustainability be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

2 THE PROPOSAL

- 2.1 The application was Approved in Principle by Members of the Planning Committee on 19th May 2020 subject to the completion of a S106 agreement. The application is being brought back to Committee as changes are required to the previously approved planning obligations, this being that a contribution towards traffic regulation orders and a requirement for a clause to be included in the students tenants agreements prohibiting car use are to be omitted, and a contribution towards sustainable transport is to be added.
- 2.2 It is also proposed to add a condition requiring the development to be undertaken in accordance with the submitted travel plan.
- 2.3 This Committee Report will focus only on these changes, with the complete report from the 19th May 2020 Committee provided at Appendix 1 below.

3 SITE DESCRIPTION

- 3.1 The application site is located on the southern side of Bective Road and extends to the south to join Yelvertoft Road. To the west of the site is a small row of shops fronting Harborough Road. To the north, east and south the application site is predominantly bordered by residential dwellings within two storey terraced rows.
- 3.2 The application site includes the grade II listed Abraham Lee boot and shoe factory dating from 1902, and extended by 1924. This listing advises:
- 'This purpose-built boot and shoe factory has a carefully detailed front, and not only was it one of the first single-storey boot and shoe factories but it is one of the few pre-1st World War ones to survive...Very few survive and this is a fine example.'
- 3.3 The majority of the site is now vacant. The extended element of the listed building was recently in use by a martial arts studio and furniture restoration company. The 1902 section of the listed building is in a poor state of repair and has been vacant for an extended period of time.

4 PLANNING HISTORY

- 4.1 N/2019/0613 - Listed Building Application for partial demolition of existing buildings, redevelopment of site to provide student accommodation. Refurbishment and change of use of listed building to provide ancillary student hub, retail units, plant, storage and refuse areas with associated works – Pending Consideration
- 4.2 N/2019/1450 - Lawful Development Certificate for existing implementation of Planning Permission N/2015/0419 (Demolition of Bective Works and Jebez House and erection of student accommodation comprising 293 study bedrooms and including retail unit accessed from Yelvertoft Road) – Approved 27/01/2020

- 4.3 N/2019/0449 – Non-Material Amendment of Planning Permission N/2015/0419 (Demolition of Bective Works and Jebez House and erection of student accommodation comprising 293 study bedrooms and including retail unit accessed from Yelvertoft Road) to amend the wording of Conditions 13 and 14 – Approved 16/04/2019
- 4.4 N/2017/0028 - Listed Building Consent Application for demolition of outbuildings and later extensions to the Grade II listed Enterprise House – Approved 15/03/2017
- 4.5 N/2015/0419 - Demolition of Bective Works and Jebez House and erection of student accommodation comprising 293 study bedrooms and including retail unit accessed from Yelvertoft Road – Allowed at appeal 14/06/2016
- 4.6 N/2012/1269 – Repairs to roof following fire damage – Approved 07/02/2013
- 4.7 N/2012/1093 – Demolition of Bective Works and Jebez House. Erection of a new student accommodation building, incorporating a retail unit and lower ground floor parking and service space, together with new vehicular access and pedestrian access and associated landscaping proposals, plus the alteration and restoration of the circa 1902 part of the Listed Building Enterprise House and its change of use to student community use – Dismissed at appeal 04/08/2014
- 4.8 N/2012/1092 - Application for Listed Building Consent for alteration and restoration of the circa 1902 part of the Listed Building Enterprise House and its change of use to student community use – Approved 04/09/2013
- 4.9 N/2011/1074 - Demolition of existing Bective works and Jebez House and the erection of 406 no. student accommodation building incorporating a 288sqm retail unit, 17 no. space lower ground floor car park and servicing space. New vehicular and pedestrian access and landscaping. Alteration, restoration and extension of Enterprise House for student community use. (WNDC Consultation) – Refused 17/02/2012
- 4.10 N/2011/0844 - Temporary 5 month change of use for storage of materials for works to Harborough Road. Retrospective – Approved 27/10/2011
- 4.11 11/0065/FULWNN – Demolition of existing Bective Works and Jebez House and the erection of 406 student accommodation building incorporating a 288sqm retail unit, 17 space lower ground floor car park and servicing space. New vehicular and pedestrian access and landscaping. Alteration, restoration and extension of Enterprise House for student community use – Refused.
- 4.12 WN/2006/0028 - Demolition of existing Bective Works and Jebez House and the erection of 155 residential units with associated landscaping and underground car parking – Approved.
- 4.13 N/2005/1434 – Partial demolition and external and internal alterations to form B1 offices together with landscaped courtyard – Approved 20/01/2006
- 4.14 N/2004/0193 – Use of part of building as coffee shop – Approved 31/03/2004
- 4.15 N/2003/1267 – Change of use of first floor from factory unit to martial arts club – Approved 20/11/2003
- 4.16 N/1999/530 – Change of use from business (B1) to warehouse/distribution of car components (B8) – Approved 04/08/1999
- 4.17 N/1995/195 – Double storey office block car park and access plus associated work – Approved 01/06/1995

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) and Northampton Local Plan (1997).

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 or appearance of a conservation area.

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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places.

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:

S1 – The distribution of development

S2 – Hierarchy of Centres

S3 – Scale and distribution of housing development

S10 – Sustainable Development Principles

C2 – New developments

E1 – Existing employment areas

H1 – Housing density and mix and type of dwellings

BN5 – Historic Environment

BN9 – Pollution control

INF1 and 2 – Infrastructure delivery

N1 – The regeneration of Northampton

5.4 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:

Policy E20 - New Development (Design)

5.5 Supplementary Planning Documents

Northampton Parking SPD (2019)

Planning out Crime in Northamptonshire SPG 2004

6 CONSULTATIONS/ REPRESENTATIONS

Comments on amendments proposed are summarised as follows:

- 6.1 **NCC Highways** – Advise that a contribution towards traffic regulation orders is no longer requested. Further advise that a contribution towards sustainable transport (bikes) is requested.

7 ALTERATIONS TO OBLIGATIONS

- 7.1 At Planning Committee on the 19th May 2020, it was agreed that the following obligations would be secured through a S106 agreement:

- Contribution to fusion 22 for construction training;
- Contribution to traffic regulation alterations;
- Contribution to the maintenance of bus shelters;
- Contributions towards monitoring of Travel Plan;
- Requirement as an obligation that listed building works on site must be completed prior to first occupation of the student hall;
- Requirement for a clause to be included in students tenants agreements prohibiting car use;
- Requirement for the minibus service to continue for the life of the development.

- 7.2 With regard to a planning obligation requiring a clause to be included in students tenants agreements prohibiting car use (bringing cars to University), legal advice is that such an obligation would not be within the terms of Section 106(1) of the Town and Country Planning Act 1990 and therefore cannot be included. As it would not be lawful to require this, this element is proposed to be removed from the list of requirements for the S106 agreement.

- 7.3 With regards to a contribution towards traffic regulation alterations, NCC Highways have advised that this contribution is no longer requested. This is due to such works being covered by Traffic Regulation Orders and NCC Highways intending to include the site in the annual review TRO. With NCC Highways advising that this contribution is no longer requested, it is considered that this must also be removed from the list of requirements for the S106 agreement.

- 7.4 With the loss of the clause controlling student car ownership, it is considered that to mitigate this a contribution would be required towards sustainable transport and improving green transport in the town. NCC Highways have advised that a contribution towards the bike scheme within the town would be requested as this will be a benefit to the student access to campus and back and is a scheme the student population are likely to utilise. The applicant has agreed to the provision of this contribution towards sustainable transport and it is proposed to add this to the requirements of the S106.

Travel Plan

- 7.5 It is proposed to add the following condition to ensure compliance with the approved travel plan:

34. The development shall be undertaken in full accordance with the measures and timetable identified within the submitted travel plan by IMA Transport Planning, reference IMA-19-066.

Reason: In the interests of promoting more sustainable means of travel in accordance with the requirements of the National Planning Policy Framework.

8 CONCLUSION

- 8.1 The proposed development represents an acceptable land use and would not have a significant adverse impact upon the character and appearance of the surrounding area, neighbour amenity, the highway system, crime and safety. Whilst there would be some harm to the historic environment, this would not be significant and would be outweighed by the public benefits of the

scheme. As a consequence, the proposal is in conformity with the requirements of the National Planning Policy Framework, Policies C2, E1,H1, BN5, BN9, INF1, INF2, N1, S1, S2, S3 and S10 of the West Northamptonshire Joint Core Strategy; and Policy E20 of the Northampton Local Plan (Saved policies) 1997.

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: (SK)001 Rev F, (SK)002 Rev E, (SK)003 Rev E, (SK)005 Rev D, (SK)006 Rev F, (SK)007 Rev C, (SK)008 Rev G, (SK)009 Rev C, (SK)010 Rev A, (SK)101 Rev F, (SK)102 Rev F, (SK)103 Rev F, (SK)104 Rev D, (SK)105 Rev A, (SK)201 Rev E, (SK)202 Rev E, (SK)203 Rev C, (SK)204 Rev D, (SK)301 Rev E, (SK)302 Rev E, (SK)303 Rev D, (SK)401 Rev E, (SK)402 Rev E, (SK)403 Rev D, (SK)501 Rev D, (SK)502 Rev D, (SK)503 Rev C, (SK)601 Rev D, (SK)602 Rev C, (SK)603 Rev C, (SK)605 Rev B, (SK)606 Rev B.

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

3. Prior to the commencement of development full 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 BN5 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to enable timely submission of information.

4. Notwithstanding the details submitted, prior to the commencement of development, full details of any new windows and doors (including sections) within the listed building part of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of the historic environment in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to enable timely submission of information.

5. Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:

- i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
- ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
- iii) Details of the siting of all vehicles of site operatives and visitors.
- iv) The unloading and loading arrangements for heavy plant and machinery.
- v) The location, extent and duration of any temporary stockpiling areas.
- vi) Measures to prevent mud being deposited on the surrounding highway.
- vii) Hours in which development will take place.

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework. This is a pre-commencement condition to enable timely submission of information.

6. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

7. Prior to the commencement of the development hereby permitted, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination of the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority prior to the commencement of development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced which must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The report of the findings must include:

- (i) identification of all previous uses and contaminants associated with those uses;
- (ii) a survey of the extent, scale and nature of contamination;
- (iii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings
- adjoining land,
- groundwaters and surface waters, (including a conceptual model of the site indicated sources, pathways and receptors);
- ecological systems,
- archeological sites and ancient monuments;

- (iv) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Pre commencement condition 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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

8. Prior to the commencement of the development hereby permitted, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings, and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority prior to the commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

Reason: Pre commencement condition 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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

9. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and 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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

10. 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 undertaken in accordance with the requirements of Condition 7 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 8 above, 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 in accordance with Condition 9.

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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

11. Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in accordance with the agreed details.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

12. No development shall commence until one of the following has been submitted to and approved in writing by the Local Planning Authority:
 - a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
 - b) Written confirmation from Natural England that the application site has been registered with the Bat Low Impact Class Licence scheme; or
 - c) A statement in writing from a suitably qualified ecologist to the effect that it does not consider that the specified activity/development will require a licence.

Reason: In the interests of wildlife and nature conservation in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

13. No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The written scheme will include the following components, completion of each which will trigger the phased discharging of the conditions:
 - a) Fieldwork in accordance with the agreed written scheme of investigation
 - b) Post-excavation assessment (to be submitted within 6 months of the completion of fieldwork unless otherwise agreed in advance with the planning authority)
 - c) Completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the local planning authority, completion of an archive report and submission of a publication report to be completed within two years of the completion of fieldwork unless otherwise agreed in advance by the local planning authority.

Reason: to ensure that features of archaeological interest are properly examined and recorded in accordance with the NPPF paragraph 199. This is a pre-commencement condition to ensure timely submission of details.

14. Prior to first occupation, full details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of residential and visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

15. Prior to first occupation of the development, details of all boundary materials (including materials, design, opening mechanism, access control of all vehicle and pedestrian gates) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to first occupation of the development hereby permitted and retained in full working order in accordance with the approved details thereafter.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy.

16. Prior to the commencement of the residential use hereby permitted, a Full Site Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Full Site Management shall include, but not be limited to, the following:

- i) The process for managing students to move into, and out of, the development.
- ii) On site management.
- iii) A Code of Conduct for occupiers of the development.
- iv) Security Controls, including positions of access control measures door by door.
- v) CCTV, including the location of each camera.
- vi) External lighting.
- vii) Fire alarm system, including location of each.

The approved management plan shall be fully implemented prior to the first occupation of the development and shall be retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

17. A scheme for the containment, mitigation and management of noise emanating from the site, including details of all external mechanical fixed plant equipment, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The scheme shall be implemented in accordance with this scheme and retained as such thereafter.

Reason: In the interests of securing a satisfactory standard of development, in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

18. Prior to the occupation of the development hereby approved, the existing access points on Bective Road and Yelvertoft Road, other than that serving the proposed basement as shown within plan (SK)001 Rev F, shall be permanently closed (and the highway reinstated) in a manner to be approved in writing by the Local Planning Authority, and, notwithstanding the provisions of Class B of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 no further points of access shall be created thereafter.

Reason: To confine access to the permitted point in order to ensure that the development does not prejudice the free flow of traffic or conditions of highway safety along the neighbouring highway in accordance with the requirements of the National Planning Policy Framework.

19. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be

supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

20. No above ground work shall take place until full details of the surface water drainage scheme for the site, based on the approved Drainage Strategy, Flood Risk Assessment and Sustainable Drainage System Statement ref 6125 R001 FRA prepared by BCAL dated March 2019 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include,
- i) details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures and proposed pump installations
 - ii) details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations
 - iii) cross sections and manufacturers hydraulic curves for all control chambers and flow control devices.
 - iv) details/demonstration of exceedance routes.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy BN7 of the Core Strategy for West Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site

21. No above ground work shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site, including the proposed pumping installation, has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. Details are required of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of when replacement assets may be required, should be submitted. A maintenance schedule should be accompanied by a site plan to include access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site.

Reason: To ensure the future maintenance of drainage systems associated with the development

22. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Drainage Strategy, Flood Risk Assessment and Sustainable Drainage System Statement ref 6125 R001 FRA prepared by BCAL dated March 2019
- These shall include:
- a) Any departure from the agreed design is keeping with the approved principles
 - b) Any As-Built Drawings and accompanying photos
 - c) Results of any Performance Testing undertaken as a part of the application process (if required / necessary)
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

23. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

24. Prior to first occupation of the development a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. 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.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

25. Full details of a minimum of 4 electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use.

Reason: To ensure the provision of adequate facilities in accordance with the Northampton Parking Standards Supplementary Planning Document (2019).

26. The windows within the eastern elevation of block F shall be entirely obscure glazed and secured shut up to 1.7 metres above the floor level of the room within which the window is located, and retained as such at all times thereafter.

Reason: To safeguard the privacy of the adjoining properties in accordance with Policy E20 of the Northampton Local Plan and Policy H1 of the West Northamptonshire Joint Core Strategy.

27. The bin stores as shown within plan (SK)601 Rev D and (SK)201 Rev E shall be provided on site prior to the first occupation of the development hereby approved and retained at all times thereafter for bin storage.

Reason: In the interests of residential amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

28. The bike store as shown within plan (SK)601 Rev D shall be provided on site prior to the first occupation of the development hereby approved and retained at all times thereafter for the storage of bicycles of the student occupiers of the development.

Reason: To ensure a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy

29. The parking spaces within the basement as shown in plan (SK)005 Rev D shall be for the use of occupiers of the student hall and employees of any part of the development only and shall not be for use by customers of the retail and gym units hereby permitted.

Reason: To protect the amenity of future occupiers of the student halls whose windows look over the access ramp for this car park in accordance with the requirements of the NPPF.

30. The retail and gym units hereby permitted shall be open to the public only between the hours of 07:30am and 22:00pm Mondays to Saturdays and at no time on Sundays or Bank or Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of residential occupiers in the vicinity of the development.

31. No deliveries shall occur to the retail and gym units hereby permitted between the hours of 22:00pm and 07:30am.

Reason: To ensure that the development does not prejudice the amenities of residential occupiers in the vicinity of the development.

32. The Type 1 Mitigation proposals set out in Section 6.5 of the MEC Air Quality Assessment Report dated July 2019 reference 25187-04-AQA-01 shall be implemented on the site prior to first occupation of the development and retained as such thereafter.

Reason: In the interests of securing a satisfactory standard of development, in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

33. The residential development hereby permitted shall be a 356 bed spaces student accommodation (sui generis use) only and shall not be used for any other purpose.

Reason: For the avoidance of doubt and to secure a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

34. The development shall be undertaken in full accordance with the measures and timetable identified within the submitted travel plan by IMA Transport Planning, reference IMA-19-066.

Reason: In the interests of promoting more sustainable means of travel in accordance with the requirements of the National Planning Policy Framework.

Informatives:

The Environment Agency recommend that developers:

1. Follow the risk management framework provided in the Land contamination: risk management guidance on gov.uk, when dealing with land affected by contamination
2. Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors, such as human health
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
4. Refer to the contaminated land pages on gov.uk for more information

Anglian Water advise:

(1) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) Building near to a public sewer - No building will be permitted within the statutory easement width of

3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

10 LEGAL IMPLICATIONS

10.1 The development is not CIL liable.

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.

Appendix 1



PLANNING COMMITTEE: 19th May 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0612

LOCATION: Bective Works, Bective Road

DESCRIPTION: Erection of purpose-built student accommodation comprising 347no rooms with 356no bed-spaces, following partial demolition of existing buildings. Refurbishment and change of use of listed building to provide ancillary student hub, retail units, plant, storage and refuse areas, with associated landscaping and other works

WARD: Sunnyside Ward

APPLICANT: U3 Developments Limited
AGENT: Smith Jenkins Ltd

REFERRED BY: Councillor S Beardsworth
REASON: Parking concerns and question need of student accommodation

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to S106 legal agreement to secure:

- Contribution to fusion 22 for construction training;
- Contribution to traffic regulation alterations;
- Contribution to the maintenance of bus shelters;
- Contributions towards monitoring of Travel Plan;
- Requirement as an obligation that listed building works on site must be completed prior to first occupation of the student hall;
- Requirement for a clause to be included in students tenants agreements prohibiting car use;
- Requirement for the minibus service to continue for the life of the development.

1.2 The conditions as set out below and for the following reason:

The proposed development represents an acceptable land use and would not have a significant adverse impact upon the character and appearance of the surrounding area, neighbour amenity, the highway system, crime and safety. Whilst there would be some harm to the historic environment, this would not be significant and would be outweighed by the public benefits of the scheme. As a consequence, the proposal is in conformity with the requirements of the National Planning Policy Framework, Policies C2, E1,H1, BN5, BN9, INF1, INF2, N1, S1, S2, S3 and S10 of the West Northamptonshire Joint Core Strategy; and Policy E20 of the Northampton Local Plan (Saved policies) 1997.

- 1.3 It is recommended that in the event that the Section 106 Legal Agreement is not completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Director of Planning and Sustainability be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

2 THE PROPOSAL

- 2.1 The application proposes the erection of a purpose built student accommodation comprising 347 rooms with 356 bed-spaces. As part of this, the existing listed building would be converted to an ancillary student hub and retail units. A basement carpark is also proposed.

3 SITE DESCRIPTION

- 3.1 The application site is located on the southern side of Bective Road and extends to the south to join Yelvertoft Road. To the west of the site is a small row of shops fronting Harborough Road. To the north, east and south the application site is predominantly bordered by residential dwellings within two storey terraced rows.
- 3.2 The application site includes the grade II listed Abraham Lee boot and shoe factory dating from 1902, and extended by 1924. This listing advises:

‘This purpose-built boot and shoe factory has a carefully detailed front, and not only was it one of the first single-storey boot and shoe factories but it is one of the few pre-1st World War ones to survive...Very few survive and this is a fine example.’

- 3.3 The majority of the site is now vacant. The extended element of the listed building was recently in use by a martial arts studio and furniture restoration company. The 1902 section of the listed building is in a poor state of repair and has been vacant for an extended period of time.

4 PLANNING HISTORY

- 4.1 N/2019/0613 - Listed Building Application for partial demolition of existing buildings, redevelopment of site to provide student accommodation. Refurbishment and change of use of listed building to provide ancillary student hub, retail units, plant, storage and refuse areas with associated works – Pending Consideration
- 4.2 N/2019/1450 - Lawful Development Certificate for existing implementation of Planning Permission N/2015/0419 (Demolition of Bective Works and Jebez House and erection of student accommodation comprising 293 study bedrooms and including retail unit accessed from Yelvertoft Road) – Approved 27/01/2020
- 4.3 N/2019/0449 – Non-Material Amendment of Planning Permission N/2015/0419 (Demolition of Bective Works and Jebez House and erection of student accommodation comprising 293 study bedrooms and including retail unit accessed from Yelvertoft Road) to amend the wording of Conditions 13 and 14 – Approved 16/04/2019

- 4.4 N/2017/0028 - Listed Building Consent Application for demolition of outbuildings and later extensions to the Grade II listed Enterprise House – Approved 15/03/2017
- 4.5 N/2015/0419 - Demolition of Bective Works and Jebez House and erection of student accommodation comprising 293 study bedrooms and including retail unit accessed from Yelvertoft Road – Allowed at appeal 14/06/2016
- 4.6 N/2012/1269 – Repairs to roof following fire damage – Approved 07/02/2013
- 4.7 N/2012/1093 – Demolition of Bective Works and Jebez House. Erection of a new student accommodation building, incorporating a retail unit and lower ground floor parking and service space, together with new vehicular access and pedestrian access and associated landscaping proposals, plus the alteration and restoration of the circa 1902 part of the Listed Building Enterprise House and its change of use to student community use – Dismissed at appeal 04/08/2014
- 4.8 N/2012/1092 - Application for Listed Building Consent for alteration and restoration of the circa 1902 part of the Listed Building Enterprise House and its change of use to student community use – Approved 04/09/2013
- 4.9 N/2011/1074 - Demolition of existing Bective works and Jebez House and the erection of 406 no. student accommodation building incorporating a 288sqm retail unit, 17 no. space lower ground floor car park and servicing space. New vehicular and pedestrian access and landscaping. Alteration, restoration and extension of Enterprise House for student community use. (WNDC Consultation) – Refused 17/02/2012
- 4.10 N/2011/0844 - Temporary 5 month change of use for storage of materials for works to Harborough Road. Retrospective – Approved 27/10/2011
- 4.11 11/0065/FULWNN – Demolition of existing Bective Works and Jebez House and the erection of 406 student accommodation building incorporating a 288sqm retail unit, 17 space lower ground floor car park and servicing space. New vehicular and pedestrian access and landscaping. Alteration, restoration and extension of Enterprise House for student community use – Refused.
- 4.12 WN/2006/0028 - Demolition of existing Bective Works and Jebez House and the erection of 155 residential units with associated landscaping and underground car parking – Approved.
- 4.13 N/2005/1434 – Partial demolition and external and internal alterations to form B1 offices together with landscaped courtyard – Approved 20/01/2006
- 4.14 N/2004/0193 – Use of part of building as coffee shop – Approved 31/03/2004
- 4.15 N/2003/1267 – Change of use of first floor from factory unit to martial arts club – Approved 20/11/2003
- 4.16 N/1999/530 – Change of use from business (B1) to warehouse/distribution of car components (B8) – Approved 04/08/1999
- 4.17 N/1995/195 – Double storey office block car park and access plus associated work – Approved 01/06/1995

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) and Northampton Local Plan (1997).

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 or appearance of a conservation area.

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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places.

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:

S1 – The distribution of development

S2 – Hierarchy of Centres

S3 – Scale and distribution of housing development

S10 – Sustainable Development Principles

C2 – New developments

E1 – Existing employment areas

H1 – Housing density and mix and type of dwellings

BN5 – Historic Environment

BN9 – Pollution control

INF1 and 2 – Infrastructure delivery

N1 – The regeneration of Northampton

5.4 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:

Policy E20 - New Development (Design)

5.5 Supplementary Planning Documents

Northampton Parking SPD (2019)

Planning out Crime in Northamptonshire SPG 2004

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Public Protection** – No objection subject to conditions covering air quality, land contamination, environmental noise, refuge and recycling, and a construction and environmental management plan.
- 6.2 **NBC Planning Policy** – Concerns raised as to proposed use although it is noted that the previous permission N/2017/0028 can still be implemented on the site.
- 6.3 **NBC Conservation Officer** – The change of use of the main building is acceptable as a means of bringing them into use. The revised scheme better relates to the pattern of development in the area and as such the development would have an acceptable impact on the setting of the listed building. The level of harm would be less than substantial and would need to be weighed against the public benefit of the proposal. Request condition on materials and boundary treatments.
- 6.4 **Historic England** – No comment.
- 6.5 **Anglian Water** – Request informative advising of Anglian Water assets near to the site, used water network, and surface water disposal. A condition is requested regarding surface water.
- 6.6 **NCC Highways** – No objection. Advise that whilst a minibus is provided by the University to provide transport to Bedford Road, and public transport is available, it is inevitable that a percentage of students will bring personal vehicles into the area. Parking on the street is in high demand and these likely vehicles will inevitably affect the amenity of existing residents in the area. Contributions are requested towards traffic regulation alterations, bus shelters, and for the travel plan for this proposal. Request conditions on a site management plan, a clause in the lease prohibiting car ownership, the reinstatement of dropped kerbs, and that the minibus will continue for the life of the development.
- 6.7 **NCC Archaeology** – Request condition on an archaeological programme of works.
- 6.8 **NCC Ecology** – A condition is requested on ecology.
- 6.9 **NCC Planning** – A library contribution is requested. A condition requiring fire hydrants and sprinkler systems is requested.
- 6.10 **Environment Agency** – No objection. Request condition on remediation strategy, verification report, unexpected contamination, and drainage systems.
- 6.11 **Lead Local Flood Authority** – No objection. Request conditions on surface water drainage, maintenance and verification.
- 6.12 **Northamptonshire Police** – Request condition requiring security measures to be implemented on site.
- 6.13 **Fusion 22** – A contribution is requested towards apprentice schemes.
- 6.14 **Councillor S Beardsworth** – Concern regarding height and lack of parking facilities and that the university is now not in Kingsthorpe and so there shouldn't be a need for student accommodation.
- 6.15 **Michael Ellis MP** – received concern from constituent that development will result in parking and litter issues.
- 6.16 23 letters have been received for this application and 8 for the associated listed building consent application N/2019/0613. The concerns raised in these letters can be summarised as follows:
- Regenerating a brownfield derelict site is worthwhile.
 - The University has moved away from this area and as such student accommodation is not needed in this area – unsustainable.

- No need for student accommodation – existing halls of residence are not full.
- Student accommodation in this area is contrary to planning policy.
- Area is family community and not for students.
- No amenities in area for students.
- Proposed retail units will remain empty as there are existing empty shops in the area.
- Proposed development will overshadow neighbouring properties.
- Overlooking of neighbouring properties from windows.
- Scale and appearance of development is out of character with area – visually overpowering, imposing and not sympathetic to local area.
- Noise pollution from students.
- Light pollution from proposed building.
- Exacerbation of poor air quality from students.
- Impact upon heritage assets.
- Parking issues in area will be exacerbated by proposal as students will have cars and park in surrounding streets, alongside visitors. Insufficient parking is provided on site.
- Any agreement that students will not bring cars will be unenforceable.
- Parking issues when students move in and out.
- Taxi and minibus movements will disturb neighbouring residents especially at night.
- Nearby shops rely on people parking in streets. If customers can't cope this will impact upon the shops.
- Residents have tried to get permit parking in the area but it is not allowed.
- Concern only access is off Bective Road.
- As the University has moved, University bus services have curtailed.
- Infrastructure cannot cope with proposed number of students i.e. bus numbers, road network.
- NCC Highway comments needed on application.
- Proposal increases number of students from that previously approved.
- Crime issues from students – County Line crime issues exist with students.
- Students intimidating to elderly residents.
- Developer should provide Police Community Support Officers for the area to deal with any issues.
- Previous approval was not commenced within 3 years and as such has expired.
- Want affordable housing not student accommodation.
- If unit is built it may be turned into flats without parking.
- Fire risk due to density of development.
- Increase in litter as a result.
- Result in a decrease in property values.
- Impact on and damage to neighbouring properties from construction work.
- Impact of site construction vehicle parking.

7 APPRAISAL

- 7.1 The current application follows previous application N/2015/0419 which was approved at appeal on the 14th June 2016. A Lawful Development Certificate reference N/2019/1450 was granted on the 27th January 2020 confirming the lawful implementation of application reference N/2015/0419. As such, the previous permission on this site can still be implemented. This was for student accommodation for 293 study bedrooms and retail unit.
- 7.2 The application now under consideration proposes student accommodation with 347 rooms and 356 bed spaces, an increase of 54 bedrooms over that previously approved on the site. These rooms would be provided within 107 separate flats, and each flat would have its own kitchen and each bedroom would be en-suite. The proposal would comprise 6 blocks, A-F. Blocks A-D would visually form one building, appearing as a three storey terrace row from Bective Road and Yelvertoft Road with two storey links. Blocks E and F would form one three storey building positioned to the south of the existing listed building in line with Yelvertoft Road. There would be a primary and secondary entrance for the proposed halls from Bective Road.

- 7.3 The application also includes the conversion of the existing listed building into a student hub alongside two commercial shop units (Use Class A1). The shop units would be provided fronting Bective Road and accessible by the general public alongside the student occupants. At first floor a gym would be provided accessible from the general public entrance. With regards to the student hub, a common room with kitchen would be provided at ground floor. It has been confirmed that this kitchen would only be for cold food. A large cycle store and bin store would be provided within the rear (south) of the building. Fenestration alterations would occur as part of this conversion with the replacement and repairing of existing windows and doors, the insertion of 2 new doors and the infilling of two doors within the southern elevation, and the insertion of 8 new windows and doors within the western elevation. An existing rear projection to this listed building would be demolished as part of the works.
- 7.4 The application also includes a basement car park with 36 parking spaces (4 of which are disabled parking bays).
- 7.5 During the course of the application the proposal has been revised to reduce the number of bedrooms and to alter the appearance of the buildings through lowering the height and providing a terrace appearance to Bective Road and Yelvertoft Road.

Principle of development

- 7.6 The application proposes the provision of student accommodation alongside the conversion of the existing listed building on site into a student hub and retail units.
- 7.7 The principle of providing student accommodation on this site has been established within appeal approval N/2015/0419. Whilst since this previous approval, the University has relocated away from this area, it is the case that the previous approval for this site has been implemented and as such student accommodation can be provided on this site under the previous approval. As permission N/2015/0419 is extant, the principle of providing student accommodation on this site is established and it would not now be reasonable to object to this proposed use. The principle of providing student accommodation on this site is, therefore, accepted.
- 7.8 In addition to student accommodation, the proposal includes two retail units and a gym within the listed building. Concern was raised in a neighbour letter that the retail units would remain empty as there are vacant units in the area. It is the case that retail units on this site have been approved previously, and that a martial arts studio was recently on the site. It is not, therefore, considered reasonable to object to the provision of retail units or a gym in principle.
- 7.9 It is also noted that the majority of the site, excluding part of the listed building, has been vacant and semi-derelect for a notable period of time and the proposal would result in the satisfactory reuse of the site and listed building structure. This serves two main benefits. The first being that a long term use would better secure the long term future of these heritage assets. Furthermore, the proposal would also add to the footfall within the surrounding area, which would assist in supporting the general viability and vitality of the locality.

The impact of the proposed conversion on the character and appearance of the listed building.

- 7.10 The application site includes a Grade II listed former boot and shoe factory. This listed building is partially semi-derelect, having been vacant for an extended period of time. As part of this application the impact upon the listed building must be assessed, both through the works proposed to the listed building, and the setting of the listed building due to the proposed new build development.
- 7.11 The Council's Conservation Officer has been consulted on the proposal and has advised that there is no objection to the proposed development and there would be an acceptable impact upon the

setting of the listed building, and that the proposed use of the listed building would be an acceptable means of bringing them into use.

- 7.12 Paragraph 196 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.13 The application site as existing comprises a largely disused building which is deteriorating and in need of a viable use. Adjacent this listed building is a large open space where former factory buildings have been demolished. The application proposes a viable use for the vacant listed building, and would assist in bringing a largely disused Grade II listed building back into use.
- 7.14 The proposal would bring the building back into use, ensuring its repair and long term retention. It is considered important to secure a viable use for the long term retention of the vacant listed building and to stop any further decay to the built form.
- 7.15 On balance, it is considered that the securing of a viable use for the vacant listed building would outweigh any harm to the historic form through the proposed conversion and new build development. As such it is considered that the proposal would have an acceptable impact upon the Listed Building.

Design and the impact upon the street scene

- 7.16 The application proposes minor alterations to the fenestration of the existing listed building. It is not considered that these alterations to the appearance of the existing building would harm the character and appearance of the street scene.
- 7.17 The application proposes student accommodation comprising 6 blocks, A-F. Blocks A-D would visually form one building, appearing as a three storey terrace row from Bective Road and Yelvertoft Road with two storey links. Blocks E and F would form one three storey building positioned to the south of the existing listed building in line with Yelvertoft Road. There would be a primary and secondary entrance for the proposed halls from Bective Road.
- 7.18 From Bective Road and Yelvertoft Road, the proposal would appear as a three storey flat roofed terrace row. Between each block, a lower two storey element would be used to assist in breaking up the visual bulk of the built form.
- 7.19 Bective Road and Yelvertoft Road are characterised by two storey traditional terraced rows with pitched roofs fronting the street scene. The proposal would predominantly be three storey with a flat roof, although the building forming blocks E and F would be two storey with a mansard roof forming the third floor. The height of the proposed building would be approximately 9.3 metres at three storey height and 6.3 metres at two storey height. The building approved under application N/2015/0419 that can still be erected on site is approximately 11 metres in height, raising to 14 metres in parts. It is, therefore, the case that whilst the current proposal provides an increase in bedrooms, it is visually smaller when viewed from Bective Road and Yelvertoft Road than the building which can be built under existing permission N/2015/0419.
- 7.20 The proposed development would be flat roofed, which is not in character with the traditional terraced properties found in Bective Road and Yelvertoft Road, but is in character with the flat roof commercial properties seen to the immediate west of the application site fronting Harborough Road. With the proposed development being for modern student halls, it is considered that the use of a modern design with a flat roof is acceptable on this site.
- 7.21 It is considered that the proposal would appear as a modern form of development which draws on the terraced character of the surrounding street scenes to provide a development which would not appear out of character with the surroundings, albeit using a flat roof design as opposed to the traditional pitched roofs seen on surrounding residential properties. It is considered that the

proposed development is of a form and character which would complement the surrounding area and would be acceptable in design terms. It is also noted that the proposed development is a reduced height to that which can be built on the site under application N/2015/0419, assisting in reducing the visual bulk of the development from the surrounding street scenes.

Residential amenity

7.22 The application proposes 356 bed spaces within 107 flats. These comprise:

- 35 x single studio flats
- 9 x twodio flats (two people flats)
- 7 x accessible flats
- 12 x single person flats
- 2 x 4 bed cluster flats
- 12 x 5 bed cluster flats
- 10 x 6 bed cluster flats
- 10 x 7 bed cluster flats
- 4 x 8 bed cluster flats
- 6 x 9 bed cluster flats

7.23 The Council does not have a policy regarding the minimum size requirements for student accommodation. It is considered, however, that the room sizes proposed are sufficient for the intended use.

7.24 The submitted plans show central green landscaped areas within the development. These are not intended to be used by the student occupiers, due to the potential crime risks associated with any users being able to walk up to the bedroom windows on the ground floor facing these courtyards. Whilst no amenity space is provided for the student occupiers, the application site is located within walking distance of amenity space, such as Kingsthorpe Recreation Ground, Bradlaugh Fields, and Thornton Park and it is not unusual for student halls to provide no outside amenity space for the student occupiers. It is, therefore, considered that the nil provision of amenity space is acceptable.

Neighbouring amenity

7.25 The application site is bordered by residential properties to the north, east and south. The proposed development is separated from residential properties to the north and south by the roads of Bective Road and Yelvertoft Road. With the road separating the development from neighbouring properties, and the result a typical front to front relationship between the application site and existing neighbouring properties, it is not considered that the proposed development would result in an unacceptable loss of light to these neighbouring properties or result in unacceptable overlooking between properties. With the proposal being a two and three storey flat roofed building, it is not considered that the building would appear unacceptably overbearing to neighbouring residential occupiers, being a similar height to these existing properties.

7.26 To the east of the application site block F would fall adjacent the boundary of 55 Yelvertoft Road. The proposed block F would be positioned set down within the land levels, resulting in the three storey block being set lower than 55 Yelvertoft Road. It is considered that due to this set down, and the separation from the main building, the proposed block would not appear unacceptably overbearing to 55 Yelvertoft Road or result in an unacceptable loss of light. 2 windows are proposed on the eastern elevation serving the corridors at ground and first floor. In order to ensure that these windows do not result in unacceptable overlooking of 55 Yelvertoft Road, it is considered that these should be obscure glazed and non-openable.

7.27 Concern was raised within a neighbour letter that the proposal would result in unacceptable light pollution for neighbouring residential properties. The proposal is for a student halls of residence and window openings would appear similar to a terrace row of properties. It is not considered that

the proposed building would result in light pollution above the normal expected levels from residential properties.

- 7.28 Concern was also raised that the proposal would result in noise and air pollution from the students to existing residential neighbours. The Council's Public Protection team have been consulted on the application and have raised no objection on this matter. A condition is requested on air quality matters.
- 7.29 The application includes the provision of two shops and a gym within the existing listed building. Subject to conditions controlling opening and delivery hours, it is considered that the proposed uses would be acceptable and would not have an unacceptable impact upon neighbouring properties.
- 7.30 It is considered that the proposal would not have an unacceptable impact upon neighbouring amenity.

Highways

- 7.31 The application includes a basement car park for 36 spaces (including 4 disabled spaces). This car park is only for use by staff of the residential and commercial units, blue badge holders (residents) and motorised two-wheeled vehicles (staff and residents).
- 7.32 It is advised that provision for electric vehicle charging points will be made within the car park for future use and this will be secured through condition.
- 7.33 Section 6.6 of the submitted Transport Assessment outlines that the proposal also includes the provision of a mini-bus which will be free for students and will travel between the site, Moulton College and Waterside Campus.
- 7.34 Neighbour letters raised concerns with the lack of parking for student occupiers and the subsequent impact upon neighbouring streets, the lack of appropriate transport facilities between this area and the new university campus, and the impact of lost parking for customers of existing shops. Further concern was raised as to the impact during moving in and out periods.
- 7.35 Northamptonshire County Council Highways have been consulted on the application and have raised no objection to the scheme. Contributions towards traffic regulation alterations, maintenance of bus shelters, monitoring of travel plan are requested alongside conditions on a site management plan, a clause in the lease prohibiting car ownership, the reinstatement of dropped kerbs, and that the minibus will continue for the life of the development.
- 7.36 With no objection having been received from the County Council Highways team, it is considered that the proposed parking arrangement and cycle storage is acceptable.

Crime

- 7.37 Neighbours letters raised concern as to the crime issues resulting from student halls, and also that students may intimidate elderly residents.
- 7.38 Northamptonshire Police have been consulted on the scheme and raise no objection to the proposal. This is following extensive discussions with the applicant as to the security measures needed within the student halls. It is advised that the security measures identified must be implemented on site and this will be required through condition.

Obligations

- 7.39 As part of this application financial contributions have been requested from Fusion 22 and NCC Highways.

- 7.40 NCC Planning also request a contribution towards libraries however there is no planning basis for such a contribution to be requested.
- 7.41 In addition to financial contributions, it is also considered that any S106 agreement must also require:
- The completion of the works to the listed building prior to first occupation of any of the student accommodation hereby permitted.
 - The requirement for a clause in the student lease preventing car ownership unless for disabled parking.
 - The requirement for the minibus to continue for the life of the development.
- 7.42 The applicant has agreed to the above contributions and conditions.

Other matters

- 7.43 The Council's Public Protection team were consulted on the application and raised no objection subject to conditions covering air quality, land contamination, environmental noise, refuge, and a construction environmental management plan. It is considered reasonable to attach such conditions.
- 7.44 Anglian Water and the Lead Local Flood Authority request conditions on surface water, and the Environment Agency request conditions on remediation, verification, drainage systems and contamination. Such conditions are considered reasonable to attach.
- 7.45 NCC Archaeology raise no objection to the scheme but request a condition on an archaeological programme of works, and NCC Ecology raise no objection to the scheme subject to a condition on ecology. Such conditions are considered reasonable.
- 7.46 Neighbour letters raised that they would prefer affordable housing to student accommodation on this site. The assessment of this application must be based solely on that which has been applied for and alternatives cannot be considered.
- 7.47 Neighbour letters raise that the building may be turned into flats with no parking as this is the wrong area for students. Planning permission is required for the conversion of a student halls into residential flats, and the appropriateness of this would be assessed should such an application ever be submitted. This cannot be assessed at this stage.
- 7.48 Neighbour letters raised concern as to the impact of construction work on existing residents alongside fears the proposal would result in decreased property values. These are not material planning considerations within the assessment of the application.

8 CONCLUSION

- 8.1 The proposed development represents an acceptable land use and would not have a significant adverse impact upon the character and appearance of the surrounding area, neighbour amenity, the highway system, crime and safety. Whilst there would be some harm to the historic environment, this would not be significant and would be outweighed by the public benefits of the scheme. As a consequence, the proposal is in conformity with the requirements of the National Planning Policy Framework, Policies C2, E1,H1, BN5, BN9, INF1, INF2, N1, S1, S2, S3 and S10 of the West Northamptonshire Joint Core Strategy; and Policy E20 of the Northampton Local Plan (Saved policies) 1997.

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: (SK)001 Rev F, (SK)002 Rev E, (SK)003 Rev E, (SK)005 Rev D, (SK)006 Rev F, (SK)007 Rev C, (SK)008 Rev G, (SK)009 Rev C, (SK)010 Rev A, (SK)101 Rev F, (SK)102 Rev F, (SK)103 Rev F, (SK)104 Rev D, (SK)105 Rev A, (SK)201 Rev E, (SK)202 Rev E, (SK)203 Rev C, (SK)204 Rev D, (SK)301 Rev E, (SK)302 Rev E, (SK)303 Rev D, (SK)401 Rev E, (SK)402 Rev E, (SK)403 Rev D, (SK)501 Rev D, (SK)502 Rev D, (SK)503 Rev C, (SK)601 Rev D, (SK)602 Rev C, (SK)603 Rev C, (SK)605 Rev B, (SK)606 Rev B.

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

3. Prior to the commencement of development full 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 BN5 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to enable timely submission of information.

4. Notwithstanding the details submitted, prior to the commencement of development, full details of any new windows and doors (including sections) within the listed building part of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of the historic environment in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to enable timely submission of information.

5. Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:

- i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
- ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
- iii) Details of the siting of all vehicles of site operatives and visitors.
- iv) The unloading and loading arrangements for heavy plant and machinery.
- v) The location, extent and duration of any temporary stockpiling areas.
- vi) Measures to prevent mud being deposited on the surrounding highway.
- vii) Hours in which development will take place.

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework. This is a pre-commencement condition to enable timely submission of information.

6. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

7. Prior to the commencement of the development hereby permitted, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination of the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority prior to the commencement of development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced which must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The report of the findings must include:
- (i) identification of all previous uses and contaminants associated with those uses;
 - (ii) a survey of the extent, scale and nature of contamination;
 - (iii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings
 - adjoining land,
 - groundwaters and surface waters, (including a conceptual model of the site indicated sources, pathways and receptors);
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iv) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Pre commencement condition 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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

8. Prior to the commencement of the development hereby permitted, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings, and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority prior to the commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

Reason: Pre commencement condition 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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

9. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and 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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

10. 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 undertaken in accordance with the requirements of Condition 7 above, and where remediation is necessary a remediation scheme

must be prepared in accordance with the requirements of Condition 8 above, 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 in accordance with Condition 9.

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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

11. Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in accordance with the agreed details.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

12. No development shall commence until one of the following has been submitted to and approved in writing by the Local Planning Authority:
- a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
 - b) Written confirmation from Natural England that the application site has been registered with the Bat Low Impact Class Licence scheme; or
 - c) A statement in writing from a suitably qualified ecologist to the effect that it does not consider that the specified activity/development will require a licence.

Reason: In the interests of wildlife and nature conservation in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

13. No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The written scheme will include the following components, completion of each which will trigger the phased discharging of the conditions:
- d) Fieldwork in accordance with the agreed written scheme of investigation
 - e) Post-excavation assessment (to be submitted within 6 months of the completion of fieldwork unless otherwise agreed in advance with the planning authority)
 - f) Completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the local planning authority, completion of an archive report and submission of a publication report to be completed within two years of the completion of fieldwork unless otherwise agreed in advance by the local planning authority.

Reason: to ensure that features of archaeological interest are properly examined and recorded in accordance with the NPPF paragraph 199. This is a pre-commencement condition to ensure timely submission of details.

14. Prior to first occupation, full details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of residential and visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

15. Prior to first occupation of the development, details of all boundary materials (including materials, design, opening mechanism, access control of all vehicle and pedestrian gates) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to first occupation of the development hereby permitted and retained in full working order in accordance with the approved details thereafter.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy.

16. Prior to the commencement of the residential use hereby permitted, a Full Site Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Full Site Management shall include, but not be limited to, the following:

- i) The process for managing students to move into, and out of, the development.
- ii) On site management.
- iii) A Code of Conduct for occupiers of the development.
- iv) Security Controls, including positions of access control measures door by door.
- v) CCTV, including the location of each camera.
- vi) External lighting.
- vii) Fire alarm system, including location of each.

The approved management plan shall be fully implemented prior to the first occupation of the development and shall be retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

17. A scheme for the containment, mitigation and management of noise emanating from the site, including details of all external mechanical fixed plant equipment, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The scheme shall be implemented in accordance with this scheme and retained as such thereafter.

Reason: In the interests of securing a satisfactory standard of development, in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

18. Prior to the occupation of the development hereby approved, the existing access points on Bective Road and Yelvertoft Road, other than that serving the proposed basement as shown within plan (SK)001 Rev F, shall be permanently closed (and the highway reinstated) in a manner to be approved in writing by the Local Planning Authority, and, notwithstanding the provisions of Class B of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 no further points of access shall be created thereafter.

Reason: To confine access to the permitted point in order to ensure that the development does not prejudice the free flow of traffic or conditions of highway safety along the neighbouring highway in accordance with the requirements of the National Planning Policy Framework.

19. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

20. No above ground work shall take place until full details of the surface water drainage scheme for the site, based on the approved Drainage Strategy, Flood Risk Assessment and Sustainable

Drainage System Statement ref 6125 R001 FRA prepared by BCAL dated March 2019 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include,

- i) details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures and proposed pump installations
- ii) details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations
- iii) cross sections and manufacturers hydraulic curves for all control chambers and flow control devices.
- iv) details/demonstration of exceedance routes.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy BN7 of the Core Strategy for West Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site

21. No above ground work shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site, including the proposed pumping installation, has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Details are required of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of when replacement assets may be required, should be submitted.

A maintenance schedule should be accompanied by a site plan to include access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site.

Reason: To ensure the future maintenance of drainage systems associated with the development

22. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Drainage Strategy, Flood Risk Assessment and Sustainable Drainage System Statement ref 6125 R001 FRA prepared by BCAL dated March 2019

These shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance Testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

23. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

24. Prior to first occupation of the development a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority.

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.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

25. Full details of a minimum of 4 electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use.

Reason: To ensure the provision of adequate facilities in accordance with the Northampton Parking Standards Supplementary Planning Document (2019).

26. The windows within the eastern elevation of block F shall be entirely obscure glazed and secured shut up to 1.7 metres above the floor level of the room within which the window is located, and retained as such at all times thereafter.

Reason: To safeguard the privacy of the adjoining properties in accordance with Policy E20 of the Northampton Local Plan and Policy H1 of the West Northamptonshire Joint Core Strategy.

27. The bin stores as shown within plan (SK)601 Rev D and (SK)201 Rev E shall be provided on site prior to the first occupation of the development hereby approved and retained at all times thereafter for bin storage.

Reason: In the interests of residential amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

28. The bike store as shown within plan (SK)601 Rev D shall be provided on site prior to the first occupation of the development hereby approved and retained at all times thereafter for the storage of bicycles of the student occupiers of the development.

Reason: To ensure a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy

29. The parking spaces within the basement as shown in plan (SK)005 Rev D shall be for the use of occupiers of the student hall and employees of any part of the development only and shall not be for use by customers of the retail and gym units hereby permitted.

Reason: To protect the amenity of future occupiers of the student halls whose windows look over the access ramp for this car park in accordance with the requirements of the NPPF.

30. The retail and gym units hereby permitted shall be open to the public only between the hours of 07:30am and 22:00pm Mondays to Saturdays and at no time on Sundays or Bank or Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of residential occupiers in the vicinity of the development.

31. No deliveries shall occur to the retail and gym units hereby permitted between the hours of 22:00pm and 07:30am.

Reason: To ensure that the development does not prejudice the amenities of residential occupiers in the vicinity of the development.

32. The Type 1 Mitigation proposals set out in Section 6.5 of the MEC Air Quality Assessment Report dated July 2019 reference 25187-04-AQA-01 shall be implemented on the site prior to first occupation of the development and retained as such thereafter.

Reason: In the interests of securing a satisfactory standard of development, in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

33. The residential development hereby permitted shall be a 356 bed spaces student accommodation (sui generis use) only and shall not be used for any other purpose.

Reason: For the avoidance of doubt and to secure a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

Informatives:

The Environment Agency recommend that developers:

1. Follow the risk management framework provided in the Land contamination: risk management guidance on gov.uk, when dealing with land affected by contamination
2. Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors, such as human health
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
4. Refer to the contaminated land pages on gov.uk for more information

Anglian Water advise:

(1) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

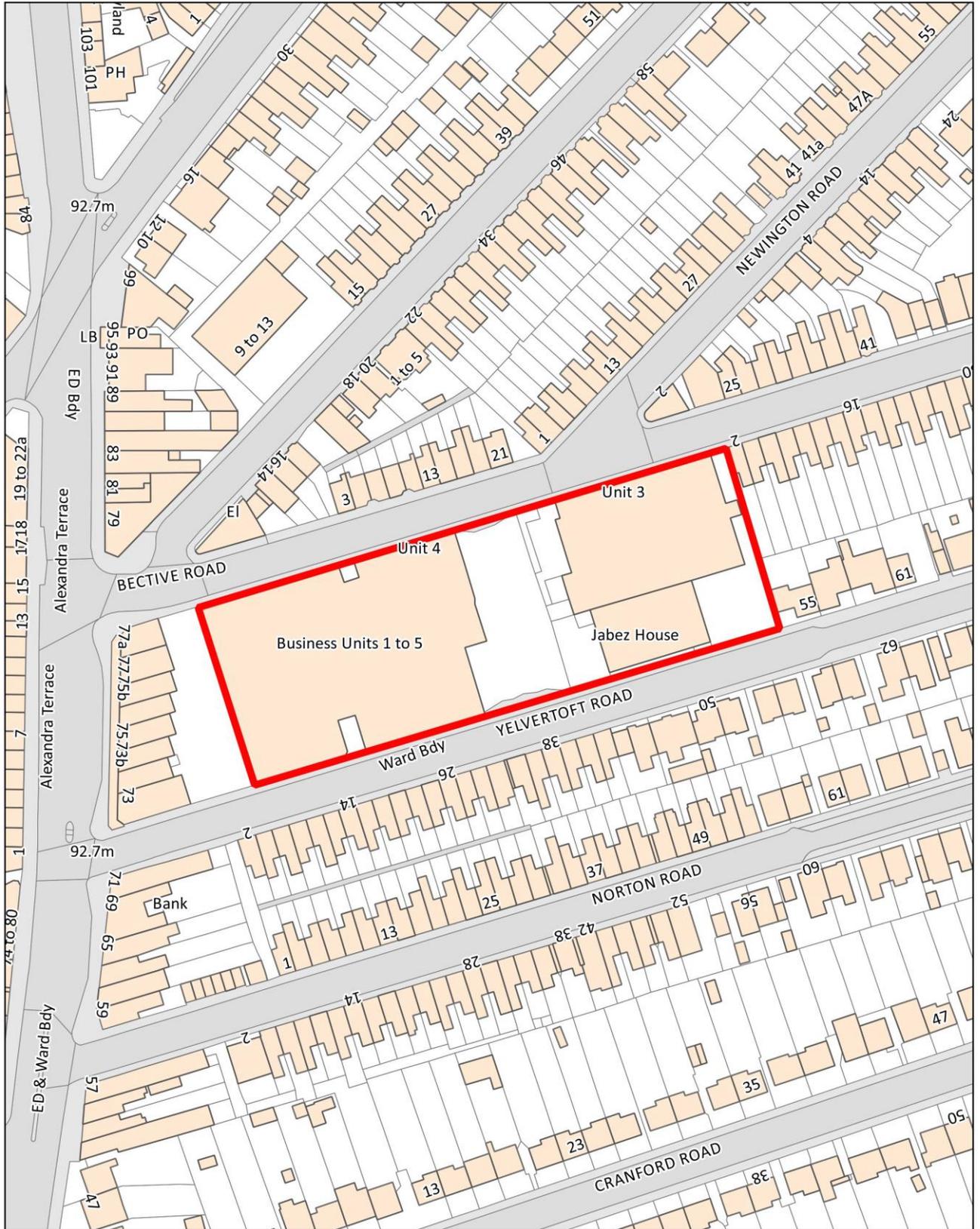
(5) The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

10 LEGAL IMPLICATIONS

- 10.1 The development is not CIL liable.

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.



 <p>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Title: Bective Works, Bective Road</p>	<p>Date: 12-11-2020</p>
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PLANNING COMMITTEE: 24th November 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0866

LOCATION: 70 Victoria Road

DESCRIPTION: Variation of Conditions 1 and 5 of Planning Permission N/2018/0011 (Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation for 4 occupants (Use Class C4) including single storey extensions to the rear, a loft conversion with rear dormer window & internal alterations) to allow the property to be occupied by a maximum of 5 occupants

WARD: Castle Ward

APPLICANT: Ms Liang Zong
AGENT: N/A

REFERRED BY: Councillor D Stone
REASON: Overdevelopment and parking concerns

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 development is considered acceptable and would provide adequate facilities for future occupants. Notwithstanding existing parking conditions in the local area, the site is in a sustainable location close to the town centre, bus services and amenities and would provide adequate facilities for cycle storage and refuse storage and have an acceptable effect on the conservation area. The proposal thereby complies with Policies H1, H5, BN5, BN7 and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20, E26 and H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation SPD and the aims and objectives of the National Planning Policy Framework.

2 THE PROPOSAL

2.1 Permission is sought for a variation of Condition 5 of Planning Permission N/2018/0011 to allow the property to change from a 4-persons to a 5-persons house in multiple occupation (HIMO).

- 2.2 The proposal also includes amendments to the rear extension, which was approved in 2018, that the applicant admits was not represented correctly on the original drawings. This element and the rear dormer are retrospective. The rear dormer is small and was accepted and built as part of the previous planning permission.
- 2.3 Members will recall that the application was deferred at the last Planning Committee meeting on 27 October 2020, in order to allow further discussion with the applicant to seek an alternative layout to accommodate the ground floor Bedroom 1, as Members have significant concerns that the bedroom is likely to be affected by noise and disturbance as the full length of the room would be adjoined by the existing kitchen, including worktops and sink. A revised layout has now been received and the ground floor rear bedroom has been moved to the front of the property, with the kitchen area only adjoining the rear wall of the bedroom.

3 SITE DESCRIPTION

- 3.1 The site consists of a terraced property along a street of similar properties and is currently used as a 4 person HIMO as approved under planning permission N/2018/0011. There is a private garden to rear enclosed on 3 sides. Parking is provided on street on Permit Basis. The site is in a low risk flood zone (flood zone 1) and is in a designated conservation area. The property is not listed.

4 PLANNING HISTORY

- 4.1 N/2020/0479 - Planning application refused for a change to 6 person HIMO in July 2020.
- 4.2 N/2018/0011 – Planning permission granted for a 4-persons HIMO with rear dormer and single storey extension to rear in March 2018.

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 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

6 National Policies

- 6.1 **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 61 - housing should be provided for different groups including families, older people, students and disabled
- Paragraph 117 - decisions should promote an effective use of land in meeting the need for new homes
- Paragraph 127 - should provide adequate levels of residential amenity for future occupiers
- Paragraph 192 - Heritage assets

6.2 **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 H1 - Housing Density & Mix & Type of Dwellings
Policy H5 - Managing the Existing Housing Stock
Policy BN5 - Heritage
Policy S10 - Sustainable Development Principles
Policy BN7 - Planning and Flood Risk

6.3 **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 policies are material to this application:

Policy E20 - New development
Policy E26 - Development in Conservation areas
Policy H30 - Multi occupation with a single dwelling

6.4 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004
Residential Extensions and Alterations Design Guide SPD 2011
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019

6.5 **Other Material Considerations**

Houses in Multiple Occupation (HIMO) SPD 2019

Proposals for HIMOs should:

- Result in a balanced and mixed community and protect the physical character of the street and neighbourhood as a whole, by not resulting in a concentration of similar uses, a material change or adverse impact on the character of the area, or more than 15% of HIMOs within a 50 metre radius.
- Secure the provision of adequate facilities, amenities and minimise flood risk;
- Promote use of public transport, cycling and walking and secure provision of adequate parking;
- Ensure provision of adequate storage for refuse and materials for recycling

7 **CONSULTATIONS/ REPRESENTATIONS**

Comment received are summarised as follows:

- 7.1 **NBC Private Sector Housing** - no objection; property suitable for 5 persons, comments on fire safety and protection.
- 7.2 **NCC Highways** - no comments received.
- 7.3 **NBC Conservation** - No objection. On the basis that the principle of the use of the property as a HIMO has been established, then an increase in the number of occupiers from four to five is unlikely to have a negative impact on the character or appearance of the Conservation Area.
- 7.4 **Town Centre Conservation Area Committee** object to over-development; number of HIMOs and increased pressure on services and refuse/ conservation area.

- 7.5 **Councillor D Stone** - objects and called in on grounds of over-development, pressure on services, parking, loss of community and spread of disease/ health concerns.
- 7.6 2 neighbour comments/objections - lack of consultation and strain on area and too many HIMOs.

8 APPRAISAL

Principle of the development

- 8.1 The application property is an established HIMO for 4 occupants. The primary consideration, therefore, is whether the intensification in the use of the property from 4 to 5 people would provide a satisfactory standard of accommodation for future occupiers, and whether this increase would harm the amenities of the surrounding properties, the conservation area and the highway system.

Area concentration

- 8.2 As the property is an existing HIMO, the area concentration is no longer a material consideration.

Size of property and amenity for future occupiers

- 8.2 Policy H30 of the Local Plan, although dated, is in line with the aims of NPPF in respect of the provision of adequate amenity for proposed occupiers and requires HIMOs to be of sufficient size to accommodate the proposed use. The property is considered to be of sufficient size, providing room sizes in accordance with the Council's HIMO SPD. NBC Private Sector Housing have confirmed that the room sizes, amenities and facilities indicated on the submitted plans demonstrate that the proposals would meet the requirements for a 5 occupant HIMO. In this case, all bedrooms are over the required 6.51 square metres. The revised living room, diner and kitchen layout will have a floor area of 24.37 square metres which is over the required 18 square metres as set down in the HIMO Policy.
- 8.3 The proposed Bedroom 1 has now been moved to the front of the property. This bedroom has a floor area of 21.98 square metres. Although the rear wall will adjoin the kitchen, as the bedroom is comparatively spacious, it is considered that this layout would provide a satisfactory living condition for the future occupant of this bedroom.

Development and Flood Risk

- 8.4 The application site is located in Flood Zone 1 and with very low risk of flooding to accord with Policy BN7 of the Joint Core Strategy.

Highways/Parking

- 8.5 The HIMO SPD sets out clearly that where limited or no parking provision is proposed, the site must be either within 400m of a bus stop, or within 400m distance of a district centre, local centre or neighbourhood parade. The site must also be accessible by a bus with a frequency of every half an hour which it is within 300m of the site on Billing Road.
- 8.6 The application property is located within easy walking distance to facilities in the town centre. It is considered that the application site is in a sustainable location within easy walking distance of local facilities. Within such areas, the SPD recommends that storage space should be provided which is accessible to cycle users. Cycle storage can be agreed by condition.
- 8.7 In terms of NCC Parking standards, this was adopted in September 2016, after the previous IPPS. The Northamptonshire Parking Standards state that HIMOs shall provide on plot parking at the ratio of 1 parking space per bedroom. The proposed development will produce a demand for 1 additional space than the current approved use as a 4 persons HIMO. In this case, the Highway Authority did not object as the site is served by Permit Parking, but advised that permits will be controlled.

- 8.8 In addition, there is no evidence to support that all the residents would own cars. Given that only one additional occupant is proposed and the sustainable location of the property, it is not considered that a refusal on highway grounds could be upheld at appeal. Furthermore, regard must be paid to recent appeal decisions over the past few months where Planning Inspectors have consistently taken the view that where a site is close to local amenities and public transport, and no parking is provided, considerable weight has been given to the sustainable location of the site, and the appeals concerned have been allowed. Indeed, some Inspectors have taken the view that proposed occupiers in recognising the lack of parking provision and proximity to amenities, may choose the location for this purpose and not wish to have cars.

Refuse storage

- 8.9 No details have been submitted for refuse storage on the current proposal, though there is space at the rear for bins to serve existing occupants. This is to be conditioned on the grant of permission.

Impact on the appearance and character of the conservation area

- 8.10 Given that the proposal is mainly for an increase in the number of occupants, the impact on the conservation area is considered to be neutral. This is a view supported by NBC Conservation. Comments on the single storey rear extension and rear dormer are addressed directly below.

Single Storey rear extension and dormer to rear

- 8.11 The submitted plans show an amended rear extension different from that approved in 2018, projecting off only one of the original rear walls as compared to two on the 2018 plans. The single storey rear extension is 7.1 m deep, given that it would not be conspicuous from the front, the impact on street scene and the conservation area is minimal. The design with sloping roof and matching materials is considered reasonably in keeping with the host building.
- 8.12 In terms of neighbour effects, the extension is set back from the boundary with property no. 72 by 2 metres and therefore the effect is limited in terms of loss of light, outlook and overbearing. In terms of the effect on no. 68, the extension would be on the boundary line but would project less than 3 metres beyond the rear wall of that property, which has what appears to be a non-habitable rear facing room next to the boundary, the impact is considered to be acceptable too. In terms of the rear dormer, again this is retrospective and of minor nature, this was approved and constructed as part of the previous planning approval.

Public Health

- 8.13 Public health matters, including the spread of infectious diseases are subject to separate Government guidance and not material planning considerations to this application.

9 CONCLUSION

- 9.1 The proposed increase in the number of occupants from 4 to 5 will not lead to significant adverse impacts on neighbouring amenity or parking provision and the property is of sufficient size to accommodate the level of accommodation as proposed. The proposal will provide sufficient residential amenity and is recommended for approval.

10 CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed floor plans and site location plan.

Reason: For the avoidance of doubt and to accord with the terms of the planning application. Proposed elevations and floor plans.

2) Notwithstanding the submitted plans and prior to the occupation of the development as a 5 persons House in Multiple Occupation, further details of the provision for the storage of refuse and materials for recycling shall be 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 H1 and H5 of the West Northamptonshire Joint Core Strategy.

4) Notwithstanding the submitted plans and prior to the occupation of development as a 5 persons House in Multiple Occupation, further details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

5) The development hereby permitted shall be occupied by a maximum of 5 residents at any one time.

Reason: In the interests of the amenity of the proposed occupiers and the surrounding area in accordance with Policy H1 and H5 of the West Northamptonshire Joint Core Strategy.

6) The existing cellar shall not be used as a bedroom at any time throughout the lifetime of the development as a House in Multiple Occupation.

Reason: In the interests of residential amenity to comply with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

11 BACKGROUND PAPERS

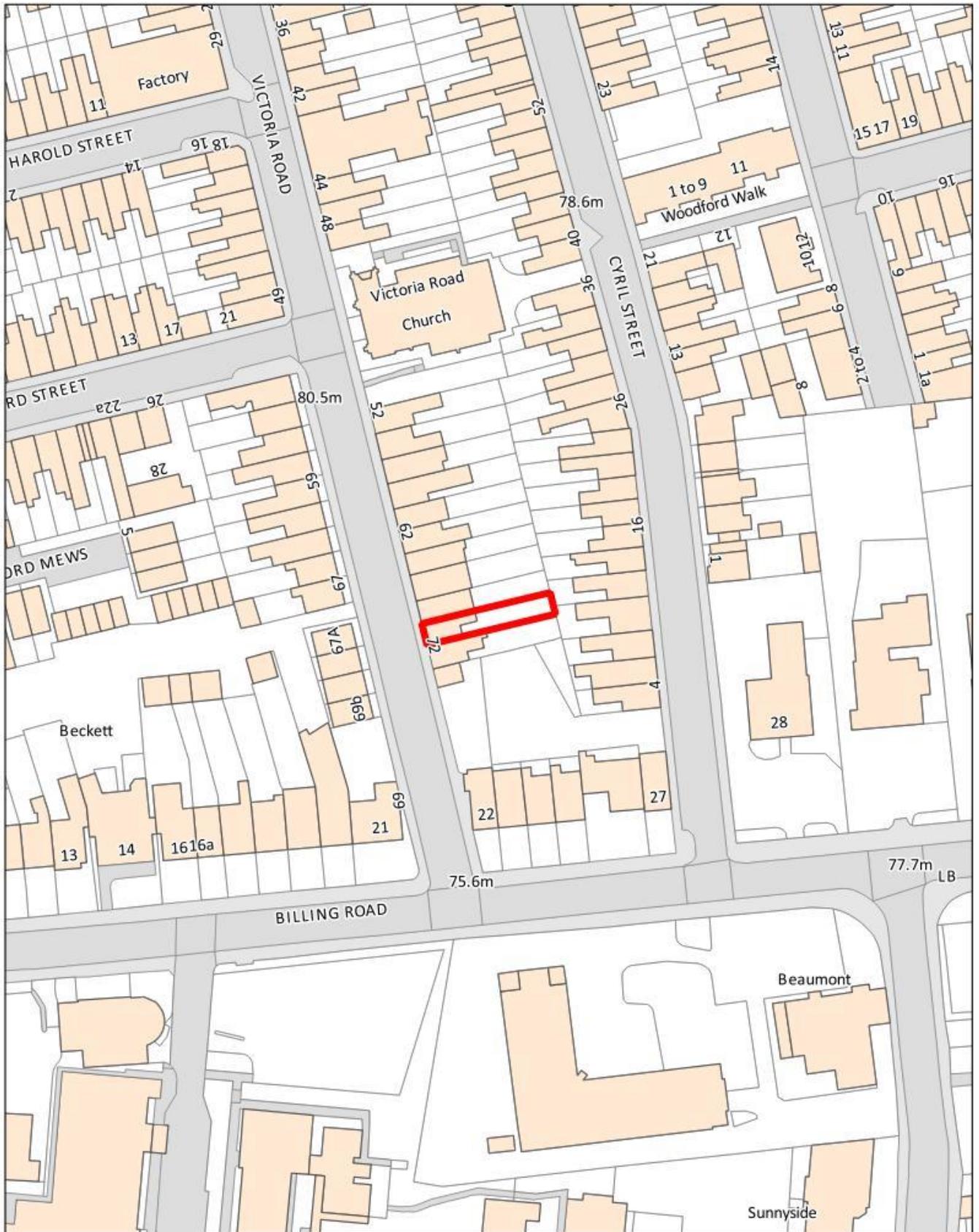
11.1 N/2020/0866.

12 LEGAL IMPLICATIONS

12.1 The development is not CIL liable.

13 SUMMARY AND LINKS TO CORPORATE PLAN

13.1 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.



NORTHAMPTON
BOROUGH COUNCIL

Title: **70 Victoria Road**

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Scale: 1:1,000

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PLANNING COMMITTEE: 24th November 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/1157

LOCATION: Land at Brownlee Place, Wootton Trade Estate

DESCRIPTION: Construction of 6no new two bed dwellings with on-site parking

WARD: Nene Valley Ward

APPLICANT: Mr Keith Howard
AGENT: N/A

REFERRED BY: Director of Planning and Sustainability
REASON: Significant public interest

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The application site is located in an established residential area where residential development is considered acceptable in principle and would contribute towards the Council's 5 Year Housing Land Supply. The proposed parking, access, siting, design and general layout as proposed are considered to be acceptable and subject to the conditions below, would not lead to any undue impact on the character and amenity of the surrounding area or on highway safety, parking, drainage, flood risk, ecology, noise and disturbance, biodiversity and security in compliance with the requirements of the National Planning Policy Framework, Policies S3, S10, H1, BN2, BN5, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 The scheme proposes the erection of 6 dwellings (3 blocks of two-bed semi-detached houses) with off road car parking spaces, together with bin storage and electric vehicle charging points. The proposed dwellings would have hipped roofs, to be finished in red brick and grey roof tiles and white UPVC windows. The scheme also includes a total of 12 off road parking spaces. Access to the site would be via the existing access road to the front, which also serves the wider Wootton Trading Estate business area to the south.

3 SITE DESCRIPTION

- 3.1 The application site is accessed off Newport Pagnell Road. It is a long narrow parcel of overgrown vacant land that backs onto the existing two storey dwellings on Balland Way and Flinters Close. Some of these properties have existing rear conservatories within relatively close relationship with the application site boundary. To the east of the site are existing dwellings on Brownlee Close.
- 3.2 The site lies to the north of the Wootton Trading Estate, which comprises a number of car repair garages and car sales unit. The site is not close to any conservation areas or listed buildings and is in a low risk Flood Zone (Zone 1).

4 PLANNING HISTORY

- 4.1 Outline planning permission (99/0595) for residential development was refused and also dismissed on appeal in May 2000. It was considered that the development would be isolated and unrelated to the surrounding development, without proper access to local facilities and would prejudice the redevelopment of the site.
- 4.2 Outline planning permission N/2001/226 for residential development with all matters reserved was granted in June 2001. The proposal also included a link through to Curlbrook Close nearby. The current application site forms part of this development site.
- 4.3 A full planning application N/2006/0870 for 30 residential dwellings was approved in October 2007, subject to a Section 106 legal agreement to secure 35% affordable housing. The part of the application site which coincides with the current application boundary indicates that 4 dwellings were to be built. The permission has since expired and not implemented.
- 4.4 Full planning permission was granted in 2011 under application N/2010/0470 for the erection of 29 residential units for Orbit Homes. The development was substantially implemented, apart from 8 approved dwellings that were shown on the current application site that were never built, the rest of the development forms the existing estate in Brownlee Close.

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 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:

- 5.3 Paragraphs 7-12 - Presumption in favour of sustainable development.
Paragraph 60 - Housing needed for different groups in the community.
Paragraph 127 - Create places with a high standard of amenity for existing and future users.
Section 8 - Promoting healthy and safe communities.
Section 9 - Promoting sustainable transport.
Section 12 - Achieving well-designed places.
- 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:

- 5.5 Policy S3 Scale and Distribution of Housing Development
- Policy S10 Sustainable Development Principles
- Policy H1 Housing Design, Density and Mix
- Policy BN2 Biodiversity
- Policy BN5 Heritage
- Policy BN7 Flood Risk
- Policy BN9 Planning and Pollution Control

5.6 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

5.7 Supplementary Planning Documents

Planning out Crime in Northamptonshire SPG 2004
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019
Northamptonshire Local Highways Standing Advice 2016

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Public Protection (NBC)** - No objection subject to conditions for traffic noise survey, contamination and electric charging points for vehicles and consideration to construction hours.
- 6.2 **Northamptonshire Police** - The parking is not visible from within the dwelling as each parking bay is fenced. This makes the vehicle more vulnerable to crime. It is not recommended to have bins and bikes in the same space. A bike store should be of robust construction and lockable. If possible, the frontage to the houses should have a perimeter treatment. The scheme does provide the benefit of securing the existing rear fence line of the houses to the rear.
- 6.3 **Northamptonshire Highways** - No objection. Parking spaces served directly off the highway must be a minimum of 5.5m long. As the proposed building is within 1m of the highway boundary, the following conditions must apply:
 - Foundations do not encroach or undermine the highway, and the LHA would require full engineering and structural details to that effect. In practice, this will require the cantilever foundations, so they don't affect the highway infrastructure.
 - Building drainage, pipes, eaves, sills, outward opening windows, fenestrations or anything else attached to the building (e.g. gas meter), must not encroach upon or overhang the highway. All costs associated with any agreement, licence and structural design checks and approvals.
- 6.4 **Northamptonshire Ecology** - the site is very isolated and surrounded by quite dense development so it's highly unlikely to be of value to any species which would warrant mitigation; the 1.8m close board fencing indicated on the site plan should include small 'hedgehog holes' to allow them to forage among the gardens.
- 6.5 **Wootton Parish Council** raise objections on following issues:

- Loss of light/ right to light issues
- Over shadowing
- Adjacent to busy highway with vehicles accessing Trade Estate
- Concern over drainage and flash flooding in May 2018
- Noise
- Impact on trees and shrubs
- Will create claustrophobic environment
- Would be very close to existing occupiers on Balland Way and Flinters Close

6.6 4 neighbour representations received on the following grounds:

- Traffic noise and noise from residents
- Proximity of new builds
- Parking and congestion
- Access and construction traffic concerns
- Refuse issues/ increase in waste and rubbish
- No need for houses
- Fly tipping issues, vermin and odour
- Too close to Trading Estate and access for HGVs
- Overlooking, loss of light, outlook and overbearing
- Design, scale and height impact on appearance of area
- Difference in ground levels
- Impact on trees, shrubs, wildlife and flora/fauna
- Concern over property values
- Cramped development/over-development
- Drainage concerns
- Loss of green space
- Contrary to local and national policy
- Impact on mental health during COVID 19
- Security and safety concerns

6.7 **Councillor P Larratt** - concerns about the proposal and echoes views of Parish Council and local residents.

7 APPRAISAL

Main issues

7.1 The main issues for consideration are the principle of new residential development, design and impact on the character of the surrounding area, impact on adjacent and proposed residential amenity, and parking, highway conditions, flood risk, drainage, security traffic noise/ contamination.

Principle of residential development

7.2 The National Planning Policy Framework (NPPF) advises that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework places considerable importance on the need to have an up-to-date development plan and, that where the development plan is out of date, Local Planning Authorities are advised to grant planning permission unless any adverse impacts of doing so would demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. Paragraph 8 of the NPPF seeks to ensure the planning system maintains the provision of a sufficient number and range of homes to meet the needs of present and future generations.

7.3 Paragraph 11 of the NPPF advises that relevant policies for housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year housing land supply which is currently the case for the Borough. Therefore, in accordance with the presumption in favour of

sustainable development, as outlined in Paragraph 11, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 7.4 The application site is located in an established residential area and development of the site for residential use would comply with the requirements of Policy S1 of the Joint Core Strategy. In addition, the development of the site for six dwellings would contribute, albeit on a small scale, towards the Council's housing supply. Subject to the considerations below, the principle of development is considered acceptable.
- 7.5 In addition, the site has an extant planning permission under application N/2010/0470 granted in 2011. It would not be reasonable nor defensible on appeal to object to the principle of residential development on this site.

Design and impact on the appearance and character of the area

- 7.6 Saved Policy E20 of the Northampton Local Plan and Policies H1 and S10 of the Joint Core Strategy place importance on the quality of design of new developments and is in conformity with the National Planning Policy Framework which advises that planning should always seek to secure high quality design.
- 7.7 The site is located in a prominent position at the entrance to the Trading Estate. However, the site is adjacent to existing housing developments and the form and design of the dwellings are considered to be in keeping with the existing developments. Materials can be agreed by condition. Compared to the 2011 permission, the design is reasonably similar and even though the proposal is perceived as being cramped from comments received, it must be noted that the previous scheme is still extant and has a comparable footprint and visual effect/design. Even though the surrounding space is limited, on balance, the application is considered to be acceptable and would not represent an overdevelopment of the site.

Impact on amenity of neighbouring occupiers

- 7.8 The site is adjacent to residential properties to the front and rear. The properties on Balland Way immediately to the rear are in a lower level by approximately 1 metre, the site and these properties are separated by approximately 2.1 to 2.2 metres high trellis topped boundary fence with some existing planting which would provide some screening. Opposite the front elevations are two storey properties separated by a distance of approximately 27 metres away.
- 7.9 The proposed dwellings do not have any first floor rear facing windows. There are two proposed rooflights to each new dwelling serving a landing and bathroom which would be above 1.8m internal floor level. Given the relationship, overlooking is considered limited. The proposed dwellings would have a very close relationship with the properties at the rear on Balland Way and Flinters Close. The separation distances ranging approximately from 8.1m to 12m between the rear elevation of the new houses to some of the rear existing conservatories to the existing dwellings, back to back separations between the principal rear elevations would be over 13m on all cases. There is no current planning policy in relation to separation distances for new development. There would be some impact in terms of loss of outlook, overshadowing and overbearing, however, bearing in mind the previous history of the site and with the extant planning permission, notwithstanding the likely impact, it is considered that the impact would not be so significant that would warrant a refusal of the application. The 2011 approved scheme was more intensive, with 8 dwellings to be proposed on this site and was more closely spaced between the side elevations of the units proposed. In addition, the use of proposed hipped roof design has been chosen to lessen the massing by the applicant to help reducing the potential impact on properties to the rear on Balland Way and Flinters Close. While the impact on the neighbours is noted, it is considered that the effect is acceptable in light of the previous planning approval.

Amenity of future occupiers

- 7.10 All habitable rooms are of a reasonable size and would be served by adequate light and outlook and adequate side private amenity space, providing an acceptable level of residential amenity for all units. All units would be served by bin storage providing reasonable residential amenity which would be accessible to all proposed units. Cycle storage would also be secured by condition. However, a planning condition will be imposed to remove permitted development for future extensions to ensure that no overdevelopment of the site will occur.

Parking and Highways

- 7.11 Northamptonshire County Council Parking Standards seek 2 on plot parking spaces per dwelling in accordance with NCC Parking Standards 2016. The proposal provides 2 parking spaces to the side for each dwelling which meets with the minimum standards. NCC Highways raise no objection subject to satisfactory drainage and the driveway being hard bound surface. Appropriate vision splays for the parking spaces would be provided in line with Highways Standing Advice. Amended plans have been received increasing the size of parking spaces from 5m to 5.5m long to meet the required standards. The impact on highway safety is not considered cumulatively severe and is acceptable in line with the NPPF.

Drainage and Flood Risk

- 7.12 Some neighbours comment on localised flooding in the area in May 2018. It is however noted that the site is in a low risk flood zone where flooding is unlikely to pose a significant concern. The applicant intends to dispose of surface water drainage via a soakaway. Precise drainage would also be dealt with under Part H of the Building Regulations. As such, it is not considered the proposal would lead to any unacceptable impacts in respect of surface water drainage in accordance with Policy BN7 of the Joint Core Strategy and aims of the NPPF. Parking spaces would be conditioned to be porous or permeable in construction.

Security and Crime Prevention

- 7.13 The applicant has given consideration to the proposed layout to ensure personal safety and contends that natural surveillance of car parking is an important aspect of the design. The Northamptonshire Planning out Crime SPG (2003) is relevant as is Policy S10 of the Joint Core Strategy and the NPPF. In this case, the proposed dwellings would be close to the adjacent parking spaces providing some direct surveillance and also from the dwellings opposite. A condition is recommended for details to be submitted in relation to external lighting, secure boundary treatment and security to the refuse and cycle stores. It is considered that there would be no undue impact on security and safety.

Impact on Trees and Landscaping

- 7.14 Even though there are no nearby protected trees, there is some young planting between the site and occupiers to the rear close to the existing boundary fence. This would likely to be retained to maintain some element of visual screening between properties ensuring some privacy. Even though there is limited room on site, a landscaping scheme can be accommodated by condition to visually enhance the development and retain some screening for the future.

Noise and Other Environmental Matters

- 7.15 NBC Environmental Health have assessed the application and recommend conditions relating to ground contamination, noise mitigation and low emission mitigation measures should planning permission be forthcoming. However, conditions relating to ground contamination and electric vehicle charging points would be reasonable in this instance. It is noted that there is potential for some noise from the adjacent Newport Pagnell Road. To mitigate this, a prior to occupation condition is suggested to require appropriate noise assessment. In terms of noise from business uses on the adjacent Trading Estate from car repair garages, this condition will also help to address this concern.

Ecology and Biodiversity

- 7.16 Some objectors raise concern over potential impact on flora and fauna. However, in response to this, there is no evidence of any protected species on site in terms of bats, newts or badgers for example. There is therefore no necessity for any planning conditions for such protection. This is a view that is supported by the County Ecologist.

Other issues

- 7.17 Concerns on property values are not planning issues that can afford any weight in decision making. There is no evidence that fly-tipping would occur and bin stores would be provided for refuse. Regarding vermin and odours, there is no evidence this could be of concern.

8 CONCLUSION

- 8.1 The principle of residential development is considered to be acceptable in this location being within an established residential area and would contribute towards the Council's 5 Year Housing Land Supply. The design, layout, parking, access and impact on amenity of the area is considered acceptable and the proposal is considered to be in accordance with the above policies and therefore recommended for approval subject to the conditions below. It is noted that the application is finely balanced with strong neighbour concerns, however, due to the relevant and extant planning history, it is considered that this outweighs other issues and a refusal of planning permission would be unlikely to be sustainable on appeal.

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: A0651106A, 105A, 104A, 103A, 102, 101.

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

- (3) Notwithstanding the approved plans, full details of the method of 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 buildings and retained thereafter.

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

- (4) Prior to the first occupation of the approved development, full details of measures to ensure prevention of crime are incorporated including access controls, details of fenestration within the development shall be submitted to and approved in writing with the Local Planning Authority and the approved details shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of security to accord with advice in Policy S10 of the West Northamptonshire Joint Core Strategy.

- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional doors and windows including rear and side dormers shall be installed in any elevations of the approved development.

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

(6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions or other form of enlargement to the residential development hereby permitted.

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan.

(7) Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development in relation to all adjoining neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan. Pre-commencement condition to ensure timely submission of details.

(8) Notwithstanding the approved plans, no development shall be occupied until full details of the design, security and appearance of the bin and cycle storage areas have been submitted to and approved in writing by the Local Planning Authority and the approved details shall be constructed prior to the occupation of or bringing into use of the dwellings hereby permitted and shall thereafter be maintained.

Reason: To ensure the provision of adequate facilities and in the interests of amenity in accordance with Policy E20 of the Northampton Local Plan.

(9) Notwithstanding the approved plans, details of all proposed external facing materials including bricks, roof tiles, fenestration and fascia/ guttering 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 in accordance with Policy E20 of the Northampton Local Plan.

(10) No development be occupied until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of soft landscaping for the site. The scheme shall include indications of all existing trees and planting on the land and details of any to be retained.

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

(11) 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 visual amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(12) No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk

assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

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 Policy BN9 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure timely submission of agreed report.

(13) If during the development, contamination not previously identified is found to be present at the site then no further development unless otherwise agreed in writing with the Local Planning Authority shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with

Reason: In the interests of pollution control to comply with Policy BN9 of the West Northamptonshire Joint Core Strategy.

(14) Prior to the occupation of the first dwelling approved, the applicant shall assess the Noise Exposure Categories of the site due to its exposure to transportation and commercial property noise. This must take into account, where appropriate, roads that may not be immediately adjacent to the site and the likely growth of traffic over the next 15 years. The applicant shall also submit for approval a scheme to protect the site where its noise exposure exceeds NEC A. The scheme shall include a site plan showing the position, type and height of the proposed noise protection measures together with the resultant NEC(s) for the site. Where noise protection measures for the site are impractical or do not reduce the NEC of all amenity areas, all facades or all floors of the proposed dwellings to NEC A, the plan shall clearly indicate the site layout and the predicted NEC for all facades. Where facades or floors do not fall into NEC A a noise insulation scheme, which will require the provision of mechanical ventilation, shall be submitted for approval by the local Planning Authority and implemented prior to the properties being occupied.

Reason: To protect the enjoyment of future occupiers of their dwellings in accordance with advice in National Planning Policy Framework and Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

(15) No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The written scheme shall include the following components each of which will trigger discharging of the condition:

- fieldwork in accordance with the agreed scheme of investigation
- post excavation assessment to be submitted within 6 months of the completion of fieldwork unless otherwise agreed in advance with the Local Planning Authority
- completion of a post excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Local Planning Authority, completion of an archive report and submission of a publication report to be completed within 2 years of the completion of fieldwork unless otherwise agreed in advance with the Local Planning Authority

Reason: In the interests of archaeological research in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and the aims and objectives of the National Planning Policy Framework. This is a pre-commencement condition to ensure timely submission of details.

(16) The upper floor side windows in each new house hereby permitted shall be glazed with obscured glass to Level 3 or higher of the Pilkington scale of privacy or equivalent as may be

agreed in writing by the Local Planning Authority before the development hereby permitted is first occupied and thereafter retained in that form at all times.

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

(17) Prior to first use or occupation of the development hereby permitted, pedestrian visibility splays of at least 2.0m x 2.0m with measurements taken from and along the highway boundary shall be provided on each side of the vehicular access as shown on the approved plans. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6m in height above access / footway level. The splays shall also be constructed in permeable tarmac as per the approved plans.

Reason: In the interests of highway safety and drainage to comply with the National Planning Policy Framework and Policy BN7 of the West Northamptonshire Joint Core Strategy.

(18) Full details of all external lighting 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 BN9 of the West Northamptonshire Joint Core Strategy.

(19) Prior to the commencement of development, full details of any foundations in relation to the adjacent access road including full engineering drawings to a recognised metric scale shall be submitted to and agreed in writing by the Local Planning Authority and the development implemented in accordance with the agreed details.

Reason: In the interests of highway safety to comply with the National Planning Policy Framework. Pre-commencement condition to ensure timely submission of agreed details.

(20) Notwithstanding the approved plans, full details for the provision of 6 electric vehicle charging points for the approved dwellings and associated parking spaces as shown on the approved plan shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use.

Reason: To ensure the provision of adequate facilities and in the interests of providing a sustainable development in accordance with the Northampton Parking Standards Supplementary Planning Document and the aims and objectives of the National Planning Policy Framework.

(21) The 12 approved parking spaces shown on the submitted plan shall be constructed prior to the first occupation of the buildings hereby approved and retained thereafter throughout the lifetime of the development.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the aims of the National Planning Policy Framework.

(22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent order revoking and re-enacting the provisions of the order, the dwellings hereby permitted shall be used only for purposes within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and shall not be used as a House in Multiple Occupation.

Reason: In the interests of amenity and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

(23) The approved parking spaces shall be constructed in permeable block paving as per the approved plans and retained as such.

Reason: In interests of adequate drainage to accord with Policy BN7 of the West Northamptonshire Joint Core Strategy.

10 BACKGROUND PAPERS

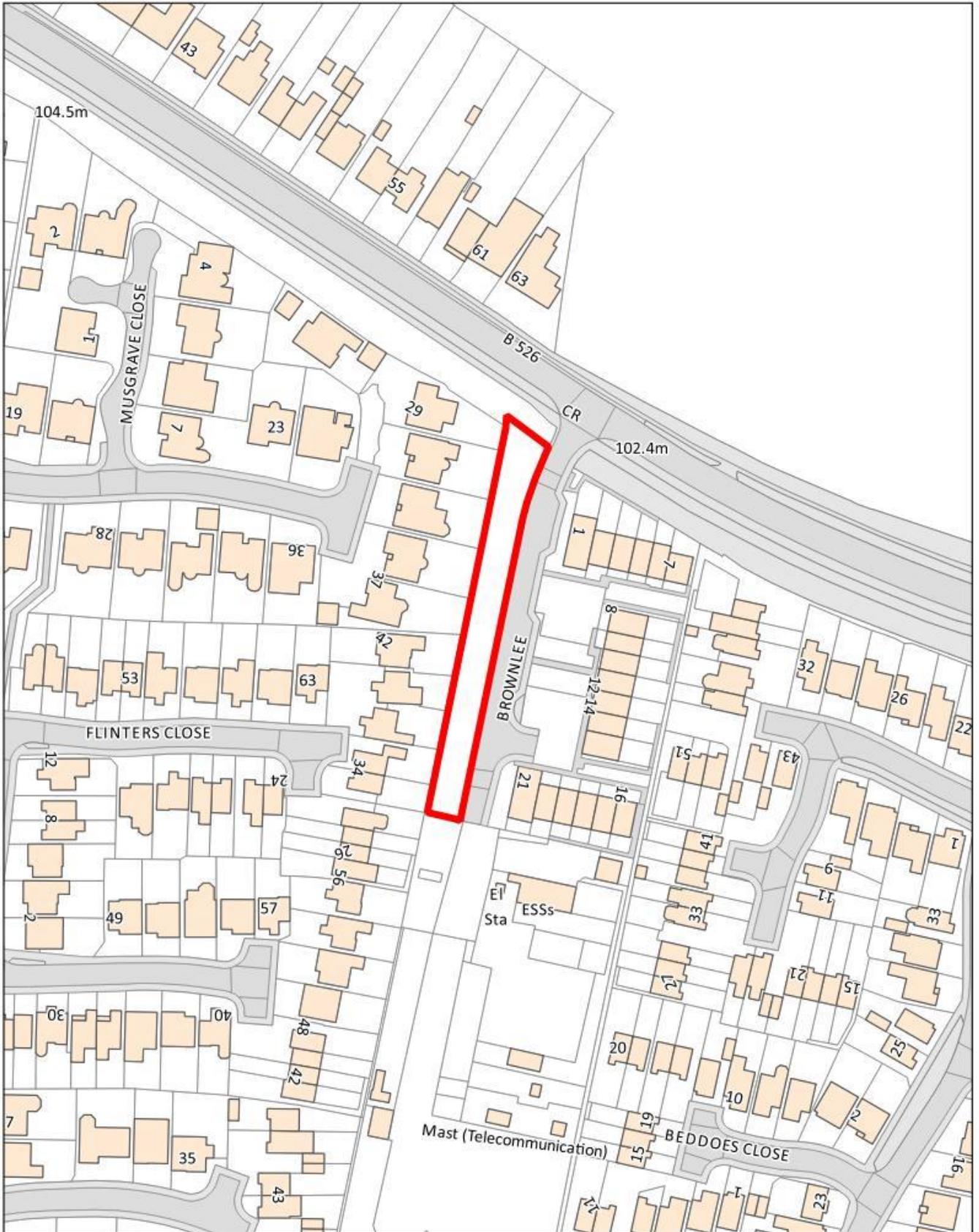
10.1 N/2020/1157 and N/2010/0470.

11 LEGAL IMPLICATIONS

11.1 The development is CIL 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: **Land at Brownlee Place**

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Date: 12-11-2020

Scale: 1:1,250

Drawn by: -----



PLANNING COMMITTEE: 24th November 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1429

LOCATION: Lock Up Garages, Derwent Drive

DESCRIPTION: Construction of 5no new build dwellings with associated parking

WARD: Kings Heath Ward

APPLICANT: Northampton Partnership Homes
AGENT: Baily Garner LLP

REFERRED BY: Director of Planning and Sustainability
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The principle of residential development is considered acceptable in an established residential area and would contribute towards the Council's five year housing land supply. The proposed siting, scale and design is considered acceptable and would have no undue impact upon the character and appearance of the surrounding area, neighbouring amenity, security, drainage and parking/highway safety. The development is therefore compliant with the aims and objectives of the National Planning Policy Framework, Policies S3, S10, H1, BN7 and BN9 of the West Northamptonshire Joint Core Strategy, and Saved Policies E20 and H10 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 Permission is sought for the erection of 5 terraced (3 2-beds and 2 4-beds) two storey dwellings, each with its own private rear garden approximately 13 metres long. 12 off road parking spaces will be provided to serve the development including two disabled spaces. The primary access point would be from Derwent Drive. The proposal also includes bin collection point, 6 electric charging points and each dwelling would be served by a rear garden shed.

3 SITE DESCRIPTION

- 3.1 The site consists of a rectangular parcel of previously developed land accessed off Derwent Drive in Kings Heath. Part of the site was occupied by a block of 53 single garages which have since been demolished. The site is surrounded by residential dwellings and flats to the east, south and west. To the north is the Kings Heath Baptist Church. The site is not near to any conservation areas or any listed buildings and is in a low risk Flood Zone (Zone 1). There are no protected trees on the site.

4 PLANNING HISTORY

- 4.1 No recent planning applications.

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.

6 National Policies

- 6.1 **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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport.

Section 12 - Achieving well-designed places.

6.2 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 S3 Scale of Housing

Policy S10 Sustainable Development Principles

Policy H1 Housing Design, Density and Mix

Policy BN7 Flood Risk

Policy BN9 Planning and Pollution Control

6.3 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 policies are material to this application:

Policy E20 New development (design)

Policy H10 Backland development

6.4 Supplementary Planning Documents

Planning out Crime in Northamptonshire SPG 2004
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019
Northamptonshire Highways Standing Advice 2016

7 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 7.1 **Northamptonshire Highways** - No objections.
- 7.2 **Environmental Health (NBC)** - No objection and recommend conditions for contaminated land and provision of gas fired boilers and charging points. Suggest informative relating to construction hours.
- 7.3 **Building Control (NBC)** - verbal comments offered, raise no objections to access and turning space for emergency vehicles.
- 7.4 **Northamptonshire Police** - pleased to note that much of the advice given in respect of the previous iteration of this development has been noted and is included in these latest drawings. Although a great deal better in the reduction of opportunities for burglary the following should also be included: A full height lockable metal gate should be included between plots 3 and 4 in line with the front building line. This gate to be key lockable and operable from both sides for convenience. Provision of this will prevent persons being able to gain access to the rear gardens unobserved from the frontage.
- 7.5 **Councillor T Eales** - concern over access being tight, parking and access for emergency vehicles.
- 7.6 Five neighbour objections received summarised as follows:
- Lack of public consultation
 - Parking and highway issues/ lack of turning space
 - Neighbour impact
 - Overlooking/ loss of light
 - Refuse stores too close to properties/ increase in smells
 - Noise
 - Loss of residential amenity
 - Flooding and Drainage issues
 - Security issues
 - Emergency vehicles access/ access is too tight for large vehicles
 - Overbearing
 - Over-development concerns
 - Boundary maintenance issues
 - Fear of crime and anti-social activity
 - Damage to roads
 - Hazardous materials on site
 - Ground stability

8 APPRAISAL

- 8.1 The main issues for consideration are principle of residential development, impact on the character of the surrounding area, impact on adjacent and proposed residential amenity, security, drainage, effect on trees and highway safety/ parking.

Principle of residential development

- 8.2 The National Planning Policy Framework (NPPF) advises that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework places considerable importance on the need to have an up-to-date development plan and, that where the development plan is out of date, Local Planning Authorities are advised to grant planning permission unless any adverse impacts of doing so would demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. Paragraph 8 of the NPPF seeks to ensure the planning system maintains the provision of a sufficient number and range of homes to meet the needs of present and future generations.
- 8.3 Paragraph 11 of the NPPF advises that relevant policies for housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year housing land supply which is currently the case for the Borough. Therefore, in accordance with the presumption in favour of sustainable development, as outlined in Paragraph 11, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.4 The application site is located in an established residential area and development of the site for residential use would comply with the requirements of Policy S1 of the Joint Core Strategy, which requires that development should be concentrated primarily in and adjoining the principal area of Northampton. In addition, the development of the site for 5 dwellings would contribute, albeit on a small scale, towards the Council's housing supply. Subject to the considerations below, the principle of development is considered acceptable.

Design and the impact on the appearance and character of area

- 8.5 Saved Policy E20 of the Northampton Local Plan and Policy H1 of the Joint Core Strategy place significant importance on the quality of design of new developments. This is in conformity with the NPPF which advises that planning should always seek to secure high quality design. Policy H10 of the Northampton Local Plan relates to back land development encouraging good design, safe access and consideration of neighbouring amenity.
- 8.6 In terms of the street scene, much of the site is set back from the public highway and being located behind the existing built form on Derwent Drive, the properties would not appear unduly prominent. The proposed design and general appearance are in keeping with the area which consists of a relative mix of house type. The proposed dwellings would be two storeys in height with pitched roof in bricks with a concrete tile roof. The stepping of the ridge height would reflect the slightly sloping nature of the site. Any approval would also be subject to a materials condition to accord with Policy S10 of the Joint Core Strategy and E20 of the Northampton Local Plan. It is considered that the proposed design and layout of the development are acceptable and in line with Development Plan Policy. Given the degree of site coverage, over-development is not a concern in this case.

Impact on amenity of neighbouring occupiers

- 8.7 The application site is surrounded by residential properties on three sides. Given rear separation of over 21 metres, it is considered that there would be limited impact in terms of overlooking, overbearing and loss of light to nos. 4, 5, 6 and 7 Derwent Drive. Regarding the effect on properties to the west on Derwent Drive, the impact is such that loss of residential amenity is considered limited, due to separation of 22 metres. In terms of the front, with properties overlooking a parking area and turning space, the effect on occupiers opposite is minimal given a 30 metres separation. Separation of at least 13 metres to rear elevations of the properties to the east on Windrush Way would be maintained, therefore the impact is considered acceptable. Notwithstanding the concerns expressed by local residents, the impact of the proposal is considered acceptable and in line with Development Plan Policy.

Amenity of future occupiers

- 8.8 Saved Policy E20 of the Northampton Local Plan and H1 of the Joint Core Strategy all seek to secure a good standard of residential amenity for future occupiers. All properties would be served

by adequate light and outlook with private amenity spaces. It is considered that the proposed development would provide a satisfactory living environment for future occupiers in line with Development Plan Policy, providing an acceptable level of residential amenity.

Parking and Highways

- 8.9 12 off street parking spaces would be provided and are considered adequate to serve the proposed new dwellings. The proposed access configuration meets Building Regulation standards and is sufficient for a large refuse vehicle to access and egress the site in forward gear. It is considered that a satisfactory layout has been demonstrated and there would be no adverse impact on highway safety. The proposal also provides two disabled spaces to the required size and 6 electric vehicle charging points. In addition, the site has appropriate access width and standard of access in line with Highways Standing Advice. The site is also within 200 metres of 4 bus stops providing sustainable form of development in accordance with Paragraph 108 of the NPPF.

Security and Crime Prevention

- 8.10 The Northamptonshire Planning out Crime SPG (2003) is relevant as is Policy S10 of the Joint Core Strategy and the NPPF. The NPPF states “development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”. The Northamptonshire Crime Design Advisor’s comments have been incorporated into the revised plans. The proposed parking area is directly overlooked by windows in the front elevations of the 5 houses proposed and external lighting can be provided as well as secured bin stores and boundary treatment. It is considered that the proposal would not have adverse impact on security and crime prevention. This accords with Policy S10 of the Joint Core Strategy and the NCC Planning Out Crime Guidance.

Drainage and Flooding

- 8.11 The NPPF seeks to ensure that proposals for new development are appropriately located away from areas with a high risk of flooding and to ensure that the development does not lead to an increase in flood risk elsewhere. Policy BN7 of the Joint Core Strategy requires that new development demonstrates there is no risk of flooding to existing properties and that the development is (or can be) safe, seeking to improve existing flood risk management. The site lies within a low risk Flood Zone (Flood Zone 1 therefore localised flooding would be of minimal concern. Drainage will also be dealt with under Part H of the Building Regulations.

Contamination and Environmental Health issues

- 8.12 The Council’s Environmental Health Officers recommend that a standard land contamination condition be secured which would be agreed by condition in accordance with Policies BN9 and S10 of the Joint Core Strategy. Construction hours can be controlled under separate legislation and the applicant can be advised by informative. There is no policy justification for insisting on gas fired boilers and this is also a matter for Building Regulations.

Other issues

- 8.13 Concerns over ground stability is a matter more for Building Regulations. Boundary issues are also civil matters between neighbours. There is no evidence of hazardous materials on site.

Conclusion

- 8.14 To conclude, the site is in an existing residential area within the built up area of Northampton and the principle of development is therefore acceptable and contributing to the 5 year land supply. In this instance, the proposal would comply with the development plan and national policy and

subject to conditions, no harm has been identified that would significantly outweigh benefits. The proposal is considered acceptable subject to the following conditions.

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: PO1, P02, P03E, P04B, P05B, P06B, P07D.

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

- 3) Notwithstanding the submitted plans, details of all proposed external facing materials shall be first 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 and S10 of the West Northamptonshire Joint Core Strategy.

- 4) The bin collection area shall be implemented in accordance with the details on the approved plans prior to first occupation of development and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy

- 5) The 12 parking spaces shown on the submitted plan shall be layout and provided prior to the first occupation of the buildings hereby approved and retained thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the aims of the National Planning Policy Framework.

- 6) Prior to the occupation of development, full details of the method of the treatment of the external boundaries of the site including individual plot boundaries and any gates shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the dwellings hereby approved 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 and H1 of the West Northamptonshire Joint Core Strategy.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions shall be erected to the dwellings hereby permitted.

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan.

- 8) 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 undertaken 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 in accordance with Condition (Q4c above – to be substituted with the correct condition number).

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 Policy BN9 of the West Northamptonshire Joint Core Strategy.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows including dormers and roof windows shall be installed to the dwellings hereby permitted.

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan.

- 10) Full details of external lighting including security measures of doors and windows 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 of the dwellings hereby approved and retained thereafter.

Reason: In the interests of residential amenity and security to accord with Policy E20 of the Northampton Local Plan and H1 of the Joint Core Strategy.

- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent order revoking and re-enacting the provisions of the order, the dwellings hereby permitted shall be used only for purposes within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and shall not be used as a House in Multiple Occupation.

Reason: In the interests of amenity and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

- 12) Full details for the provision of six electric vehicle charging points for the dwellings as per the approved drawings shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use.

Reason: To ensure the provision of adequate facilities and in the interests of providing a sustainable development in accordance with the Northampton Parking Standards Supplementary Planning Document and the aims and objectives of the National Planning Policy Framework.

- 13) 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. Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

- 14) 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.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy

- 15) Notwithstanding the approved plans, full details of facilities for the secure and covered parking of bicycles shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with the National Planning Policy Framework.

10 BACKGROUND PAPERS

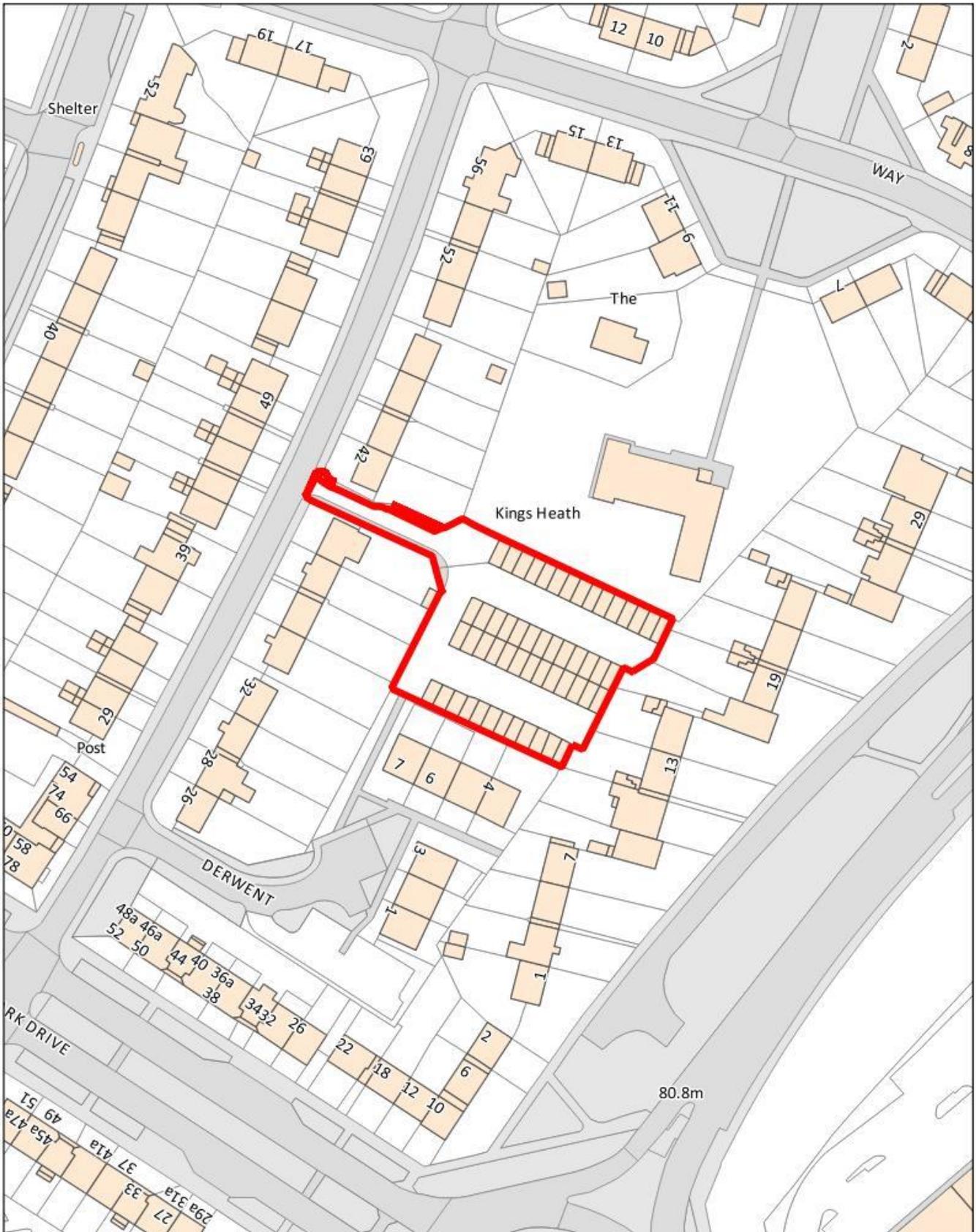
- 10.1 N/2019/1429

11 LEGAL IMPLICATIONS

- 11.1 The development is CIL 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: **L/U garages at Derwent Drive**

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Date: 12-11-2020

Scale: 1:1,000

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PLANNING COMMITTEE: 24th November 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0542

LOCATION: Lock Up Garages, Swale Drive

DESCRIPTION: Variation of Condition 2 of Planning Permission N/2018/1594 (Development of 6no new dwellings with associated parking) to amend site entrance to retain existing highway junction

WARD: Kings Heath Ward

APPLICANT: Northampton Partnership Homes
AGENT: Mr Jaspal Mond

REFERRED BY: Director of Planning and Sustainability
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The principle of residential development has been established by the previous planning approval N/2018/1594 and the proposal would contribute towards the Council's five year housing land supply. The siting, scale, access and design are considered acceptable and would be in keeping with the character and appearance of the surrounding area, without harmful impact on neighbouring amenity, trees, crime prevention, flood risk, drainage and parking/ highway safety. The development is therefore compliant with the aims and objectives of the National Planning Policy Framework, Policies S3, S10, H1, BN3, BN7 and BN9 of the West Northamptonshire Joint Core Strategy, and Saved Policies H10 and E20 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 Planning Permission was granted in March 2019 for the erection of 6 no. dwellings on site and development works have commenced. The current application seeks a variation of Condition 2 of the planning permission to amend the configuration of the site entrance from Swale Drive. The rest of the proposal remains largely unaltered, with proposed improved pedestrian access to the rest of the development.

3 SITE DESCRIPTION

- 3.1 The site consists of a parcel of land accessed off Swale Drive in Kings Heath. Part of the site was occupied by a block of 16 garages but they have since been demolished. The land lies to the rear of existing dwellings and much of this land which currently serves no purpose. The site is not near any conservation areas or listed buildings and is in a low risk Flood Zone 1. There are some trees at the front of the site close to the proposed vehicle access point off Swale Drive. The site is relatively flat in topography.

4 PLANNING HISTORY

- 4.1 Planning approval was granted under N/2018/1594 for the development of 6 no. dwellings with associated parking, subject to conditions.

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.

6 National Policies

- 6.1 **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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport.

Section 12 - Achieving well-designed places.

6.2 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 S3 Scale and Distribution of Housing Development

Policy S10 Sustainable Development Principles

Policy H1 Housing Design, Density and Mix

Policy BN3 Trees

Policy BN7 Flooding

Policy BN9 Planning and Pollution Control

6.3 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 policies are material to this application:

Policy E20 New development (design)

Policy H10 Back land development

6.4 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019

7 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

7.1 **Northamptonshire Highways** - required vehicle tracking which is now considered to be acceptable, amended plans meets Highway standards and a large refuse vehicle can egress the site in forward gear. Recommend a suitably worded planning condition to ensure that the development is laid out and constructed as per approved plans.

7.2 **Northamptonshire Police** - no objection to make.

7.3 **Public Protection (NBC)** - no comments to make.

7.4 **Tree Officer (NBC)** - No objection as no impact on any protected trees and agreed to principle of new planting to accord with objectors' wishes and in interests of visual amenity.

7.5 12 neighbour objections received and summarised as follows:

- Loss of parking/ lack of allocated parking spaces
- Access concerns/ very tight
- Impact on trees
- Refuse and design concerns
- Should be obliged to revert to previous planning permission
- Impact on local residents' health and amenity
- Loss of green / open space/ amenity land
- Increase in construction traffic and disturbance/ noise
- Consultation concerns
- Concerns with developer and their approach
- Security concerns

8 **APPRAISAL**

8.1 The main issues for consideration are the principle of residential development, impact on the character of the surrounding area, impact on adjacent and proposed residential amenity, parking and highway safety, security, effect on trees, drainage and flood risk.

Principle of residential development

8.2 The site is located within an established residential area and comprises previously developed land. In addition, the principle of development has already been established by the previous approval N/2018/1594 for 6 similar dwellings. The principle of development is considered to be acceptable.

Design and the impact on the appearance and character of area

8.3 Saved Policy E20 of the Northampton Local Plan and Policies S10 and H1 of the Joint Core Strategy place significant importance on the quality of design of new developments. This is in conformity with the NPPF which advises that planning should always seek to secure high quality design. Policy H10 of the Northampton Local Plan relates to back land development encouraging good design, safe access and consideration of neighbouring amenity.

- 8.4 In terms of the street scene, much of the site is set well back from Swale Drive and being located behind the existing built form, the properties would not appear unduly prominent. The proposed design and general appearance have not changed since the last approval and are in keeping with the area which consists of a relative mix of house types and designs. Any approval would also be subject to a materials condition to comply with the agreed brick and roof tiles specifications agreed under the previous planning permission.

Impact on amenity of neighbouring occupiers

- 8.5 The application site is surrounded by residential properties on all sides. Plots 1 to 3 would be located in close relationship with no.96 Swale Drive. There would be some degree of overlooking from the first floor rear windows from these dwellings to the rear garden of no.96, however, it is not considered that the degree would be so significant to warrant a refusal of the application. Plot 4 is a bungalow and has a separation distance of approximately 16m from the rear of the properties to the west. A separation distance of 9.5m would be maintained with no.28 Swale Drive. Plots 5 and 6 would have an acceptable relationship with the dwellings to the east and west. Overall, the relationship and separation with adjacent properties are considered acceptable and there would be no undue harmful impact in the locality.

Amenity of future occupiers

- 8.6 All properties would be served by adequate light and outlook and private amenity spaces providing an acceptable level of residential amenity. Bin storage can be secured by condition to accord with Policy H1 of the Joint Core Strategy. All gardens would be of reasonable size in relation to the size of the properties proposed and number of bedrooms.

Parking and Highways

- 8.7 22 off street parking spaces would be provided which is the same number as the approved development and are considered adequate to serve the proposed new dwellings as well as some of the existing properties in the area. The proposed access configuration meets Building Regulation standards and is sufficient for a large refuse vehicle to access and egress the site in forward gear. It is considered that a satisfactory layout has been demonstrated and there would be no adverse impact on highway safety. The Local Highway Authority are satisfied with the amended layout which accords with their guidance and planning policy. The highway impact is not considered severe and complies with the NPPF. The site is also close to 2 bus stops within 430 metres of the site, only 5 minutes walking distance away.

Security and Crime Prevention

- 8.8 The Northamptonshire Planning out Crime SPG (2003) is relevant as is Policy S10 of the Joint Core Strategy and the NPPF. The NPPF states “development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”. The Northamptonshire Crime Design Advisor considers that the proposal is acceptable raising no objections. Conditions for boundary treatment and lighting are recommended as before (see below).

Contamination and Environmental Health issues

- 8.9 The Council’s Environmental Health Officers recommended on the previous extant permission that a standard land contamination condition be secured which would be agreed by condition in accordance with Policies BN9 and S10 of the Joint Core Strategy.

Impact on Trees and Landscaping

- 8.10 The NBC Tree Officer raises no concern to impact on any trees. The applicant agrees to some replacement planting to address the concerns over trees that have been earmarked for removal close to the front of the site. This would be secured by condition.

Development and Flood Risk

- 8.11 It is noted that the site is in a low risk flood zone where flooding is unlikely to pose a significant concern. The applicant intends to dispose of surface water drainage via a soakaway and mains sewer. Precise drainage would also be dealt with under Part H of the Building Regulations. As such, it is not considered the proposal would lead to any unacceptable impacts in respect of surface water drainage in accordance with Policy BN7 of the Joint Core Strategy and aims of the NPPF.

9 CONCLUSION

- 9.1 To conclude, the site is in an existing residential area within the built up area of Northampton and the principle of development is therefore acceptable and contributing to the 5 year land supply. In this instance, the proposal would comply with the development plan and national policy and subject to conditions, no harm has been identified that would significantly outweigh benefits. The proposal is considered acceptable subject to the following conditions.

10 CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: P01, P03F, P04, P05A, P10, P011H.

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

- 2) The approved brick used shall be Park Royal and roof materials Marelly Smooth as confirmed in writing with the applicant following the grant of planning permission N/2018/1594.

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 and S10 of the West Northamptonshire Joint Core Strategy.

- 3) The bin storage areas shall be implemented in accordance with the details on the approved plans prior to first occupation of development and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy

- 4) The 22 off road parking spaces shown on the submitted plan shall be constructed prior to the first occupation of the buildings hereby approved and retained thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the aims of the National Planning Policy Framework.

- 5) 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. The applicant shall also provide full details of additional planting to compensate for the removal of the tree on the open space at the front of the site close to Swale Drive which shall be planted prior to completion of the approved development. This shall include details of the proposed recommended tree species (Hornbeam), its siting and confirmation of the intended date of planting in writing.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

6) Prior to the occupation of development, full details of the method of the treatment of the external boundaries of the site including individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the dwellings hereby approved 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 and H1 of the West Northamptonshire Joint Core Strategy.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be erected to the dwellings hereby permitted.

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan.

8) 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 undertaken 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 Policy BN9 of the West Northamptonshire Joint Core Strategy.

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed to the dwellings hereby permitted.

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan.

10) Notwithstanding the submitted details, full details of the proposed locked access gates between nos. 50 and 52 Swale Drive 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 of the dwellings hereby approved and retained thereafter.

Reason: In the interests of residential amenity and security to accord with Policy E20 of the Northampton Local Plan and H1 of the Joint Core Strategy.

11) Full details of external lighting including security measures of doors and windows 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 of the dwellings hereby approved and retained thereafter.

Reason: In the interests of residential amenity and security to accord with Policy E20 of the Northampton Local Plan and H1 of the Joint Core Strategy.

12) Full details of one electric vehicle charging point for the dwellings hereby approved shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be

carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with the Northampton Parking Standards SPD.

13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent order revoking and re-enacting the provisions of the order, the dwellings hereby permitted shall be used only for purposes within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and shall not be used as a House in Multiple Occupation.

Reason: In the interests of amenity and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

NOTE TO APPLICANT

The applicant is advised that they must apply for a Vehicle Crossover License

11 BACKGROUND PAPERS

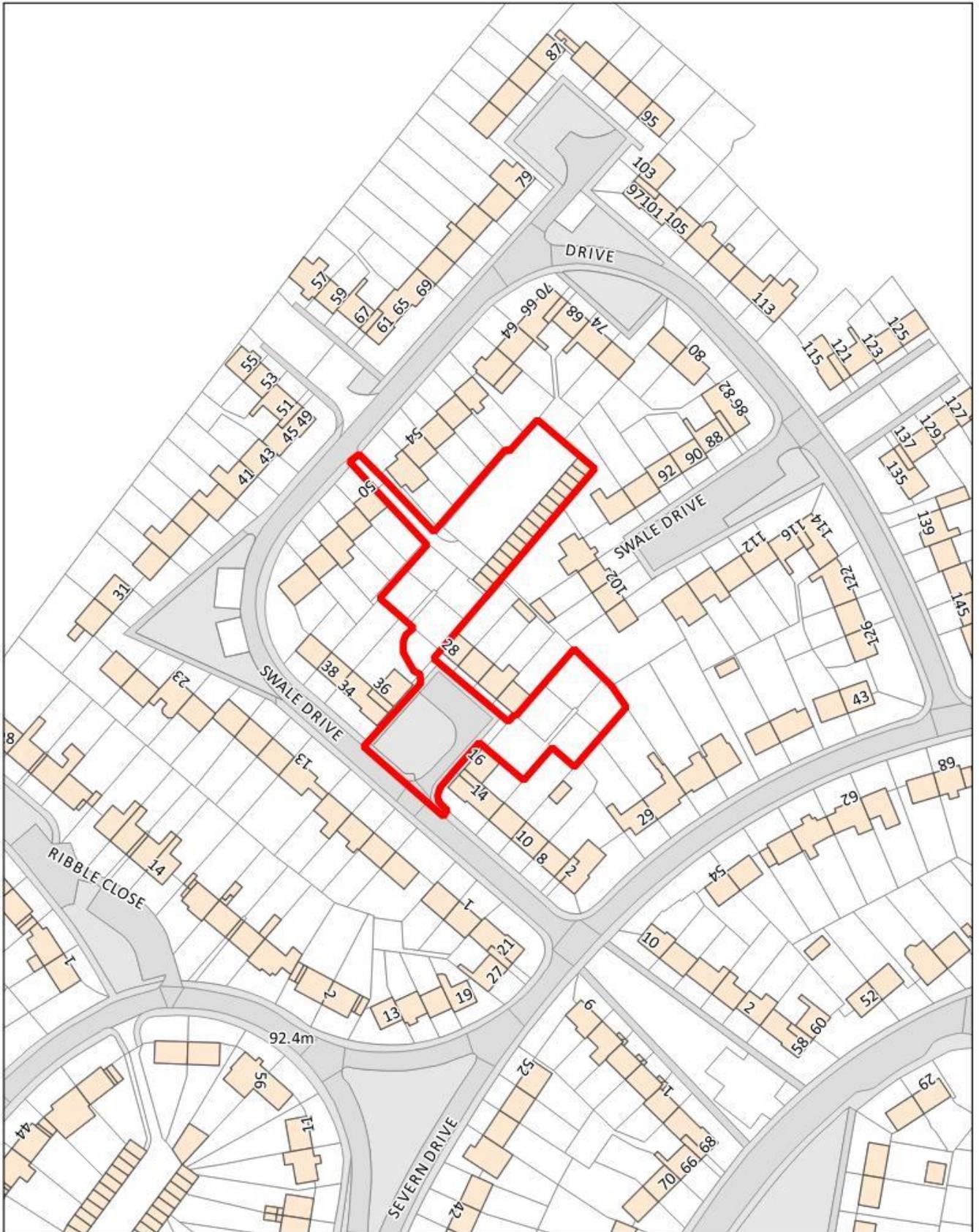
11.1 N/2018/1594 and N/2020/0542.

12 LEGAL IMPLICATIONS

12.1 The development is CIL liable as it relates to creation of more than one dwelling.

13 SUMMARY AND LINKS TO CORPORATE PLAN

13.1 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: **L/U garages at Swale Drive**

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Date: 12-11-2020

Scale: 1:1,250

Drawn by: -----



PLANNING COMMITTEE: 24th November 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/1113

LOCATION: The Bungalow Lings Wood, Lings Way

DESCRIPTION: Change of use from dwelling to supported living accommodation for two occupiers (Use Class C2) incorporating fenestration alterations to existing dwelling and garage, replacement roof to and conversion of existing garage to ancillary activity room, 2.4 metre high security fence with automated gated access, additional parking and new pedestrian steps to Lings Way

WARD: Brookside Ward

APPLICANT: Northampton Partnership Homes
AGENT: Maber Architects

REFERRED BY: Director of Planning and Sustainability
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The proposal would contribute to the requirement to meet the specialist housing needs of the Borough and would not have an adverse impact on the character and appearance of the area, neighbour amenity and parking and highway safety. The proposal is therefore in conformity with the National Planning Policy Framework, Policies H1, H5, S10, BN1, BN2 and BN9 of the West Northamptonshire Joint Core Strategy, Saved Policies E20, and H29 of the Northampton Local Plan and Policies DES1 and OS1 of the Growing Together Neighbourhood Plan.

2 THE PROPOSAL

2.1 The application seeks full planning permission for the change of use of the existing two bed bungalow to a supported living facility unit (Use Class C2) for two occupiers. The application has been supported by a Design and Access Statement and a Needs Statement, which detail that the proposal would provide support for and the ability to fully assess people with learning disabilities and autistic spectrum conditions to help develop their independence and introduce systems to

allow them to be placed more permanently in community settings. In addition, the submitted details indicates that there would be 2 full time members of staff on site at any one time.

- 2.2 To facilitate the conversion, the application also includes works to replace windows and doors and in the existing dwelling and garage, with the garage roof also replaced to facilitate its use as an activity room for future occupiers.
- 2.3 In addition, the proposal includes a 2.4 metres high security fence enclosing the site with automated gated access, new bin store compound, conversion of an outbuilding to a cycle store, the enlargement of the existing parking area and new pedestrian steps down to Lings Way.

3 SITE DESCRIPTION

- 3.1 The application site comprises an isolated detached two bed bungalow located to the east side of Lings Way and to the south west corner of Lings Wood Nature Reserve and Wildlife Site. The bungalow is accessed off a private drive that is shared with the Wildlife Trust. There is a footpath running to the south of the site, which is set down an embankment on a lower land level, with a recreation ground beyond.

4 PLANNING HISTORY

- 4.1 None relevant.

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, and Growing Together 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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Section 5 - Delivering homes

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well designed places

Section 15 - Natural Environment

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 H1 - Housing Density & Mix & Type of Dwellings

Policy H5 - Managing the Existing Housing Stock

Policy S10 - Sustainable Development Principles

BN1 - Green Infrastructure
Policy BN2 - Biodiversity
Policy BN9 – Planning for Pollution Control

5.4 **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 policies are material to this application:

Policy E20 – New Development
Policy H29 – Residential Institutions

5.5 **Growing Together Neighbourhood Plan (2017)**

The Growing Together Neighbourhood Plan (Covering Blackthorn, Goldings, Lings and Lumbertubs) was made in April 2017, and now forms part of the development plan for Northampton. The following policies are relevant to the determination of this proposal:

Policy DES1: High quality design
Policy OS1: Local Green Spaces

5.6 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004
Residential Extensions and Alterations Design Guide SPD 2011
Northamptonshire County Parking Standards 2016
Biodiversity Supplementary Planning Document for Northamptonshire 2017
Northampton Parking Standards 2019

6 **CONSULTATIONS / REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Arboricultural Officer (NBC):** The Arboricultural report is well-considered, thorough and comprehensive. Provided that the control measures referred to are implemented and maintained throughout the course of the development then the trees that have been identified for retention should be protected from foreseeable harm.
- 6.2 **Ecologist (NCC):** Whilst a tree inspection would have been ideal, given the nature of the proposed development it is acknowledged that this cannot be required in this instance under planning legislation. However, any security lighting could disturb bats and therefore a lighting scheme condition should be imposed to ensure vegetation remain dark whilst simultaneously affording the security needed. As such, no objections subject to a lighting scheme condition. In addition, it is recommended that the applicant seek ecological advice when designing the lighting scheme as this would assist greatly with discharging a lighting condition.
- 6.3 **Environmental Protection (NBC):** No objections. The proposal should however be in accordance with the Council's Low Emission Strategy and include 1 electric vehicle charging point per dwelling and all boilers should meet specified minimum standards. In addition, guidance should be provided on construction hours.
- 6.4 **Highways (NCC):** No comments received.
- 6.5 **Northants Police Crime Prevention Design Advisor:** Northants Police have been consulted throughout this project by NPH and the advice has been noted and acted upon; Northants Police therefore has no objections to the change of use proposed.
- 6.6 No third party / **neighbour representations** received.

7 APPRAISAL

Principle of Development

- 7.1 The proposed development is in accordance with Policy H1 of the Joint Core Strategy, which seeks proposals for different accommodation needs including the needs of vulnerable groups, and would secure the reuse of an empty residential property in accordance with Policy H5 of the Joint Core Strategy. Therefore, it is considered that the proposed development is acceptable in principle.

Design and layout

- 7.2 The application does not propose any extensions to the existing property with the only external alterations relating to fenestration changes and a replacement flat roof to the existing garage to facilitate its conversion to an activity room for residents.
- 7.3 The proposal also includes the conversion of an existing outbuilding to the rear of the site to a cycle store and a new bin store enclosure to the western side of the site together with an enlarged parking area. The new parking area would involve the removal of some low-level vegetation adjacent to the northern boundary with Lings Wood and the submitted plans also show the removal of two trees to the rear of the site. However, the Arboricultural Officer raises no objections to the scheme subject to conditions to secure the mitigation measures and construction methods specified in the submitted Arboricultural Report.
- 7.4 In addition, the proposal includes new secure 2.4 metres high fencing to the boundaries of the site, which would result in the development having the appearance of a secure institution. However, it must be acknowledged that the site is isolated and would potentially house vulnerable persons. Furthermore, it is set back from Lings Way and the footpath that runs to the south of the site. As such, subject to the fencing being finished in green, it is considered that it would not have an adverse impact on the character and appearance of the area.

Residential amenity

- 7.5 The application property comprises an isolated dwelling and as such the proposed change of use and associated works would have no implications for the residential amenity of any other property. It is noted that Environment Health suggest that guidance is provided related to construction hours to reduce impacts on local residents, but given the location of the site and the nature of the works to implement the scheme it is not considered that it reasonable or necessary to control this via a condition.
- 7.6 Turning to the amenity of future occupiers, all habitable rooms would be served by windows and the residents would have their own bedrooms and bathrooms facilities with a shared kitchen, dining and living room that is adjoined to the supervisor's office and also a separate activity room. In addition, each resident would have their own garden area with a larger communal garden area to the rear. Overall, it is considered that the proposal would afford a high standard of amenity for future occupiers of the care facility.

Parking and highway safety

- 7.7 The application proposals would utilise the same vehicular access arrangements as the existing property, namely an access drive off Lings Wood shared with the Wildlife Trust. However, it would include an additional gate to ensure the care facility is secure and also steps down to Lings Way to provide a direct pedestrian link to Lings Way which includes bus stops in relatively close proximity to the site. In addition, the existing parking area for the property would be enlarged to ensure at least 4 vehicles can park on the site.

- 7.8 The Parking Standards indicate that one parking space should be provided per full time equivalent staff together with an additional visitor space per 3 beds. The proposal is for a two bed care facility with two staff and thus the proposal would satisfy the Parking Standards. Furthermore, subject to conditions limiting the number of staff and residents on site at any one time and requiring the provision of the proposed parking spaces and cycle storage, it is considered that the proposal would not have a significant impact on the transport network. As such, no objections are raised to the proposal on parking or highway safety grounds.

Other considerations

- 7.9 The Northants Police Crime Prevention Design Advisor has advised that the scheme has been designed in response to advice from the Police and is acceptable.
- 7.10 The County Ecologist initially suggested that there was potential for the scheme to impact on protected species. However, the application is primarily for a change of use with limited external works and, following discussions, the County Ecologist has raised no objections subject a condition to ensure that any new lighting (e.g. lighting required on security grounds) does not adversely impact on bats.
- 7.11 It is noted Environmental Protection have suggested that details are secured of electric vehicle charging points and controls are imposed on the standards of boilers. However, as the proposal is for a change of use, it is considered that it would not be reasonable to require electric vehicle charging points by conditions and matters relating to boilers are addressed under the Building Regulations.

8 CONCLUSION

- 8.1 To conclude, it is considered that the proposal would contribute to the requirement to meet the specialist housing needs of the Borough and would not have an adverse impact on the character and appearance of the area, neighbour amenity and parking and highway safety. The proposal is therefore in conformity with the National Planning Policy Framework and Policies H1, H5, S10, BN1, BN2, and BN9 of the West Northamptonshire Joint Core Strategy, Saved Policies E20 and H29 of the Northampton Local Plan, and Policies DES1 and OS1 of the Growing Together Neighbourhood Plan.

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: 00101 S2 P02, 00102 S2 P02, 00103 S2 P05, P3336-CJR-XX-ZZ-DR-E-7100 S3.02, 00104 S2 P04, 00105 S2 P02, 00106 S2 P03, and 00107 S2 P03.

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

3. The development hereby permitted shall be used as a supported living / care facility only and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: For the avoidance of doubt and in the interests of ensuring a satisfactory standard of development, residential amenity and parking provision as the application has been assessed on details submitted in accordance with the requirements of Policies H1 and S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

4. The development hereby permitted shall be occupied by a maximum of two residents at any one time.

Reason: In the interests of the amenity of the area and neighbouring residents, highway safety in accordance with Policy H1 and H5 of the West Northamptonshire Joint Core Strategy.

5. There shall not be more than two members of staff on site at any one time.

Reason: In the interests of the amenity of the area and neighbouring residents, and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

6. The development shall thereafter be constructed in accordance with the tree protection and working methods/measures specified in the submitted Arboricultural Impact Assessment and Method Statement Report (reference JN2027_Fv1).

Reason: In the interests of the character and appearance of the locality and biodiversity in accordance with Policies H1, BN1, BN2 and S10 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan.

7. Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, full details of all external lighting within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of appearance of the locality, residential amenity, crime prevention and protected species in accordance with Policies H1, BN1, BN2 and S10 of the West Northamptonshire Joint Core Strategy.

8. Prior to the first use of the development hereby permitted the enlarged car parking area shall be laid out in accordance with the details shown on the approved plans and the construction methods/details specified in the submitted Arboricultural Impact Assessment and Method Statement Report (reference JN2027_Fv1) and thereafter retained.

Reason: To ensure a satisfactory standard of development and in the interests of highway safety in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

9. Prior to the occupation of the development hereby permitted, the refuse storage enclosure within the site shall be provided in accordance with the details shown on the approved plans and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

10. Prior to the occupation of the development hereby permitted, facilities for the storage of bicycles to serve the development shall be provided in accordance with the details shown on the approved plans and thereafter retained.

Reason: To secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

11. The new fencing hereby permitted shall be finished in a green colour or in accordance with details that have previously been submitted to and approved in writing by the local planning authority and retained in that colour thereafter

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

10 BACKGROUND PAPERS

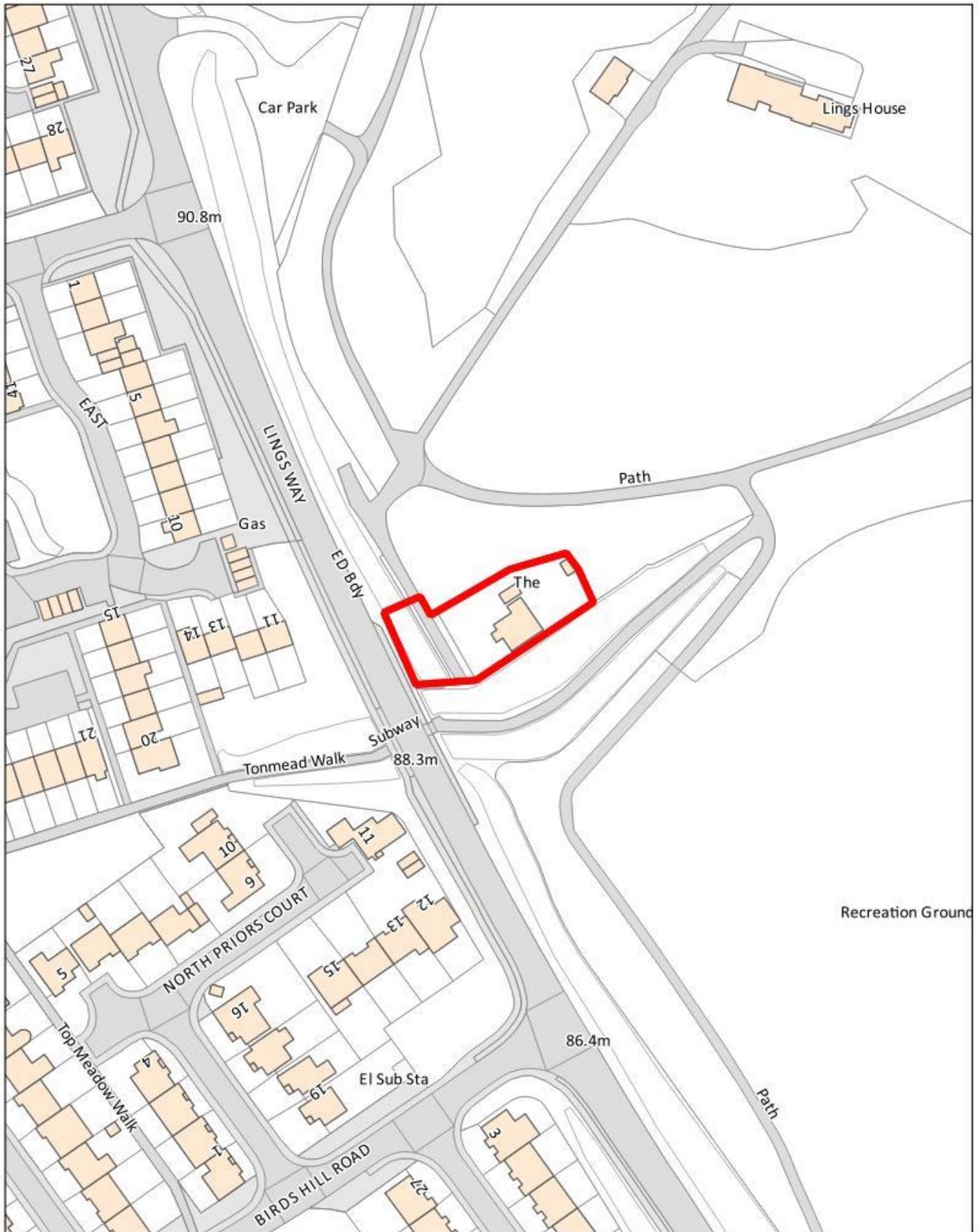
10.1 N/2020/1113.

11 LEGAL IMPLICATIONS

11.1 The development is not CIL 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: **Lings Way**

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Date: 12-11-2020

Scale: 1:1,250

Drawn by: -----