



# PLANNING AGENDA

**Tuesday, 28 July 2020**

remotely via Zoom:  
<https://www.youtube.com/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](mailto:democraticservices@northampton.gov.uk) or 01604 837722



# PLANNING COMMITTEE

## AGENDA

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

### **\*\*\*Remote Public Access\*\*\***

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

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

Your attendance is requested at a meeting to be held  
remotely via Zoom: <https://www.youtube.com/northamptonbctv>

on Tuesday, 28 July 2020

at 5:00 pm.

**AGENDA**

1. **APOLOGIES**
2. **MINUTES**
3. **DEPUTATIONS / PUBLIC ADDRESSES**
4. **DECLARATIONS OF INTEREST/PREDETERMINATION**
5. **MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED**
6. **LIST OF CURRENT APPEALS AND INQUIRIES**  
Report of Head of Planning (copy herewith)
7. **OTHER REPORTS**
  - (A) **N/2020/0667 - APPLICATION FOR A VARIATION TO THE S106 AGREEMENT TO AMEND MORTGAGEE CLAUSE. UNIVERSITY OF NORTHAMPTON PARK CAMPUS, BOUGHTON GREEN ROAD**
8. **NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**
9. **NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**
10. **ITEMS FOR DETERMINATION**
  - (A) **N/2019/1277 - VARIATION OF CONDITION 2 OF PLANNING PERMISSION N/2012/0909 (PROPOSED RESIDENTIAL DEVELOPMENT OF 139 RESIDENTIAL DWELLINGS, GARAGES AND ASSOCIATED WORKS INCLUDING NEW ACCESS ROUNDABOUT) TO ALTER THE LAYOUT OF THE DEVELOPMENT, ALTER HOUSE TYPES, AND REMOVE AND ALTER GARAGES, AND VARIATION OF CONDITIONS 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, AND 26 TO BE IN ACCORDANCE WITH DETAILS SUBMITTED. REMOVAL OF CONDITIONS 10 AND 16. DEVELOPMENT LAND, LANCASTER WAY**
  - (B) **N/2020/0424 - EXTENSION OF EXISTING DETACHED GARAGE TO CREATE SELF CONTAINED ANNEXE INCLUDING RAISING RIDGE HEIGHT, INSTALLATION OF EXTERNAL STAIRCASE AND DORMER (RETROSPECTIVE). 7 LAUREL VALLEY**

- (C) N/2020/0458 - VARIATION OF CONDITIONS 2, 15, 16, 19, 24, 27, 28 AND 30 OF PLANNING PERMISSION N/2018/0277 (DISTRIBUTION CENTRE (USE CLASS B8) INCLUDING RELATED SERVICE ROADS, ACCESS AND SERVICING ARRANGEMENTS, CAR PARKING, LANDSCAPING BUND AND ASSOCIATED WORKS) TO MODIFY THE HEIGHT AND WIDTH OF UNIT 1, TO ALTER THE PARKING AND TO ADD A STAFF EXERCISE TRAIL, AND VARIATION OF CONDITIONS 3, 4, 6, 7, 8, 9, 20, 21 AND 22 TO BE IN ACCORDANCE WITH DETAILS SUBMITTED. MILTON HAM FARM, TOWCESTER ROAD**
- (D) N/2020/0536 - ADJUSTMENT OF FENCE LINE ALONG KESWICK DRIVE TO MAKE IT 2M CLOSER TO PAVEMENT TO INCREASE SIZE OF BACK GARDEN. 2 LANERCOST WALK**
- (E) N/2020/0558 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 OCCUPANTS. 12 CRANSTOUN STREET**
- (F) N/2020/0589 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 OCCUPANTS. 18 TALBOT ROAD**

**(G) ITEMS FOR DETERMINATION**

**11. ITEMS FOR CONSULTATION**

**12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS**

- (A) N/2019/0755 - CONVERSION AND ADDITION OF TWO NEW UPPER FLOORS INCORPORATING FENESTRATION CHANGES AND ALTERATIONS TO EXTERNAL FAÇADE TO CREATE 122NO APARTMENTS FOR SOCIAL HOUSING AND ALTERATIONS TO LAYBY AND NEW CROSSING POINTS AND FOOTWAYS TO GREYFRIARS. BELGRAVE HOUSE, GREYFRIARS**
- (B) N/2020/0257 - CHANGE OF USE OF COMMUNITY HALL (USE CLASS D1) TO DWELLINGHOUSE (USE CLASS C3), WITH DROPPED KERB FOR WHEELCHAIR ACCESS ONLY AND ALTERATION TO WINDOWS AND DOORS  
SENIOR CITIZENS COMMUNITY ROOM  
HINTON ROAD**

**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.



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## NORTHAMPTON BOROUGH COUNCIL

### PLANNING COMMITTEE

Tuesday, 19 May 2020

**PRESENT:** Councillor Oldham (Chair); Councillor Lane (Deputy Chair);  
Councillors Birch, Bottwood, Golby, Haque, Kilbride, B Markham, M  
Markham, McCutcheon and Russell

**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 Councillor Cali.

#### 2. 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/2019/0612**

Sally Beardsworth  
Jennifer Smith

##### **N/2019/1451**

Councillor Stone

##### **N/2020/0119**

Councillor Ansell  
Mark Evans

##### **N/2020/0128**

Caroline Mayes  
Councillor King  
Indy Shokar

##### **N/2020/0148**

Andy Lord

#### 3. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor M Markham advised of a predetermination in respect of item 9a and advised that she would leave the meeting for this item and take no part in the discussion.

Councillor Birch advised that she was the County Councillor in respect of Item 9C.

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

None.

**5. 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. She advised of 11 appeals pending but no decisions had been made.

Members discussed the report.

**RESOLVED:**

That the report be noted.

**6. OTHER REPORTS**

**(A) N/2020/0175 - APPLICATION FOR THE PERMANENT DIVERSION OF A FOOTPATH AT DAYRELL ROAD, DEVELOPMENT LAND REAR OF HUNSBURY PARK PRIMARY SCHOOL, DAYRELL ROAD**

The Development Management Team Leader submitted a report to the Committee and explained that the diversion was being applied for so that the developers could make the most effective use of the land and would enable the development, previously approved by the Planning Committee on 25<sup>th</sup> March 2020, to be carried out.

Members discussed the report.

**RESOLVED:**

**AGREED** that a diversion order be made pursuant to S257 of the Town and Country Planning Act 1990 to permanently divert part of Public Right of Way, Bridleway BH4 as shown on the submitted application details and the plan attached to the report.

Councillors M Markham and Birch left the meeting at this juncture.

**7. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None.

**8. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

None.

**9. ITEMS FOR DETERMINATION**

**(A) 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**

controlled. She advised that the principle of development had already been established; the Local Highway Authority and Northamptonshire Police were satisfied that the conditions were adequate enough to control any parking and crime issues that may arise. It was noted that there was no policy support for requiring contributions towards libraries. In response to a question as to what would happen with the site should the student accommodation fail to attract occupants, the Principal Planning Officer advised that this would require the submission of a new planning application that would be assessed at that time. In response to a question regarding whether the highway contributions were sufficient, the Principal Planning Officer advised that there were contributions towards NCC Highways costs included in the S106 Agreement, including contributions towards traffic regulation alterations, maintenance of bus shelters and monitoring of the travel plan; NCC Highways did not ask for further contributions.

Members discussed the report.

**RESOLVED:**

That the application be **APPROVED IN PRINCIPLE** subject to the conditions, reasons and Section 106 Legal Agreement to secure the planning obligations as set out in the report.

Councillors M Markham and Birch re-joined the meeting.

**(B) N/2019/1451 - CHANGE OF USE OF OFFICE (USE CLASS B1) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 OCCUPANTS, INCLUDING DEMOLITION OF EXISTING GROUND FLOOR FLAT ROOF REAR STRUCTURE, CONSTRUCTION OF NEW TWO STOREY FLAT ROOF REAR EXTENSION AND TWO NEW DORMERS AT REAR, INTERNAL RECONFIGURATION AND INSTALLATION OF ROOFLIGHT TO FRONT ELEVATION. 8 PALMERSTON ROAD**

The Development Manager submitted a report to the Committee. Members' attention was drawn to the addendum which contained one additional neighbour objection. The application sought approval for a change of use from office to HIMO for 4 occupants. Part of the rear ground floor was proposed to be removed to provide a courtyard with refuse and cycle storage, a rear extension and 2 pitched roof dormers were also proposed, however there would be no overlooking from the dormers. The basement would be used for storage only. 3 of the bedrooms would have en-suite bathrooms and a ground floor bedroom would have access to the main bathroom. The application had been amended throughout its life to reduce the number of occupants from 6 to 4. It was explained that the NBC Conservation Officer or the Local Highway Authority had not objected to the application. Should the application be approved, the concentration of HIMO properties in a 50m radius would be 4.9%.

Councillor Stone, in her capacity as the ward councillor, spoke against the application and explained that residents were struggling with anti-social behaviour, fly-tipping and parking problems. The efforts made by residents to maintain a cohesive community were being undermined by the problems HIMOs created.

The Development Manager stated that the information the Council had on HIMOs in the area was gathered from various sources and was up to date.

Members discussed the report.

**RESOLVED:**

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

Councillor Birch left the meeting at this juncture.

**(C) N/2019/1482 - ALTERATION OF SHOP FRONT TO ICE CREAM KIOSK TO INSTALL COUNTER/SERVICE WINDOW AND NEW SHUTTERS TO SIDE WINDOW. 8 NEWNHAM ROAD**

The Development Manager submitted a report to the Committee and explained that the application sought approval for the installation of a service counter in the front window of the Ice Cream Kiosk and roller shutters to the side window. There were no statutory objections to the application.

Members discussed the report.

**RESOLVED:**

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

Councillor Birch re-joined the meeting.

**(D) N/2020/0114 - SINGLE STOREY FRONT AND REAR EXTENSIONS INCLUDING EXTERNAL ALTERATIONS AND RELOCATION OF AIR CONDITIONING UNITS TO REAR. 22 DALLINGTON ROAD**

The Development Manager submitted a report to the Committee. Members' attention was drawn to the addendum which corrected a typographical error in the report. The application sought approval for the construction of single storey front and rear extensions to serve the existing shop. External alterations and relocation of air conditioning units were also proposed. A previous application for single storey front and rear extensions was refused by officers under delegated powers due to the impact on a neighbouring property; this revised scheme saw a reduction in the rear extension. Comments had been received by Asset Management advising that the applicant had not been in contact, however the applicant's agent had confirmed that their solicitor would contact Assets, should planning permission be granted.

Members discussed the report.

**RESOLVED:**

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

**(E) N/2020/0119 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 OCCUPANTS. 108 LOWER THRIFT STREET**

The Development Management Team Leader submitted a report to the Committee and explained that as part of the application, the living room would be split to create an additional bedroom, the utility converted to a bedroom and with refuse and cycle storage to the rear of the property. Private Sector Housing had made no comment and there were no statutory objections to the application. The applicant did not provide a parking beat survey, however the property sat within a sustainable location close to local facilities and public transport links. Conditions were included relating to maximum occupancy and excluding the use of the basement as a habitable room.

Councillor Ansell, in his capacity as the Ward Councillor, spoke against the application and commented that the area had changed dramatically due to the increase in HIMOs in respect of parking and waste issues. Regarding parking, Councillor Ansell advised that barriers recently installed around Abington had helped alleviate the situation, however he believed that more HIMOs would undo the progress that had been made.

Mark Evans, the applicant, spoke in favour of the application and commented as a local resident and local landlord, had consulted with neighbours before applying for planning permission. He noted that the application met all of the requirements in the Council's HIMO Supplementary Planning Document (SPD) and noted that the concentration was well below the 10% threshold. Mr Evans further advised that should the application be approved, once let, the property would be managed by a local lettings' agent and monthly visits to the property would occur.

In response to questions, the Committee heard that due to its close proximity to Northampton General Hospital, the property would likely appeal mostly to hospital workers.

Members discussed the report.

**RESOLVED:**

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

Councillor McCutcheon left the meeting at this juncture.

**(F) N/2020/0128 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS) FOR 10 OCCUPANTS. 51 ST MATTHEWS PARADE**

The Principal Planning Officer submitted a report to the Committee. The application sought approval for a change of use from dwellinghouse to HIMO for 10 occupants.

The current concentration of HIMO properties in a 50m radius was 2%; this would increase to 4% if the application was approved. Private Sector Housing had confirmed that the room sizes and facilities were acceptable for a 10 bed HIMO. The Principal Planning Officer advised of an error in paragraph 7.18 of the report; it stipulated that 10 parking spaces would need to be provided; however, the Parking Standards refer to bedrooms and not occupancy. Therefore, the guidance seeks 7 parking spaces, rather than 10. Although, the Principal Planning Officer also advised that the HIMO guidance allows for zero parking developments in sustainable locations close to shopping facilities and local transport links.

Councillor King, in her capacity as the Ward Councillor, spoke against the application and commented that parking was a frequent problem in the area to the point where local businesses were suffering; some residents and business owners had to park as far as a ten-minute walk from their homes and businesses.

Caroline Mayes, a local resident, spoke against the application and commented that the application was an overdevelopment, noting that it had the potential to bring large number of additional vehicles to the area. She stated that St Matthews Parade was an arterial road into the town centre that already faced significant pressures.

Indy Shokar, the agent on behalf of the applicant, spoke in favour of the application and commented that an identical proposal had been approved in an adjacent property, and that it had satisfied all of the relevant tests relating to the Council's newly adopted HIMO SPD. Mr Shokar referred to the low concentration of HIMOs in the area and the sustainable location of the property and stated that there was no reason the Council, if adhering to planning policy, could not follow the officer recommendation for approval.

In response to questions, the Committee heard that the applicant had several other HIMOs in the town that were managed by a lettings agency. In addition, the applicant's agent advised that the proposal was not considered an overdevelopment in terms of planning policy and that the communal space within the proposal met the requirements for a HIMO for 10 occupants.

Members discussed the report.

A motion was proposed to accept the officer recommendation.

Upon a vote, the motion fell.

A further motion was proposed to defer the item to a future Planning Committee.

Upon a vote, the motion was carried.

**RESOLVED:**

That the application be **DEFERRED** to a future Planning Committee to allow for negotiation with the applicant about a possible reduction in the number of occupants.

**(G) N/2020/0133 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS) FOR 10 OCCUPANTS. 53 ST MATTHEWS PARADE**

Councillor McCutcheon re-joined the meeting but took no part in the discussion of this item.

The Planning Solicitor advised the Chair that based on the near-identical properties of the application compared to the previous one that the Chair could move to defer consideration of the item on that basis. The Director of Planning and Sustainability confirmed his agreement.

A motion was proposed to defer the item.

Upon a vote, the motion was carried.

**RESOLVED:**

That the application be **DEFERRED** to a future Planning Committee to allow for negotiation with the applicant about a possible reduction in the number of occupants.

**(H) N/2020/0148 - VARIATION OF CONDITIONS 2 AND 24 OF PLANNING PERMISSION N/2019/0851 (ALTERATIONS AND EXTENSION TO EXISTING BUILDING AND CONVERSION TO 20NO FLATS INCLUDING 3NO OFFICES AS PART OF LIVE-WORK UNITS, PROVISION OF BIN STORE AREAS AND CAR PARKING) TO BROADEN THE USE OF TWO OF THE OFFICES TO INCLUDE USE BY THE MANAGEMENT COMPANY OF THE BUILDING. FORMER PEARCE LEATHER WORKS, WELLINGBOROUGH ROAD**

The Principal Planning Officer submitted a report to the Committee. The application sought to vary Conditions 2 and 24 of application N/2019/0851 to broaden the use of 2 offices to include use by the management company of the building. There were no objections to the variation application.

Andy Lord, the Development Manager for the site, spoke in favour of the application and explained that there was no physical link to the flats, and that a small office for management would provide a great benefit.

Members discussed the report.

**RESOLVED:**

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

**(I) N/2020/0197 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 6 OCCUPANTS (RETROSPECTIVE). 117 UPPER THRIFT STREET**

The Development Management Team Leader submitted a report to the Committee. The application sought approval for a change of use from dwellinghouse to HIMO for 6 occupants. A basement kitchen/dining room was proposed, with a small lightwell to

the front and a large window to the rear of the basement. 2 bedrooms and 1 bathroom were proposed on the ground, first and second floors. Private Sector Housing had raised no objection to the level of amenities provided and the room sizes complied with the council's guidance. Should the application be approved, the concentration of HMOs in a 50m radius would be 9.6%. The applicant did not provide a parking beat survey, however, the property sat within a "sustainable location", close to local facilities and public transport links.

In response to questions, the Committee heard that whilst planning regulations allow for the submission of retrospective applications, the works were carried out at the applicant's own risk.

Members discussed the report.

**RESOLVED:**

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

**10. ITEMS FOR CONSULTATION**

None.

**11. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS**

None.

The meeting concluded at 8:18pm

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**Tuesday, 9 June 2020**

**PRESENT:** Councillor Oldham (Chair); Councillor Lane (Deputy Chair);  
Councillors Birch, Bottwood, Cali, King, B Markham, M Markham,  
McCutcheon and Russell

**OFFICERS:** Peter Baguley (Director of Planning and Sustainability), Rita Bovey  
(Development Manager), Hannah Weston (Principal Planning  
Officer), Adam Smith (Principal Planning Officer), Theresa Boyd  
(Planning Solicitor), Maisie McInnes (Democratic Services Officer)

**1. APOLOGIES**

Apologies for absence were received from Councillors Choudary and Golby.

**2. MINUTES**

The minutes of the meeting held on 12 May 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/2019/1388**

Nick Harrison

**N/2020/0299**

Councillor King  
Liz and Jeremy Butler  
Dave Collins

**N/2020/0381**

Councillor Larratt

**N/2019/1518**

Lewis Bolton

**N/2020/0093**

Lewis Bolton

#### **4. DECLARATIONS OF INTEREST/PREDETERMINATION**

Councillors Bottwood and M Markham each advised of a personal and disclosable pecuniary interest in respect of items 12a and 12b, as board members for Northampton Partnership Homes. They both advised that they would leave the meeting for these items and take no part in the discussion.

Councillor King declared a predetermination on items 9a, 9b and 10b. She advised that she would be leaving the meeting on items 9a and 9b and would be speaking on item 10b so would leave the meeting after she had spoken on the item and take no part in the discussion.

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

There were 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. She explained that 11 appeals were pending but no decisions had been reached at the time. A further update would be provided at the next meeting.

#### **RESOLVED:**

That the report be noted.

#### **7. OTHER REPORTS**

There were none.

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

There were none.

#### **10. ITEMS FOR DETERMINATION**

##### **(D) N/2020/0381 - RELOCATION OF MULTI-USE-GAMES-AREA (MUGA), 5M TO THE SOUTH OF ITS APPROVED POSITION (RETROSPECTIVE). WOOTTON PARK SCHOOL, WOOTTON HALL PARK**

The Chair proposed that item 10 be moved forward in the agenda to allow Councillor Larratt to speak on item 10d as he had another meeting to attend.

The Principal Planning Officer presented the report and explained the application seeks retrospective planning permission for the relocation of the single court Multi Use-Games-Area (MUGA) to the south of its approved position by 5 metres due to the discovery an existing soakaway. He advised that Sports England had raised no objections to the application and that the officer recommendation was to approve the application.

At the Chair's invitation, Councillor Larratt addressed the committee and expressed that he was objecting to the planning application as the proposed movement of the MUGA would represent a further incursion into the cricket pitch.

Members discussed the report.

**RESOLVED:**

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

**(B) N/2020/0299 - SINGLE STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION AND DETACHED GARAGE. 47 PARK AVENUE NORTH**

The Development Manager presented the report and explained the application was for a single storey side extension and single storey rear extension and a detached garage for 47 Park Avenue North. She also referred to the Addendum which stated that paragraph 8.9 of the report was incorrect as the side extension would require planning permission as it would be near to public highway. As outlined in paragraph 8.2 permission had been granted previously however it had not been implemented hence a new application had been brought to the committee. The recommendation from the officer was to approve the application.

At the Chair's invitation, Councillor King addressed the committee and expressed that there were concerns from neighbouring properties as stated in paragraph 8.10 the garage would be clearly visible above the boundary treatment from the neighbouring property. This would impact the neighbours as there would be a loss of light and visibility if the application were to be approved.

Councillor King left the meeting at this point as she disclosed a predetermination at the start of the meeting.

Councillor Russell also left the meeting.

Residents from 49 Park Avenue North, Liz and Jeremy Butler addressed the committee and reiterated the points made by Councillor King. The report did not take into account the impact caused and the design was out of character with the surrounding garages. Mrs Butler stated that the proposed garage would dominate their garden and there would be a risk of damage to the party wall.

The agent, Dave Collins, summarised the points highlighted by the Development Manager and explained there would be a reduction of height for the existing outbuilding and single storey extension would have been permitted development.

Councillor Cali left the meeting at this juncture.

Members discussed the report.

**RESOLVED:**

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

**(A) N/2019/1388 - CREATION OF NEW ACCESS TO SERVE 379-399 HARLESTONE ROAD WITH ASSOCIATED HIGHWAY WORKS TO HARLESTONE ROAD. SJN CAR SHOWROOM AND PREMISES, 399 HARLESTONE ROAD**

Councillors King and Russell re-joined the meeting at the start of item 10a after the decision for the previous application 10b had been made.

Councillor M Markham left the meeting.

The Principal Planning Officer presented the report and outlined the application was for the creation of new access to serve 379-399 Harlestone Road, the former site of a car showroom and premises. The upgraded access would serve a new access road with a width of 9 metres and including a pedestrian island and zebra crossing. In addition, the proposal included the closure of the existing eastern access to the site, a new ghost island right turn lane into the site from Harlestone Road and a 3 metre wide shared use cycle-footways on both sides of the new access road that would connect into the existing footway on the Harlestone Road. In addition, the Principal Planning Officer clarified that the planning application does not seek permission for a new food store or a school use as referred to in the supporting Transport Assessment and only relates to the new access and highway works to the frontage of the site.

Members discussed the report.

**RESOLVED:**

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

**(C) N/2020/0325 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE OF MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 OCCUPANTS, WITH ALTERATIONS TO FRONT AND SIDE ELEVATIONS. 10 MELVILLE STREET**

Councillor M Markham re-joined the meeting.

The Development Manager presented the application which sought permission to convert a dwelling house into a House in Multiple Occupation for 4 persons (Use Class C4), along with relocating the rear entrance to the side and the insertion of a new side window. The ground floor contained one bedroom and three bedrooms on the first floor. All bedrooms contained en-suite facilities, apart from one bedroom on the first floor that would have access to the main bathroom. The property was in need of upgrading as demonstrated by the photographs in the presentation. No parking would be provided and due to Covid-19 the applicant was unable to provide a parking beat survey before the report was brought to the committee.

Members discussed the report.

**RESOLVED:**

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

**(E) N/2020/0432 - DEMOLITION OF EXISTING OUTBUILDING AND SINGLE STOREY FLAT ROOF REAR EXTENSION AND ERECTION OF NEW TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION. 9 FARM CLOSE**

The Principal Planning Officer presented the report and explained the application was for the demolition of existing outbuilding and single storey flat roof rear extension and erection of new two storey side and single storey rear extensions. The proposed development would not have an unacceptable impact on the appearance and character of the building and would fit well with the existing building.

Members discussed the report.

**RESOLVED:**

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

**9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

**(A) N/2020/0035 AND N/2020/0075 - PLANNING AND LISTED BUILDING CONSENT APPLICATIONS FOR INSTALLATION OF GATES AT THE ENTRANCE AND EXIT OF JEYES JETTY. THOROUGHFARE AT JEYES JETTY (DRAPERY AND COLLEGE STREET ENTRANCES)**

Councillor King left the meeting at this point as she disclosed a predetermination at the start of the meeting for items 9a and 9b.

The Development Manager presented the report for the proposed installation of gates at both ends of Jeyes Jetty which led from Drapery to College Street. After reports of anti-social behaviour, officers had been in consultation with the police who supported the application as installation of gates to prevent such behaviour taking place and improve public safety. The gate positioned at the College Street entrance would be 3.05m in height and 2.25m in width, with the gate opening being 1.2m. The gate would be set back from the College Street footpath by 1.2m to allow adequate clearance. The existing Council waste bin would also be removed.

Members discussed the report.

**RESOLVED:**

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

**(B) N/2020/0328 - LISTED BUILDING CONSENT APPLICATION TO PUT UP BENEFACTORS AND PHILANTHROPIST BOARDS IN THE NORTH SOUTH CORRIDOR, MAG LOCK SOUTH ENTRANCE DOORS AND ADD INTERCOM AND CARD READER AND PUT UP CCTV CAMERA TO**

## **COVER THE SOUTH ENTRANCE EXTERNAL AREA. THE GUILDHALL, ST GILES SQUARE**

The Principal Planning Officer presented the report and explained the application proposed the siting of two Benefactors and Philanthropist Boards in the North South corridor, magnetic locks and intercom and card reader on the South entrance doors and the installation of a CCTV camera to cover the South entrance external area. He explained that members of the public would be directed through the one stop shop for any queries.

Members discussed the report.

The Director of Planning and Sustainability expressed that it was regrettable that such security needed to be implemented but incidents had taken place and the safety of staff was paramount. Members of the public were welcome as always to register for a tour of the Guildhall, and information to book tours was displayed on our website. Alternatively, members of the public could enquire inside the one stop shop and officers would be able to assist with a tour should they be available on the day.

### **RESOLVED:**

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

#### **11. ITEMS FOR CONSULTATION**

#### **12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS**

##### **(A) N/2019/1518 - CREATION OF 2NO NEW PARKING ZONES (ONE FOR 5NO CARS AND ONE FOR 2NO CARS). PARKING AREA, PIKEMEAD COURT**

Councillors Bottwood and M Markham left the meeting as they both declared personal and disclosable pecuniary interest at the start of the meeting as board members for Northampton Partnership Homes. Councillor King joined the meeting at the start of this item.

The Principal Planning officer presented the report which outlined the proposed creation of 2 parking zones. One parking zone would provide 5 parking spaces, and the second zone would provide 2 parking spaces. The site has 4 existing trees, with 3 removed due to their poor quality and with the species being inappropriate for residential areas. No objection had been received from the Council's Tree Officer.

Members discussed the report.

### **RESOLVED:**

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

##### **(B) N/2020/0093 - VARIATION OF CONDITION 2 OF PLANNING PERMISSION N/2018/1770 (DEMOLITION OF 6NO. GARAGES AND ERECTION OF 1 NEW BUILD DWELLING AND PARKING) TO ALTER POSITION OF PROPOSED DEVELOPMENT. LOCK UP GARAGES, PIKEMEAD COURT**

The Principal Planning officer presented the report which outlined the revised proposal for the granted planning permission for the demolition of 6 garages and the erection of a one-bedroom detached bungalow with a private garden to the rear. She also referred to the Addendum which contained revised Condition 1. The revised plan would position the dwelling to the west as a sewer line had been found under the site. The appearance and layout of the dwelling would remain the same as within the original consent.

Members discussed the report.

**RESOLVED:**

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

The meeting concluded at 7:10pm

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Planning Service

Director of Planning and Sustainability: Peter Baguley



**List of Appeals and Determinations – 28<sup>th</sup> July 2020**

**Written Reps Procedure**

Application No.	DEL/PC	Description	Decision
<b>N/2019/0803</b> 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	<b>AWAITED</b>
<b>N/2019/0884</b> APP/V2825/W/20/3246371	PC	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants at 49 Lutterworth Road	<b>ALLOWED</b>
<b>N/2019/0959</b> APP/V2825/W/20/3244727	DEL	Change of Use from Offices/Warehouse (Use Class B1/B8) to Church (Use Class D2) (Amendment to planning application N/2018/0055) to include additional on site parking and turning area on land under client ownership at 3A Kingsfield Way	<b>DISMISSED</b>
<b>N/2019/1165</b> APP/V2825/W/20/3246171	PC	Change of Use from Dwelling house (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants, including single storey rear extension at 15 Burns Street	<b>DISMISSED</b>
<b>N/2019/1193</b> APP/V2825/W/20/3247668	DEL	Change of Use from Car Repair Shop (Use Class B2) to Martial Arts Studio (Use Class D2) at 69 Bunting Road	<b>AWAITED</b>
<b>N/2019/1286</b> APP/V2825/W/20/3245912	PC	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants (retrospective) at 41 Alfred Street	<b>ALLOWED</b>
<b>N/2019/1329</b> APP/V2825/Z/20/3246034	DEL	Installation of illuminated D-Poster and ancillary vertical meadow at Aladdin Balti Hut, 96 Bridge Street	<b>ALLOWED</b>
<b>N/2019/1390</b> APP/V2825/W/20/3245648	DEL	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants including single storey rear extension and new rear door and window at 9 Allen Road	<b>ALLOWED</b>
<b>N/2019/1416</b> APP/V2825/D/20/3246374	DEL	Loft conversion with reduced dormer and new roof to rear (Part Retrospective) at 58 Whitworth Road	<b>DISMISSED</b>
<b>N/2019/1425</b> APP/V2825/D/20/3246616	DEL	Single storey rear extension, loft conversion with dormers and detached garage- part retrospective at 25 Beechwood Road	<b>AWAITED</b>
<b>N/2019/1511</b> APP/V2825/W/20/3250888	DEL	Conversion of a terrace property into 2no flats at 24 Clare Street	<b>AWAITED</b>
<b>N/2019/1524</b> APP/V2825/W/20/3248396	DEL	Erection of detached single storey dwelling at 47 Beech Avenue	<b>AWAITED</b>
<b>N/2019/1550</b> APP/V2825/W/20/3247195	DEL	Extensions and alterations to create 6no apartments at 33 Harlestone Road	<b>AWAITED</b>

**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

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**PLANNING COMMITTEE:** 28<sup>th</sup> July 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/0667

**LOCATION:** University of Northampton Park Campus, Boughton Green Road

**DESCRIPTION:** Application for a variation to the S106 agreement to amend mortgagee clause

**WARD:** Obelisk Ward

**APPLICANT:** Persimmon Homes Midlands  
**AGENT:** N/A

**REFERRED BY:** Director of Planning and Sustainability  
**REASON:** Amendment to S106 Agreement

**DEPARTURE:** No

---

## APPLICATION FOR DETERMINATION:

### 1 RECOMMENDATION

- 1.1 That the Committee **AGREE** to vary the Section 106 Agreement dated 19 December 2018, to allow the amendment of the mortgagee exclusion clause and relevant definitions in the Agreement 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 agree the amended wording of the mortgagee exclusion clause and relevant definitions and any consequential amendments as are considered necessary.

### 2 THE PROPOSAL

- 2.1 Application relates to a request to vary the Section 106 Agreement to amend the mortgagee exclusion clause in the Section106 Agreement dated 19 December 2018.

### 3 SITE DESCRIPTION

- 3.1 The application site consists of the former Northampton University Park Campus at Boughton Green Road, which is currently being redeveloped for residential use, following the grant of outline planning permission in 2014 as varied in 2017. It should be noted from the planning history below

that a number of applications for reserved matters have now been submitted and the site is progressing.

## **4 PLANNING HISTORY**

- 4.1 N/2014/0475 – Outline application (with all matters reserved, except access) for the demolition of the existing University facilities and erection of new buildings comprising residential accommodation (Use Class C3) of up to 800 units, associated car parking, retail unit, landscaping and open space with accesses from Boughton Green Road – Approved 19/09/2014
- 4.2 N/2016/1593 – Variation of Condition 6 of N/2014/0475 (Outline permission for the demolition of the existing University facilities and erection of new buildings comprising residential accommodation (Use Class C3) of up to 800 units) to amend wording of condition to ensure the provision of an average of two parking spaces per dwelling (up to a maximum of 800 dwellings) – Approved 20/12/2018
- 4.3 N/2018/0688 – Reserved Matters Application pursuant to Outline Planning Permission N/2014/0475 (Demolition of the existing University facilities and the erection of new buildings comprising residential accommodation (Use Class C3) of up to 800 units, associated car parking, retail unit, landscaping and open space with accesses to Boughton Green Road) for Phase 1 of the development site for a total of 147 dwellings and associated infrastructure – Approved 10/09/2018
- 4.4 N/2018/1484 - Reserved Matters Application pursuant to Outline Planning Permission N/2014/0475 for Phase 2 of the development site for a total of 182no dwellings and associated infrastructure. Approved 11/04/2019
- 4.5 N/2018/1563 - Reserved Matters Application pursuant to Outline Planning Permission N/2014/0475 for switching substation for Phase 2 of the former University of Northampton Park Campus site and associated infrastructure. Approved 29/01/2019
- 4.6 N/2019/0179 - Reserved Matters Application pursuant to Planning Permission N/2016/1593 for an Attenuation Pond. Approved 11/04/2019
- 4.7 N/2019/1599 - Reserved Matters Application pursuant to Planning Permission N/2016/1593 (Development of up to 800 dwellings) for Phase 3 development of 346 dwelling units and associated works. Undetermined.
- 4.8 Various other applications have been submitted that relate to works to trees that are the subject of Preservation Orders on the site, during since the grant of outline consent.

## **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 **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 relevance to this application:

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

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 15 - Conserving and enhancing the natural environment

## 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 S1 - The Distribution of Development  
Policy S3 - Scale and Distribution of Housing Development  
Policy S10 - Sustainable Development Principles  
Policy H1 - Housing Density and Mix and Type of Dwellings  
Policy H2 - Affordable housing  
Policy RC2 - Community Needs  
Policy BN2 - Biodiversity  
Policy BN9 - Planning for Pollution Control  
Policy INF2 - Contributions to infrastructure requirements

## 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 policy is material to this application:

Policy E20 – New development

## 7 **CONSULTATIONS/ REPRESENTATIONS**

7.1 None.

## 8 **APPRAISAL**

- 8.1 Mortgagee in possession clauses (also known as mortgagee exclusion clauses or mortgagee protection clauses) are standard in Section 106 Agreements which provide for the provision of affordable housing. These clauses provide for circumstances where a Registered Provider defaults on loan payments and the mortgagee takes control of the Registered Provider's interest in the affordable housing units as assets against which their loan is secured.
- 8.2 Such clauses allow for another Registered Provider or the Council to purchase the affordable housing units within a specified timeframe under a prescribed procedure. Where the affordable housing units are not purchased within this period, they are released from affordable housing tenure, enabling the mortgagee to dispose of the units to regain some, or all, of the loan that they have provided.
- 8.3 The wording of a mortgagee in possession clause affects the level of funding that a Registered Provider is able to secure against the affordable housing units to fund the provision of additional affordable housing as part of their delivery programme.
- 8.4 Where a mortgagee in possession clause does not provide sufficient protection for the funder and they would be bound by the affordable housing restrictions in the Section 106 Agreement, the funding value would be limited to Existing Use Value for Social Housing. The best possible funding value is Market Value Subject to Tenancies, where the funder would be able to sell on the open market, to either a Registered Provider or a non-regulated purchaser, and neither the lender nor successors in title would be bound by the affordable housing restrictions in the Section 106 Agreement.
- 8.5 In this instance the wording of some of the relevant definitions, and the mortgagee in possession clause in the Section 106 Agreement are such that the value of the affordable housing units is limited to Existing Use Value – Social Housing. Accordingly, it is proposed that these are amended

to enable the property to be charged at Market Value Subject to Tenancies. This will enable a Registered Provider to obtain maximum value and reinvest in further affordable housing schemes.

- 8.6 In effect, to amend the mortgagee clause would allow the Registered Provider to obtain higher value funding from their funders, which in turn would allow them to fund further developments and deliver more affordable housing units elsewhere, but it would not affect the level of provision of the affordable units for this development in any event. No other amendments to obligations, financial or otherwise are sought, so will remain as set out in the S106 agreement of 19 December 2018.

## **9 CONCLUSION**

- 9.1 The proposed amendment is in line with more recent practices and allows a Registered Provider to seek funding which will enable investment in further developments and it is considered to be an acceptable request.

## **10 BACKGROUND PAPERS**

- 10.1 N/2020/0667.

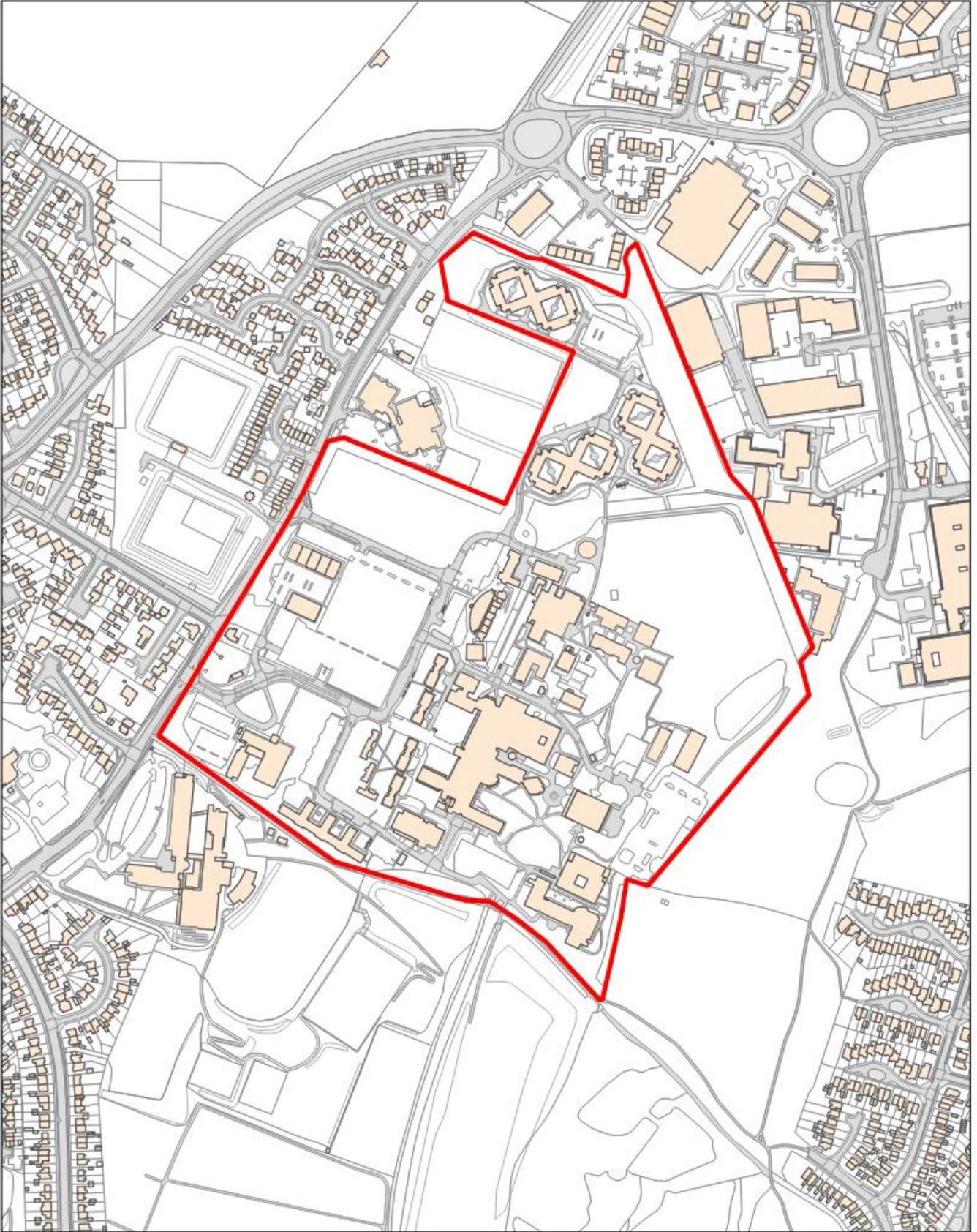
## **11 LEGAL IMPLICATIONS**

- 11.1 The Social Housing Regulator monitors the financial viability of Registered Providers and can intervene in the management of a Registered Provider in financial difficulty. There are few examples of Registered Providers falling into financial difficulties and where this has been the case Registered Providers have to date been taken over by another Registered Provider. There are no known cases of mortgagee in possession clauses being triggered in relation to assets owned by Registered Providers.

- 11.2 Taking these issues into account it is considered that any risk associated with a Registered Provider defaulting on a loan and the affordable housing units not being secured by the Council or another Registered Provider is limited and is outweighed by the factors referred to above.

## **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: **UON Park Campus, Boughton Green Road**

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Date: 17-07-2020

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**PLANNING COMMITTEE:** 28<sup>th</sup> July 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2019/1277

**LOCATION:** Development Land, Lancaster Way

**DESCRIPTION:** Variation of Condition 2 of Planning Permission N/2012/0909 (Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout) to alter the layout of the development, alter house types, and remove and alter garages, and variation of conditions 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 to be in accordance with details submitted. Removal of conditions 10 and 16

**WARD:** Delapre & Briar Ward

**APPLICANT:** Barry Howard Homes (Towcester) Ltd  
**AGENT:** Frampton Town Planning Ltd

**REFERRED BY:** Director of Planning and Sustainability  
**REASON:** Major application requiring a Section 106 Agreement

**DEPARTURE:** No

**APPLICATION FOR DETERMINATION:**

**1 RECOMMENDATION**

**1.1 APPROVAL IN PRINCIPLE** subject to:

- i) The completion of a Section 106 Legal Agreement to secure planning obligations set out in the report; and
- ii) 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.

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

The proposed development, subject to conditions, represents an acceptable land use which would contribute towards the Council’s 5-year housing supply and would have a neutral impact upon the character and appearance of the surrounding area, visual and neighbour amenity and the highway system. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies S1, S3, S10, H1, H2, INF2, BN2, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

- 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.

## **2 THE PROPOSAL**

- 2.1 Variation of Condition 2 of Planning Permission N/2012/0909 (Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout) to alter the layout of the development, alter house types, and remove and alter garages, and variation of Conditions 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 to be in accordance with details submitted. Removal of Conditions 10 and 16.
- 2.2 The application proposes amendments to the layout of the development with plots shifting slightly and garages being removed. The approved house type designs have also altered from those approved under N/2012/0909 in size and design.
- 2.3 This altered layout necessitates the amendment of details previously agreed through conditions under application N/2012/0909, as these agreed details need to be updated to show the new layout. The applicant has also applied to vary conditions that have not previously been agreed to be in accordance with details submitted, such that the wording of the conditions would be altered to be in accordance with the details submitted as opposed to requiring the submission of details.
- 2.4 The application includes the proposed removal of Conditions 10 and 16. Condition 10 is an erroneous repeat of Condition 7, and the applicants claim Condition 16 is no longer required as the details within Condition 13 have been agreed and no further details are needed.
- 2.5 Development works are underway on the site, and as such this application is partially retrospective.

## **3 SITE DESCRIPTION**

- 3.1 Planning permission was approved in principle by the Planning Committee on the 22<sup>nd</sup> November 2016, subject to the completion of a S106, for a development for 139 dwellings on this site (N/2012/0909). This was subsequently approved on the 14<sup>th</sup> December 2017 following the completion of the S106.
- 3.2 Development works have commenced on this previous approval, with a number of properties completed. As such the current situation on site is of a building site.
- 3.3 Prior to works commencing on approval N/2012/0909, the site was historically used for the keeping of animals and as allotments, although the use of the site had been in decline and fallen into disuse.
- 3.4 A Tree Preservation Order is in place to protect the mature tree adjacent to Lancaster Way. The general topography of the site slopes downwards in a northerly direction, with a number of undulations within the site.
- 3.5 The surrounding area is predominantly residential in nature, with the surrounding buildings being of a wide variety of scales, styles and types. Of particular relevance are the traditional houses within Towcester Road which date from the early part of the 20th century, and the more modern dwellings within Hedgely Court and Hexham Court to the south; Braunstone Close to the west; Tunnel Hill Cottages, Radleigh Close and Leah Bank to the north; and Briar Hill Walk to the east.

- 3.6 Pedestrian access to the site was historically present (albeit closed at the time of application N/2012/0909) by a path which runs from Towcester Road (which also serves the rear of dwellings in this road) to Tunnel Hill Cottages, with access from Braunstone Close. This route then travels in a northerly direction joining Rothersthorpe Road. There is a private right of vehicle access across this same route for a selection of surrounding properties.

#### **4 RELEVANT PLANNING HISTORY**

- 4.1 N/2012/0909 - Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout – Approved 14/12/2017.
- 4.2 N/2019/0295 - Variation of S106 Agreement to amend type of affordable housing provision – Approved in Principle by Planning Committee 16/04/2019 – S106 amendments in process.
- 4.3 N/2019/0311 - Formation of temporary access and erection of hoarding (to facilitate construction of development permitted under Planning Permission: N/2012/0909) (partly retrospective) – Approved 29/04/2019.
- 4.4 N/2019/1455 – Erection of an electricity substation – Withdrawn 13/01/2020 following officer advice that the position of the proposal was unacceptable.
- 4.5 N/2020/0065 – Erection of an electricity substation – Approved 03/03/2020.

#### **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 the saved policies of the Northampton Local Plan (1997).

##### **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:

Section 2 – Achieving sustainable development  
Section 4 – Decision-making  
Section 5 – Delivering a sufficient supply of 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 – Conserving and enhancing the 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. The following policies are considered to be of particular relevance:

Policy H1: Housing Density & Mix & Type of Dwellings  
Policy H2: Affordable Housing (35%).

Policy S1: The Distribution of Development  
Policy S3: Scale and Distribution of Housing Development  
Policy S10: Sustainable Development Principles  
Policy BN2: Biodiversity  
Policy BN7: Flooding  
Policy 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 policy is material to this application:

E20 – Design of New Development.

#### 5.5 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004  
Planning Obligations SPD 2013  
Northamptonshire County Parking Standards 2016  
Northampton Parking Standards SPD 2019

### 6 **CONSULTATIONS/REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NBC Public Protection** – No comments to make on minor amendments proposed to the consented layout and house types being sort by this application. Amended acoustic assessment reports for conditions 13 and 16 of N/2012/0909 are acceptable and condition 16 can be removed. Further details are required for condition 12. CEMP is acceptable.

6.2 **NBC Tree Officer** – No tree related concerns and so no comment to make. Soft landscaping scheme for condition 6 is acceptable.

6.3 **NCC Highways** – Object - Pedestrian visibility splays have been reduced below the minimum 2m requirement which is unacceptable (a minimum of 2mx2m is required), and any feature within the splay must not exceed 0.6m in height above footway level. The relocation of no. 17 is within the vehicle to vehicle visibility splay, and the raised table block paved areas have been removed which makes the access into the small road serving 18-25 unacceptable. It is advised that garages are not considered towards the parking allocation for the properties and triple spaces are only considered as two spaces as they are unlikely to be used for three vehicles. Confirm submitted Travel Plan is acceptable, and that the details submitted for conditions 5, 11, 18, 23, 24 and 25 are acceptable.

No further comment received on the revised plans.

6.4 **NCC Ecology** – Object. There are ongoing issues with badgers which were not detected in the original application. A final licence is needed to establish the clan in a new sett which is understood to have been built but not yet approved by Natural England. At present there is no active licence on the site and badger activity is continuing with badgers digging in neighbour's gardens. It is considered that the problems stem from the failure to have the appropriate surveys undertaken so a licence can be secured. As stated in Circular 06/2005 Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system, 'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat...it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted...' (para. 98 & 99). Further, paragraph 175 of the NPPF states that 'if significant harm to biodiversity

resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.

It is considered that it has been neither established the extent to which the current application would impact the site's badger clan and its historical territory, nor demonstrated that they have adequately complied with the mitigation hierarchy as outlined in the NPPF.

With the pressure to deliver housing, and with this site already partly built out, if the Council is minded to approve this application, two key conditions are requested. One requiring an exclusion zone and one requiring a comprehensive method statement for badgers.

- 6.5 **Lead Local Flood Authority** – No concerns with proposal.
- 6.6 **Anglian Water** – No comments received.
- 6.7 **Northamptonshire Police** – Initially raised concerns with the link being retained between Towcester Road and Tunnel Hill Cottages, which was a crime issue, and an indication on the plans that there is a link to Leah Bank. Following this the plans have been amended to remove any reference to a link to Leah Bank and to re-instate gates as within N/2012/0909.
- 6.8 **Natural England** – No comment on proposed alterations. Standing advice should be used.
- 6.9 **Environment Agency**- No comment on proposed alterations.
- 6.10 **The Wildlife Trust** – concerned new layout does not provide a coherent ecological network across the site, particularly for badgers, and that it fails to compensate for the orchard habitat which was previously found there. Strongly recommend that the existing badger sett is retained and that a coherent ecological network is developed across the site which connects the sett with existing foraging areas and the proposed open spaces. Paragraph 170 of the NPPF requires developments to establish ecological networks and provide a measurable net gain in biodiversity, and at present this revised layout does not provide either. Recommend that an orchard is included in one of the public open spaces to compensate for the orchard which has been lost.
- 6.11 **Northamptonshire Badger Group** – Concerned regarding welfare and future of badgers on the site. 6 setts have been lost and the main sett is also to be lost. Foraging space has been lost. Badgers are now seen to be digging in neighbouring gardens. Concern artificial sett that has been built is unacceptable and there are no wildlife corridors and insufficient soft landscaping and food sources for badgers. Request suitable artificial sett is built and includes protection zone, wildlife corridor, planting, and fencing with badger holes and gate for maintenance.
- 6.12 **Councillor J Davenport** - Proposal is retrospective and application should be heard at Committee.
- 6.13 **Councillor G Walker** – Objects as there is only one entry and exit.
- 6.14 38 letters have been received from 19 different neighbouring properties, 15 objecting to the application and 4 making observations. The concerns raised within these letters can be summarised as follows:

#### **Design**

- Concern with driveway design with use of long driveways. Particular concern for plot 107.
- Concern with design such as rear gate for plot 19 opens onto a different close, plots 35 and 36 will require plot 37's driveway to access their rear gate, plot 66 has to use plot 67's parking bay to access rear garden, plot 103's parking spaces are scattered, and plot 101 has no access to garden at all.
- Re-designed Seacroft housetype have no rear access from kitchen and so bins probably won't be stored in garden. Bin store should be provided to the front.

- Concern that previous application showed foot connection from housing estate to Sandringham Gardens estate on Leah Bank by 106/107 plots and this has been removed. This was a convenient link for residents of surrounding properties to access GP surgery, Tesco and bus stops.

### **Neighbouring amenity**

- Houses that have been built overlook existing neighbouring properties.
- Noise issues to existing residents during construction.
- Concern proposed dwellings will be overbearing to neighbouring properties and result in a loss of light.
- Properties to north have gardens that drop in land levels, meaning the rear elevations are not screened from the site and will be entirely overlooked.
- Loss of conditions 10 and 16 would harm neighbouring properties.

### **Highways**

- Concern visibility splays are now unacceptable. E.g. plot 17.
- T-junction would be better than roundabout at entrance. Question why a roundabout is needed and why it has not been built as a mini-roundabout.
- Roads are unlikely to be adopted and as such should be conditioned or S106 requiring maintenance.
- Parking spaces not correct sizes (should be wider if adjacent wall).
- Only one entrance and exit to the site is a safety risk. Access should have been provided via Briar Hill.
- Previous permission 2012/0909 not lawfully implemented as condition requiring toucan crossing date for implementation not provided.
- Location of SUDs under play area should not be acceptable to Highways as within 5 metres of highway.
- Sight lines of junctions also an issue – highways raised a concern.
- Concern land between tunnel hill cottages will be used as rat run out of the development.

### **Flooding**

- Northern end of site becomes flooded during heavy rain.
- Condition for foul water management has been removed and it needs reinstating.
- Maintenance of surface water flood attenuation important. Condition 26 should not have been discharged and needs looking at again.
- Disagree with Anglian Water saying they are adopting the drainage system as they are not adopting the flood attenuation tanks or pipe for the foul water system.
- Development may overload water, drainage, electric systems and current drainage system is not fit for 139 more properties.
- Ground levels raised – may cause flooding, landslip.
- Close boarded fence around site will not provide protection against flooding. Retaining wall plus fencing is needed to protect against flooding and overlooking.
- Loss of wells on site exacerbates flooding.
- Question if existing sewer cope with more foul water sewage from this development.
- No surface water runoff data for roundabout.
- Problems with drainage and request to remove condition 10 is way to try to stop discussions.
- Issues with drainage – can't guarantee maintenance of northern boundary tank as don't own land and Anglian Water would have to agree this. Maintenance of suds scheme should form part of s106.
- Question accuracy of surface water and foul water details.

### **Ecology**

- Impact in badgers – see less badgers now development is on site.
- Impact on wildlife – used to get foxes, hedgehogs, deer, bats – land was perfect for wildlife and the entire loss of this to houses shows no consideration by the Council to protect this historical land.
- Conditions are needed to protect the badgers.
- Artificial badger sett is not on application site.
- Badgers damage properties as lost setts.
- Had squirrels in roof since development started.
- Bird and bat box plan includes positions that are not on site.

### **Private right of way**

- Neighbouring properties have vehicle access right over land and kissing gates stop this.
- Concern developer wants to bring vehicles down alley on Towcester Road which is not wide enough and would be health and safety issue.
- Concern rumours that Towcester Road alleyway will be gated off and manhole installed.
- Concern private right of way between Towcester Road and Tunnel Hill Cottages has become public and this should have been consulted on – on NCC website it is private right of way. If it is made a public right of way, this results in crime concerns.
- Concern private right of way over site has been fenced off during construction and is not safe for use.
- CEMP should include details of how residents can utilise the private right of access across the site.
- Vehicle access gates should also provide kissing gates adjacent.

### **Boundary treatment**

- Question what the boundary treatments will be.
- Who will be responsible for upkeep of fencing.
- Want concrete posts with wire mesh.
- Object to kissing gates – want palisade fencing with spokes to deter people using this.
- Pleased with proposed kissing gate but want to know what materials and who will be maintaining it. Also will there be a fence either side.
- Gate on eastern end of site was 1.5 metres and no justification to change this now. Post-and-rail allows people to climb through.
- Fencing should be provided around unregistered pieces of land to prevent flytipping and cars parking.

### **Crime**

- Loss of gates and bollards to either end of this right of way results in crime concerns.
- Footpath for plots 43-46 has been removed and driveway is the footpath which results in loss of defensible space.
- Open accesses by plots 19 and 88 were asked to be blocked by police but are open again.
- Plot 37's garden exposed.
- Alleyway for plot 67 poor.
- Close boarded fencing and retaining walls on boundaries will provide cover for illegal activity.
- Concern that when temporary fencing on development site dividing site from the private right of way to the garages behind 184-196 Towcester Road is removed there will be no separation stopping people from accessing this existing private road. Concern this will result in rat-run and crime issues.

### **Levels**

- Question what the ground levels will be – ground levels appear to be raised and this raises loss of privacy concerns alongside flooding concerns.
- Land has been raised to northern edge of site.
- Site levels too high – not the same as original consent and this results in loss of light and privacy.

### **Landscaping**

- Loss of soft landscaping areas e.g. end of plot 98's parking and between plots 44 and 45.
- More landscaping should be provided along boundaries with existing properties to screen development.

### **Open space**

- Public Open Space calculations appear to be incorrect and not in line with S106 plan.
- Large areas of open land not included in POS and so not included in maintenance – question who will be looking after these areas.

### **Environmental Health**

- Land must be highly contaminated.
- Concern regarding contamination – neighbours' clothes have been permanently stained from dust from site and land needs testing to see why.
- CEMP cannot be altered as it has already been agreed. CEMP mentions control of dust but it doesn't, contamination issues as soil moved around, waste materials are dumped in open metal box and blow on neighbouring properties, statements made in CEMP have not been followed thus far.
- Noise assessment is unacceptable – doesn't study A5076.

## Other matters

- Concern with potential impact on neighbouring garages.
- Application form and CIL forms have applicant as 'Barry Howard Homes' – there is no such company with this exact name (*Officer Comment: The applicant name has been updated during the application*).
- Concern proposal does not comply with building regulations (*Officer Comment: This is not a material planning consideration but rather would be dealt with under Building Regulations*).
- Understand developer owns more land around the site and how this is to be used should be included within the application (*Officer Comment: The application under assessment is the scheme submitted and any future aspirations for the surrounding area would not be a consideration at this time*).
- Conditions previously discharged need looking at again to check if they need more information (*Officer Comment: All conditions are being checked within this application*).
- Retrospective as developer not following plan he has permission for – why has developer been allowed to apply to regularise this? (*Officer Comment: The Town and Country Planning Act allows the submission of retrospective variation applications*).
- Affordable housing has moved to a single area and it wasn't supposed to be built in that form. (*Officer Comment: The Affordable housing is not located in a single area on the plan and is not in a dissimilar location to that previously shown*).
- What street lighting is proposed? (*Officer Comment: Application N/2012/0909 did not require details on street lighting*).
- Boundary of permission is incorrect (*Officer Comment: The red line of the site matches the red line of application N/2012/0909 as is required within a variation application*).
- Many enforcement issues with the site (*Officer Comment: This is not a consideration within this Planning Application*).
- Do not believe wording of conditions can be altered now as it is too late (*Officer Comment: A variation application issues a new permission for the site and as such all conditions can be altered or deleted if they are not needed, or new conditions added*).
- Plan for phasing submitted does not match affordable housing requirements in S106 which state that no more than 30% market housing should be occupied before 50% affordable housing is provided. Also breaches of contributions to be paid by occupation (*Officer Comment: Should a breach of the S106 occur, this will be assessed at that time. This is not a matter for consideration within the assessment of this planning application*).
- Substation has been removed from the plans (*Officer Comment: The substation has been removed from the plans at the request of the Council for clarity as the substation layout shown has not been approved*).

## 7 APPRAISAL

- 7.1 The application is for a variation of approval N/2012/0909. It is only the changes proposed from that approval which can be considered within this application.

### Principle of development

- 7.2 The principle of 139 residential dwellings on this site has been established within application N/2012/0909 which was approved on 14<sup>th</sup> December 2017 and has been part implemented. As this has been approved and part implemented, it would not now be reasonable to object to the principle of 139 residential units on this site.

### Design and the impact upon the street scene

- 7.3 During the course of construction works on approval N/2012/0909, the development has been built not completely in accordance with the approved plans. Subsequently this variation of condition application has been submitted to attempt to regularise the changes that have been undertaken, and to permit alterations to further parts of the development which have not yet been constructed.
- 7.4 It is understood that large number of the changes that have occurred on site are due to the road layout being slightly re-positioned once the highway works technical drawings were created for the

site and in consultation with NCC Highways. The slight re-positioning of the internal roads has resulted in a knock-on effect that has necessitated alterations to the approved scheme.

7.5 The variation application proposes to slightly alter the position of a large number of the approved plots. The vast majority of these changes are re-positioning the plots by a de-minimus amount and the re-positioning would not be evident when on site. The changes would be to a level expected on a construction site of this size. There are, however, a number of plots where the re-positioning is to a material level, and it is understood that this is due to changes in the road layout as approved with NCC Highways. Of particular note are:

- Plots 11-13 have been altered to a terraced row of equal depths, whereas the approved included a step in for the central property;
- Plots 14-16 have been altered from a semi-detached property and a flat above garage to a terrace row of three properties;
- Plot 17 has been shifted 2 metres to the north;
- Plot 25 has been re-angled to face the road;
- Plot 27 has been re-angled;
- Plots 38-42 and 47-49 have all been re-positioned further to the west;
- Plot 52 has been re-positioned 1.5 metres to the west;
- Plot 53 has been re-positioned and re-angled;
- Plots 71-73 have been shifted 1.5 metres to the west;
- Plots 82-83 have been shifted 1.5 metres to the east;
- Plots 84-85 have been altered to a stepped pair of semi-detached properties;
- Plots 86-87 and 106 have been shifted 2.5 metres to the east;
- Plot 94 has been shifted 1 metre to the south-east;
- Plot 95 has been shifted 1.5 metres to the south and west;
- Plot 99 has been re-positioned 1.5 metres to the east and south;
- Plots 100-101 have been re-positioned 2.5 metres to the east and 1 metre to the north;
- Plots 126-131 have all been re-positioned slightly with 130-131 being moved to the west and south, plots 128-129 being moved southwards, and 126-127 being moved 0.5 of a metre to the east and 0.5 of a metre to the south;
- Plot 132 has been re-positioned 2.5 metres to the west and 2 metres to the south;
- Plot 133 has been re-positioned 3 metres to the west and 2 metres to the south;
- Plot 139 has been re-positioned 1 metre to the east (closer to the boundary edge of the site).

7.6 In addition to the re-positioning of the dwellings, the garages for the dwellings have been altered, with these largely being removed from the development, so just 30 properties retain garages. Parking spaces locations have also been slightly altered as a result of the shift in dwelling positions and garden boundary lines have been slightly amended.

7.7 With regards to alterations to the appearance of the approved dwellings, Plot 12 has been altered to a Millport housetype from a Heath housetype, Plot 14 has been altered to a Heath housetype from a flat over garage AF05, Plot 78 has been altered to a Millport housetype from S461 (altered from a 4 bedroom to a 3 bedroom dwelling) and plots 100 and 101 have been altered from Fairhaven to Woodhall.

7.8 It is also proposed to amend the appearance of the approved housetypes within this application, and to increase the variety in the housetypes used. It is the case that the majority of the dwellings have increased in height between the approved scheme and that now proposed. Minor alterations have also occurred to the appearance of the dwellings through changes to, for example, the porches, cills, and window and door sizing.

7.9 During the course of this application, 4 properties have also been amended from gable end roofs to hipped roofs at plots 111, 112, 122 and 124.

- 7.10 It is considered that the amended housetypes would remain in character with the area, would not appear significantly different in design terms to those approved, and would provide an attractive appearance.
- 7.11 Concern has been raised within neighbour letters as to the design of the driveways and access points to properties. It is considered that the access points to each plot are acceptable, being over footpaths or parking spaces associated with the plot. Concern has also been raised as to all properties of the Seacroft Design needing bin stores to the front. Each property has a good rear garden and it is not considered that bin stores to the front of houses are needed.
- 7.12 A neighbour letter also raises concern that application N/2012/0909 showed a pedestrian connection from housing estate to Sandringham Gardens estate on Leah Bank by plots 106/107 plots and this has been removed. No access was provided in this location under application N/2012/0909 with the footpath marked ending at a fence. A link is not proposed here due to crime safety concerns raised by the Police.
- 7.13 It is considered that in design terms the changes proposed to the scheme would not have an unacceptable impact upon the character and appearance of the street scenes within the development, nor the appearance of the site from outside of the development, when compared with that previously approved.

### **Residential Amenity**

- 7.14 Neighbour letters raised concern as to the impact of the proposed development on existing occupiers, such as through overlooking, noise, loss of light and the properties appearing overbearing to residents. It was raised that properties to the north have lower gardens and the entire rear elevations will be overlooked.
- 7.15 A significant consideration within the assessment of the impact of the proposed development on neighbouring amenity is the height and position of the amended dwellings when compared to that previously approved. This relates to both the amended heights of the proposed house types, and the proposed levels.
- 7.16 The table below provides a direct comparison between the approved ridge heights and levels under application N/2012/0909, and the proposed ridge heights and levels within the current variation application on a plot by plot basis. The table then outlines what the overall differences in height between the approved and that now proposed.

<u>PLOT</u>	<u>APPROVED RIDGE</u>	<u>PROPOSED RIDGE</u>	<u>DIFFERENCE RIDGE</u>	<u>APPROVED LEVELS</u>	<u>PROPOSED LEVELS</u>	<u>DIFFERENCE LEVELS</u>	<u>OVERALL DIFFERENCE</u>
1	7.65m	8.4m	<b>+0.75</b>	93.20	93.00	<b>-0.2</b>	+0.55
2	8m	8.25m	<b>+0.25</b>	92.50	92.250	<b>-0.25</b>	0
3	8m	8.7m	<b>+0.7</b>	92.00	91.750	<b>-0.25</b>	+0.45
4	7.85m	8m	<b>+0.15</b>	91.30	91.25	<b>-0.05</b>	+0.1
5	7.8m	8.2m	<b>+0.4</b>	91.40	91.40	<b>0</b>	+0.4
6	8.3m	8.7m	<b>+0.4</b>	91.50	91.55	<b>+0.05</b>	+0.45
7	7.85m	8m	<b>+0.15</b>	91.60	91.75	<b>+0.15</b>	+0.3
8	7.8m	8.15m	<b>+0.35</b>	93.30	93.350	<b>+0.05</b>	+0.4
9	7.8m	8.15m	<b>+0.35</b>	93.60	93.650	<b>+0.05</b>	+0.4
10	7.8m	8.15m	<b>+0.35</b>	93.90	93.950	<b>+0.05</b>	+0.4
11	7.8m	8.15m	<b>+0.35</b>	93.50	93.425	<b>-0.075</b>	+0.275
12	7.5m	8.15m	<b>+0.65</b>	93.80	93.425	<b>-0.375</b>	+0.275
13	7.8m	8.15m	<b>+0.35</b>	93.80	93.425	<b>-0.375</b>	-0.025
14	6.9m	8m	<b>+1.1</b>	92.90	93.30	<b>+0.4</b>	+1.5
15	7.5m	8m	<b>+0.5</b>	92.45	92.85	<b>+0.4</b>	+0.9
16	7.5m	8m	<b>+0.5</b>	92.00	92.40	<b>+0.4</b>	+0.9

17	7.5m	8.3m	<b>+0.8</b>	92.60	93.125	<b>+0.525</b>	+1.325
18	7.5m	8m	<b>+0.5</b>	93.80	93.80	<b>0</b>	+0.5
19	7.5m	8m	<b>+0.5</b>	94.10	94.10	<b>0</b>	+0.5
20	7.5m	8m	<b>+0.5</b>	94.40	94.40	<b>0</b>	+0.5
21	7.5m	8m	<b>+0.5</b>	94.70	94.70	<b>0</b>	+0.5
22	7.8m	8.15m	<b>+0.35</b>	94.90	95.10	<b>+0.2</b>	+0.55
23	7.8m	8.15m	<b>+0.35</b>	94.60	94.80	<b>+0.2</b>	+0.55
24	7.8m	8.15m	<b>+0.35</b>	94.30	94.50	<b>+0.2</b>	+0.55
25	7.8m	8.2m	<b>+0.4</b>	93.10	94.00	<b>+0.9</b>	+1.3
26	8m	8.8m	<b>+0.8</b>	93.50	93.35	<b>-0.15</b>	+0.65
27	7.5m	8.3m	<b>+0.8</b>	92.85	93.00	<b>+0.15</b>	+0.95
28	7.8m	8.15m	<b>+0.35</b>	93.50	93.90	<b>+0.4</b>	+0.75
29	7.8m	8.15m	<b>+0.35</b>	94.10	94.20	<b>+0.1</b>	+0.45
30	7.8m	8.15m	<b>+0.35</b>	94.70	94.50	<b>-0.2</b>	+0.15
31	7.8m	8.2m	<b>+0.4</b>	92.20	92.20	<b>0</b>	+0.4
32	7.8m	8.6m	<b>+0.8</b>	91.30	91.90	<b>+0.6</b>	+1.4
33	7.8m	8.6m	<b>+0.8</b>	90.70	91.60	<b>-0.1</b>	+0.7
34	7.8m	8.6m	<b>+0.8</b>	92.05	92.20	<b>+0.15</b>	+0.95
35	7.8m	8.6m	<b>+0.8</b>	91.60	91.90	<b>+0.3</b>	+1.1
36	7.8m	8.6m	<b>+0.8</b>	91.15	91.60	<b>+0.45</b>	+1.25
37	7.8m	8.2m	<b>+0.4</b>	90.30	90.30	<b>0</b>	+0.4
38	8m	8.8m	<b>+0.8</b>	89.60	90.325	<b>+0.725</b>	+1.525
39	8m	8.8m	<b>+0.8</b>	89.60	90.325	<b>+0.725</b>	+1.525
40	8m	8.4m	<b>+0.4</b>	89.60	90.40	<b>+0.8</b>	+1.2
41	7.65m	8.4m	<b>+0.75</b>	89.60	90.325	<b>+0.725</b>	+1.475
42	8m	8.4m	<b>+0.4</b>	89.60	90.325	<b>+0.725</b>	+1.125
43	7.5m	8m	<b>+0.5</b>	89.60	90.00	<b>+0.4</b>	+0.9
44	7.8m	8.2m	<b>+0.4</b>	90.20	90.30	<b>+0.1</b>	+0.5
45	7.65m	8.4m	<b>+0.75</b>	90.75	90.80	<b>+0.05</b>	+0.8
46	7.85m	8m	<b>+0.15</b>	91.30	91.60	<b>+0.3</b>	+0.45
47	7.8m	8.6m	<b>+0.8</b>	91.50	92.225	<b>+0.725</b>	+1.525
48	7.8m	8.6m	<b>+0.8</b>	91.80	92.225	<b>+0.425</b>	+1.225
49	8m	8.4m	<b>+0.4</b>	92.00	92.225	<b>+0.225</b>	+0.625
50	8m	8.8m	<b>+0.8</b>	91.30	91.55	<b>+0.25</b>	+1.05
51	7.65m	8.4m	<b>+0.75</b>	91.90	92.20	<b>+0.3</b>	+1.15
52	7.5m	8.3m	<b>+0.8</b>	92.60	93.00	<b>+0.4</b>	+1.2
53	7.8m	8.2m	<b>+0.4</b>	92.30	92.30	<b>0</b>	+0.4
54	7.65m	8.05m	<b>+0.4</b>	91.60	91.70	<b>+0.1</b>	+0.5
55	7.5m	7.8m	<b>+0.3</b>	91.00	91.150	<b>+0.15</b>	+0.45
56	7.8m	8.6m	<b>+0.8</b>	87.30	87.80	<b>+0.5</b>	+1.3
57	7.8m	8.6m	<b>+0.8</b>	87.60	88.10	<b>+0.5</b>	+1.3
58	7.65m	8.4m	<b>+0.75</b>	89.10	89.50	<b>+0.4</b>	+1.15
59	8m	8.8m	<b>+0.8</b>	89.10	89.40	<b>+0.3</b>	+1.1
60	8m	8.8m	<b>+0.8</b>	89.00	89.20	<b>+0.2</b>	+1
61	8m	8.8m	<b>+0.8</b>	88.90	89.25	<b>+0.35</b>	+1.15
62	8m	8.4m	<b>+0.4</b>	88.80	89.15	<b>+0.35</b>	+0.75
63	7.65m	8.4m	<b>+0.75</b>	88.70	89.15	<b>+0.45</b>	+1.2
64	8m	8.25m	<b>+0.25</b>	88.70	89.15	<b>+0.45</b>	+0.7
65	7.5m	8m	<b>+0.5</b>	88.80	89.30	<b>+0.5</b>	+1
66	7.5m	8m	<b>+0.5</b>	87.50	87.60	<b>+0.1</b>	+0.6
67	7.5m	8m	<b>+0.5</b>	87.05	87.30	<b>+0.25</b>	+0.75
68	7.5m	8m	<b>+0.5</b>	86.60	87.00	<b>+0.4</b>	+0.9

69	7.5m	7.65m	<b>+0.15</b>	85.80	86.45	<b>+0.65</b>	+0.8
70	7.5m	7.65m	<b>+0.15</b>	85.80	86.15	<b>+0.35</b>	+0.5
71	7.8m	7.95m	<b>+0.15</b>	86.20	86.85	<b>+0.65</b>	+0.8
72	7.5m	7.65m	<b>+0.15</b>	85.75	86.40	<b>+0.65</b>	+0.8
73	7.5m	7.65m	<b>+0.15</b>	85.30	85.95	<b>+0.65</b>	+0.8
74	7.6m	7.8m	<b>+0.2</b>	84.20	84.20	<b>0</b>	+0.2
75	7.6m	7.8m	<b>+0.2</b>	84.20	84.20	<b>0</b>	+0.2
76	7.6m	7.8m	<b>+0.2</b>	84.50	84.50	<b>0</b>	+0.2
77	7.6m	7.8m	<b>+0.2</b>	84.50	84.50	<b>0</b>	+0.2
78	8.3m	7.95m	<b>-0.35</b>	84.80	84.80	<b>0</b>	-0.35
79	7.8m	7.95m	<b>+0.15</b>	84.80	84.80	<b>0</b>	+0.15
80	7.8m	7.95m	<b>+0.15</b>	85.60	85.60	<b>0</b>	+0.15
81	7.8m	7.95m	<b>+0.15</b>	85.60	85.60	<b>0</b>	+0.15
82	7.8m	7.95m	<b>+0.15</b>	86.00	86.00	<b>0</b>	+0.15
83	7.8m	7.95m	<b>+0.15</b>	86.00	86.00	<b>0</b>	+0.15
84	7.8m	8m	<b>+0.2</b>	85.85	85.85	<b>0</b>	+0.2
85	7.8m	8m	<b>+0.2</b>	86.30	86.30	<b>0</b>	+0.2
86	7.6m	7.8m	<b>+0.2</b>	85.40	85.40	<b>0</b>	+0.2
87	7.6m	7.8m	<b>+0.2</b>	85.40	85.40	<b>0</b>	+0.2
88	7.8m	8.2m	<b>+0.4</b>	86.10	86.40	<b>+0.3</b>	+0.7
89	7.8m	8m	<b>+0.2</b>	87.25	87.20	<b>-0.05</b>	+0.15
90	7.6m	7.8m	<b>+0.2</b>	87.70	87.50	<b>-0.2</b>	0
91	7.5m	8m	<b>+0.5</b>	89.10	89.35	<b>+0.25</b>	+0.75
92	7.6m	7.7m	<b>+0.1</b>	89.10	89.10	<b>0</b>	+0.1
93	7.6m	7.7m	<b>+0.1</b>	89.10	88.80	<b>-0.3</b>	-0.2
94	8m	8.35m	<b>+0.35</b>	88.80	88.70	<b>-0.1</b>	+0.25
95	7.8m	8m	<b>+0.2</b>	88.50	88.40	<b>-0.1</b>	+0.1
96	8.1m	7.8m	<b>-0.3</b>	86.75	86.70	<b>-0.05</b>	-0.35
97	8.1m	7.8m	<b>-0.3</b>	86.30	86.40	<b>+0.1</b>	-0.2
98	7.8m	8.2m	<b>+0.4</b>	85.80	85.60	<b>-0.2</b>	+0.2
99	7.8m	8.2m	<b>+0.4</b>	87.40	87.10	<b>-0.3</b>	+0.1
100	7.6m	7.85	<b>+0.25</b>	86.70	86.70	<b>0</b>	+0.25
101	7.6m	7.85	<b>+0.25</b>	86.70	86.70	<b>0</b>	+0.25
102	7.8m	8m	<b>+0.2</b>	84.70	85.30	<b>+0.6</b>	+0.8
103	7.8m	8m	<b>+0.2</b>	85.00	85.30	<b>+0.3</b>	+0.5
104	7.8m	8m	<b>+0.2</b>	85.30	85.30	<b>0</b>	+0.2
105	7.8m	8.2m	<b>+0.4</b>	85.50	85.45	<b>-0.05</b>	+0.35
106	7.8m	8.2m	<b>+0.4</b>	84.60	84.60	<b>0</b>	+0.4
107	8.2m	7.9m	<b>-0.3</b>	83.00	83.00	<b>0</b>	-0.3
108	7.8m	8.2m	<b>+0.4</b>	84.70	84.70	<b>0</b>	+0.4
109	8m	8.3m	<b>+0.3</b>	84.60	84.60	<b>0</b>	+0.3
110	7.8m	8.2m	<b>+0.4</b>	84.00	84.00	<b>0</b>	+0.4
111	7.8m	8m	<b>+0.2</b>	82.50	82.50	<b>0</b>	+0.2
112	7.8m	8m	<b>+0.2</b>	82.20	82.20	<b>0</b>	+0.2
113	7.25m	7.6m	<b>+0.35</b>	83.00	83.00	<b>0</b>	+0.35
114	7.25m	7.6m	<b>+0.35</b>	83.00	83.00	<b>0</b>	+0.35
115	7.25m	7.6m	<b>+0.35</b>	83.00	83.00	<b>0</b>	+0.35
116	7.25m	7.6m	<b>+0.35</b>	83.00	83.00	<b>0</b>	+0.35
117	7.5m	7.65m	<b>+0.15</b>	83.40	83.400	<b>0</b>	+0.15
118	7.5m	7.65m	<b>+0.15</b>	83.70	83.70	<b>0</b>	+0.15
119	7.5m	7.65m	<b>+0.15</b>	83.70	83.70	<b>0</b>	+0.15
120	7.5m	7.65m	<b>+0.15</b>	84.00	84.00	<b>0</b>	+0.15

121	7.5m	7.65m	<b>+0.15</b>	84.30	84.30	<b>0</b>	+0.15
122	7.5m	7.65m	<b>+0.15</b>	84.20	84.20	<b>0</b>	+0.15
123	7.5m	7.65m	<b>+0.15</b>	84.65	84.65	<b>0</b>	+0.15
124	7.5m	7.65m	<b>+0.15</b>	85.10	85.10	<b>0</b>	+0.15
125	7.8m	8.2m	<b>+0.4</b>	86.00	85.80	<b>-0.2</b>	+0.2
126	7.5m	8m	<b>+0.5</b>	86.60	87.25	<b>+0.65</b>	+1.15
127	7.5m	8m	<b>+0.5</b>	86.90	87.55	<b>+0.65</b>	+1.15
128	7.8m	8.15m	<b>+0.35</b>	87.95	87.75	<b>-0.2</b>	+0.15
129	7.8m	8.15m	<b>+0.35</b>	88.40	88.05	<b>-0.35</b>	0
130	7.8m	8.15m	<b>+0.35</b>	88.75	88.35	<b>-0.4</b>	-0.05
131	7.8m	8.15m	<b>+0.35</b>	88.20	88.65	<b>+0.45</b>	+0.8
132	7.8m	8m	<b>+0.2</b>	89.40	89.150	<b>-0.25</b>	-0.05
133	8m	8.7m	<b>+0.7</b>	89.90	89.55	<b>-0.35</b>	+0.35
134	7.5m	8m	<b>+0.5</b>	90.50	90.80	<b>+0.3</b>	+0.8
135	8m	8.7m	<b>+0.7</b>	90.30	90.50	<b>+0.2</b>	+0.9
136	7.8m	8.4m	<b>+0.6</b>	89.80	90.00	<b>+0.2</b>	+0.8
137	7.8m	8.4m	<b>+0.6</b>	89.80	89.70	<b>-0.1</b>	+0.5
138	7.65m	8.4m	<b>+0.75</b>	89.00	89.40	<b>+0.4</b>	+1.15
139	8m	8.25m	<b>+0.25</b>	88.50	89.30	<b>+0.8</b>	+1.05

- 7.17 It is the case that on the southern half of the site the properties have increased in height due to changes in ridge heights and levels by a more significant level. Whilst these properties are higher than previously approved under application N/2012/0909, it is not considered that this is unacceptable. It is the case that the properties on the southern side of the site are positioned such that it is not considered that the increase in height would have an unacceptable impact upon neighbouring amenity along the southern, eastern and western boundaries.
- 7.18 On the northern boundary of the site the properties are approximately 0.2 of a metre higher than previously approved at a maximum, with plot 106, being 0.4 of a metre higher. A number of plots are also lower than previously approved. It is considered that a difference in overall height of 0.2 of a metre or less would not be significantly different from that previously approved and would not result in an unacceptable impact upon neighbouring amenity. Plot 106 is positioned away from any neighbouring properties and as such the increase in height by 0.4 of a metre would not result in an unacceptable impact upon neighbouring amenity.
- 7.19 On the eastern boundary (plots 113 to 125) the apartments within plots 113-116 are 0.35 of a metre higher than previously approved. These apartments are positioned away from the boundary and as such it is not considered that the increase in height would have an unacceptable impact upon neighbouring amenity. Plots 117-124 are 0.15 of a metre higher than previously approved, and plot 125 is 0.2 of a metre higher than previously approved. These changes in height are minimal and it is not considered that this would result in an unacceptable impact upon neighbouring amenity.
- 7.20 During the course of the application, 4 properties have been amended from gable end roofs to hipped roofs at plots 111, 112, 122 and 124. These changes have occurred as a direct response to improve the relationship of the properties with the existing neighbouring properties from that approved under application N/2012/0909. These are between plot 112 and 9 Chelmsford Close, and between plot 122 and 34 Briar Hill Walk. As approved under application N/2012/0909, plots 112 and 122 would present gable end walls within close proximity of the neighbouring properties. The alteration of these units to hipped roofs is considered a significant improvement for neighbouring amenity over that previously given consent, even taking into account the 0.2 and 0.15 metres respective increases in height of these buildings.
- 7.21 It is considered that the alterations proposed within this application would not have an unacceptable impact upon neighbouring amenity over that previously approved under application N/2012/0909.

## Highways

- 7.22 NCC Highways have been consulted on the proposal. An objection was initially received due to concerns with pedestrian visibility splays, the relocation of plot no. 17 within the vehicle to vehicle visibility splay, and the removal of raised table block paved areas to plots 18-25. Following this, the proposal was amended and NCC Highways re-consulted. No further comments have been received from NCC Highways. In line with this, it must be considered that the proposal would not have an unacceptable impact upon the highway network.
- 7.23 The current application has removed a number of garages from the approved scheme and provided triple tandem parking spaces. NCC Highways have confirmed that neither garages nor the third space in triple tandem parking spaces are counted as parking spaces, and as such there has not been an unacceptable change in parking levels as a result of this change.
- 7.24 Since the approval of application N/2012/0909, the Council has adopted the Parking Standards SPD, which outlines a requirement of EV charging for new dwellings at a ratio of 1 per property. The pre-amble for this outlines that the Council will adopt a flexible approach taking into account a full range of site specific factors in relation to the provision of electric vehicle charging infrastructure. The variation application offers 110 EV charging points for the development. As this is a variation application and the original application contained no EV charging facilities, it is considered that the provision of 110 charging points is acceptable and an improvement over what can currently be built on site.
- 7.25 Concern was raised within neighbour letters as to the visibility splays, parking space sizes, locations of SuDS, and sight lines. NCC Highways have been consulted on the application and raise no objection. As such it is not considered that there is a highway reason for refusing this variation application.
- 7.26 Neighbour letters raise why a roundabout is needed and why it has not been built as a mini-roundabout, and why access is only from Lancaster Way. Application N/2012/0909 approved with one point of entry and a roundabout and the details of this were agreed through conditions with NCC Highways. This element has not changed within the variation application and as such is not under consideration.
- 7.27 A neighbour letter requests that the S106 includes maintenance of the roads. As this has not been requested by NCC Highways it would not be reasonable to require this.
- 7.28 Concern has also been raised that the land between Tunnel Hill Cottages will be used as rat run out of the development. No road is provided at this point and boundary treatments show a fence in this position.

## Crime

- 7.29 Northamptonshire Police were consulted on the amended scheme. During the course of the application kissing gates were added to the Towcester Road and Rothersthorpe Lane access points to this development. This was at the request of the Police who wanted a secure point that could not easily be used by those fleeing in vehicles whilst still retaining the private right of access across the site. Neighbour comments subsequently raised that there is a private vehicle right of access over the site between these points. Following this, the plan was amended to remove these kissing gates and proposed gates instead, as these allow vehicle access by those with a private right of access across the site.
- 7.30 The installation of gates at these access points is not considered substantially different from the situation prior to development or that previously approved under application N/2012/0909, subject to the gates being securely locked and keys given to only those persons with a right of access across the site.

- 7.31 Concern was raised within neighbour letters as to the access controls to the eastern and western sides of the private right of way. During the course of the application this has been amended and is now vehicle access gates with padlocks to provide a secure access that only those with a right of entry can cross.
- 7.32 Further concerns were raised as to the defensible spaces of properties, links through the site, alleyways to rear gardens and that close boarded fencing would cover illegal activity. With Northamptonshire Police not raising an objection to the scheme, it is not considered that there would be an unacceptable crime issue as a result of this development.

### **Ecology**

- 7.33 When application N/2012/0909 was approved, the ecology report submitted with the application identified that there were no badgers on the site. It has subsequently been found that there are badgers on the site.
- 7.34 Significant concerns have been raised within this application as to the impact of the development upon the badgers on site, with objections received from NCC Ecology, The Wildlife Trust, Northamptonshire Badger Group and neighbouring properties.
- 7.35 Under this variation application a new Ecology report has been required. NCC Ecology, The Wildlife Trust, Northamptonshire Badger Group and Natural England have been consulted on the variation application. Natural England have advised that they have no comments on the scheme. NCC Ecology have objected to the scheme due to evidence being needed that the artificial sett that has been built on a neighbouring piece of land is suitable for the badgers. This would need formal confirmation from Natural England. As this has not been received, it cannot be ascertained that there would not be an unacceptable impact upon badgers as a result of this application. The Wildlife Trust raise concern that the layout does not provide a coherent ecological network across the site and fails to compensate for the loss of orchard habitat. Northamptonshire Badger Group raise concern as to the welfare of the badgers on site with setts and foraging land being lost and raise concern that the artificial sett that has been built is unacceptable.
- 7.36 When assessing a variation application, significant weight must be given to the existing permission N/2012/0909, and this application can only look at the changes proposed. It is the case that under application N/2012/0909, a largely similar layout can be built on the site and it would not now be reasonable for the Council to refuse a variation application which does not propose significant alterations to the approved scheme with regards to layout. It is also the case that the Council cannot presently demonstrate a five year housing land supply and this site is allocated for housing provision. 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. It is acknowledged that the proposed development would have some impact on the on-site badger colonies, however, it is considered that on balance the need for housing would outweigh the potential harm to badgers on this site when considered against what can be built under application N/2012/0909.
- 7.37 NCC Ecology have raised that two conditions would be required should permission be granted. The first is for an exclusion zone where no works will take place until a licence has been secured from Natural England for the artificial sett and closing of the main sett. It is considered reasonable to add this condition to the variation application. It is also worth noting that if a licence was not forthcoming, a new application would need to be submitted as plots 74-83 could not be built, nor could the road serving plots 69-73. A second condition requires that no works commence on trenches or culverts until a method statement for the protection of badgers has been agreed. As development has started, it is not possible to word the condition as such, however it is considered that such details should be requested within 1 month of the date of the decision.
- 7.38 NCC Ecology have not raised any concerns as to the impact of the development on other species.

### **Amendments to conditions**

### **Condition 3 – boundary treatment**

7.39 Condition 3 of N/2012/0909 reads:

‘Full details of the method of the treatment of the all boundaries of the site, including for the areas of open space and allotments, together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy H1 & S10 of the West Northamptonshire Joint Core Strategy.’

7.40 The application proposes to amend this condition to instead of requiring details, for the boundaries to be in accordance with plans 120 Rev F and 121 Rev C. It is considered that the boundary treatments shown in these plans are acceptable and it is considered appropriate to amend the condition to be in accordance with these plans.

### **Condition 4 – materials**

7.41 Condition 4 of N/2012/0909 reads:

‘Details and/or samples of all proposed external facing materials including windows and doors 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 H1 & S10 of the West Northamptonshire Joint Core Strategy.’

7.42 Under application N/2012/0909, this condition has been partially discharged, with the bricks and roof tiles being agreed. Details of the remaining materials to be used have now been submitted and it is proposed to amend the condition to be in accordance with these details as opposed to requiring these details.

7.43 It is considered that the outstanding materials identified within plan T.078/MPI Rev E, document titled Condition 4 - Window and Door information, and Proposed Materials Schedule Rev E 12/06/2020 are acceptable and the condition can be amended to be in accordance with the submitted details.

### **Condition 5 – surface treatments of road**

7.44 Condition 5 of N/2012/0909 reads:

‘Full details of the proposed surface treatments of roads, accesses, parking areas, footpaths and private drives including their gradients 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, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of securing a satisfactory development in terms of visual amenity and highway safety in line with the requirements of the National Planning Policy Framework.’

7.45 Plans 18 31006/81 Rev P7, 18 31006/82 Rev P5, 18 31006/83 Rev P5, 18 31006/84 Rev P5, 18 31006/310 Rev P3, and 18 31006/313 Rev P2 have been submitted as required by this condition. NCC Highways have confirmed that the details within these plans are considered acceptable and as such it is considered that this condition can be amended to be in accordance with these plans.

## **Condition 6 – hard and soft landscaping**

7.46 Condition 6 of N/2012/0909 reads:

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

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy H1 & S10 of the West Northamptonshire Joint Core Strategy. This condition is required in order to ensure that such details are agreed in a timely manner.’

7.47 Under application N/2012/0909, details have been submitted for this condition which were accepted. However, due to the altered site layout now proposed, amended plans are now provided and it is requested to amend the condition to be in accordance with these amended plans.

7.48 16 updated plans have been submitted, 8 for the hard landscaping and 8 for the soft landscaping.

7.49 Plans 6670.HSP.2.1 Rev F, 6670.HSP.2.2 Rev F, 6670.HSP.2.3 Rev F, 6670.HSP.2.4 Rev F, 6670.HSP.2.5 Rev F, 6670.HSP.2.6 Rev F, 6670.HSP.2.7 Rev F (plan 7 of 7), and 6670.HSP.2.7 Rev F (Hard Surface Plan Overview) have been submitted for the hard surfacing on this development. The hard surfacing proposed is similar to that previously approved under application N/2012/0909 and is considered acceptable.

7.50 Plans 6670.PP.1.0 Rev F, 6670.PP.1.1 Rev F, 6670.PP.1.2 Rev F, 6670.PP.1.3 Rev F, 6670.PP.1.4 Rev F, 6670.PP.1.5 Rev F, 6670.PP.1.6 Rev F, and 6670.PP.1.7 Rev G have been submitted for the soft landscaping and again are similar to those previously approved under application N/2012/0909. The Council’s tree officer has been consulted on the proposed soft landscaping and advises that it is a well-considered and carefully designed planting scheme that proposes a good range of thoughtfully selected trees, shrubs and hedging, as well as feature shrubs, grasses and faux meadows. It is advised that the trees and hedges appear to have been carefully sited in order to avoid future conflict (as far as possible) and the planting and aftercare details that accompany the scheme are thorough. The proposed soft landscaping details are, therefore, considered acceptable.

7.51 It is considered that this condition can be amended to be in accordance with the above plans. In line with this, conditions 6 and 9 would be merged.

## **Conditions 7, 8, 10 and 26 – surface water management strategy, drainage scheme and drainage maintenance**

7.52 Condition 7 and 10 of N/2012/0909 are erroneously the exact same condition and read:

‘No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard standing areas shall be constructed until the works have been carried out in accordance with the approved details.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework.’

7.53 Condition 8 of N/2012/0909 reads:

‘No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and

including the 1in200 year plus climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details of the scheme shall include:

- a) 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 basins.
- b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydro brakes and any other flow control devices.

Reason: To reduce the risk of flooding both on and off site in accordance with the National Planning Policy Framework by ensuring the satisfactory means of surface water attenuation and discharge from the site. This condition is required in order to agree such details in a timely manner.'

7.54 Condition 26 of 2012/0909 reads:

'No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Reason: In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system in accordance with the requirements of the National Planning Policy Framework. This condition is required in order to agree such details in a timely manner.'

7.55 Condition 7, 8, 10 and 26 have all previously had details agreed under application N/2012/0909. With the layout of the scheme being amended since these were approved, updated documents have now been received. A document titled Surface Water Drainage Strategy 17/25692 Rev C by DSA another titled Surface Water Drainage Strategy 18/31006 Rev E by DSA dated 16th July 2020 and a surface water drainage strategy and drainage layout plan 31006/300 P16 have been submitted.

7.56 The Lead Local Flood Authority and Anglian Water have been consulted on the application and no objections have been received to the submitted details. It is therefore considered that conditions 7, 8 and 26 can be amended to be in accordance with the details submitted. Conditions 7, 8, and 26 can be merged into a single condition requiring the development to be undertaken in accordance with the approved details. Condition 10 is an erroneous repeat of condition 7 and as such can be removed from the list of conditions.

7.57 It is the case that a condition on Foul Water was erroneously missed off the list of conditions for application N/2012/0909. The applicant has submitted a letter from Anglian Water advising that the Foul Water details used on the development site are acceptable and details of the foul water system have been submitted within plans 31006/59 P5, 31006/300 P16, 31006/301 P3, 31006/302 P1, 31006/303 P1, 31006/304 P1, 31006/305 P3, 31006/306 P2, 31006/307 P4, 31006/308 P4, 31006/315 P1, 31006/326 P2, DS/SFA/001 Rev C. It is considered that a condition should be added requiring the foul water system within these plans to be provided on site.

7.58 Concern has been raised within neighbour letters as to the flood impacts of this development, with concerns as to the surface water drainage and foul water system. With the LLFA and Anglian Water not raising any objection to the submitted details, it is not considered that there is a flood risk issue as a result of this development.

### **Condition 11 – Construction Environment Management Plan**

7.59 Condition 11 of N/2012/0909 reads:

'Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:

- The control of noise and dust during the development process;
- Traffic management and signage during construction;
- Enclosure of phase or sub-phase development sites;
- Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
- Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- The safe means of access of construction traffic to the site;
- Routing agreement for construction traffic; and
- The hours in which deliveries and construction works would take place.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.'

- 7.60 A CEMP has been approved under application N/2012/0909 however a revised CEMP has now been submitted for consideration under this application. The documents are titled CEMP PF/10283 dated April 2020 and CMP Addendum PF/10282 dated April 2020.
- 7.61 The Council's Public Protection team and NCC Highways have been consulted on the revised CEMP and advise that the details are acceptable.
- 7.62 It is considered that the revised CEMP is acceptable for the purposes of condition 11, and the condition should be reworded to require the development to be undertaken in accordance with these documents.

#### **Condition 12 – contaminants**

- 7.63 Condition 12 of N/2012/0909 reads:

'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 the advice contained in the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.'

- 7.64 Details have been agreed for condition 12 under application N/2012/0909 however during the course of the application it has been identified that further details are needed. Whilst documents have been provided, it has not been confirmed by the Council's Public Protection team that the amended details are acceptable. As such this condition must be reworded to require the details within 1 month of the date of decision.

#### **Condition 13 and 16 – noise levels**

7.65 Condition 13 of N/2012/0909 reads:

‘Prior to the commencement of development, the applicant shall assess the noise levels of the site due to its exposure from transportation noise, with reference to the World Health Organisation Guidelines for Community Noise. This must take into account, where appropriate, roads or railways that may not be immediately adjacent to the site and the likely growth of traffic over the next 15 years. The details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of securing a satisfactory standard of development in terms of residential amenity in accordance with the requirements of the National Planning Policy Framework. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.’

7.66 Condition 16 of N/2012/0909 reads:

‘The approved Noise Assessment shall include, where the World Health Organisation Guidelines for Community Noise has not been complied with, a noise mitigation strategy, which should include a site plan showing the position, type and height of the proposed noise protection measures together with the resultant noise exposure levels. Where noise protection measures for the site are impractical or do not reduce the noise exposure levels for all amenity areas, floors or façades, a noise insulation scheme, including the provision of mechanical ventilation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in terms of residential amenity in accordance with the requirements of the National Planning Policy Framework. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.’

7.67 Details for condition 13 have been agreed under application N/2012/0909 however revised details have been submitted within this proposal to cover the amended scheme within document AC105893-1R2 titled Noise Impact Assessment Towcester Road by ensafe and dated 16<sup>th</sup> June 2020. The Council’s Public Protection team have been consulted on these amended details and advise that these are acceptable. As condition 13 has been met, and no mitigation is required, it is the case that this condition is no longer required on the decision notice. With acceptable details being submitted for condition 13, condition 16 is also no longer required and can be removed from the list of conditions. This is because condition 16 only requires details in the circumstance that condition 13 identifies further information is needed and Public Protection have agreed that no further information is needed.

#### **Condition 15 – bin storage for the flats**

7.68 Condition 15 of N/2012/0909 reads:

‘Details of the provision for the storage of refuse and materials for recycling to serve the flats and apartments shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development, implemented prior to the occupation or bringing into use of the building(s) and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 & S10 of the West Northamptonshire Joint Core Strategy.’

7.69 The proposed site plan 201 Rev G shows the bin store for the apartments in plots 113-116 to be located aside the western elevation of this building with easy access from the entrance to these apartments. Plan REFUSE\_P1 identifies an appropriately designed bin store. It is considered that these details are acceptable and the condition should be re-worded to require the bin store

identified within these plans to be implemented on site in accordance with these details prior to first occupation of plots 113-116.

### **Condition 18 – highway improvement works**

7.70 Condition 18 of N/2012/0909 reads:

'No development shall take place until full engineering, drainage and constructional details of the highway improvement works currently shown indicatively on plan/s ref. 5312:SP02 (these works being to create a mini roundabout junction on Lancaster way as access into the development) have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.'

Reason: In the interests of securing a satisfactory standard of development in terms of highway safety in accordance with the requirements of the National Planning Policy Framework.'

7.71 The design of the roundabout has been agreed within application N/2012/0909 in consultation with NCC Highways however amended plans have now been submitted reference 18 31006/90 P14. NCC Highways have advised that the details submitted within this application are acceptable. As such it is considered that the condition can be updated to be in accordance with the details submitted.

### **Condition 19 – Levels**

7.72 Condition 19 of N/2012/0909 reads:

'Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development relative to surrounding neighbouring property 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. This condition is required pre-commencement to ensure that such details are agreed in a timely manner'

7.73 Whilst details for this condition have been agreed under application N/2012/0909, alternative levels are now proposed within this application. Within the residential amenity section of this committee report above, commencing at 7.12, a detailed comparison of the differences in levels between those approved under application N/2012/0909 and those now proposed is provided.

7.74 As discussed earlier in the report, it is considered that on balance the amended levels proposed are acceptable and the condition can be amended to require the development to be in accordance with levels plan 31006/52 P5.

### **Conditions 21 and 22 – Ecology**

7.75 Condition 21 of N/2012/0909 reads:

'The development hereby permitted shall be carried out in accordance with the recommendations of Table 2 of the submitted Ecology Report (reference: R-2440-01.1 and dated January 2015).'

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.'

7.76 As discussed in the Ecology section of this report, commencing at 7.24, application N/2012/0909 did not include any conditions on badgers, as no badgers were found to be on the site by the applicant's ecologist. As it has subsequently been found that there are badgers on the site, a new

ecology report has been submitted with this application. NCC Ecology have recommended two conditions covering badgers and as such it is considered that these new conditions would supersede condition 21 of application N/2012/0909.

7.77 Condition 22 of N/2012/0909 reads:

'Notwithstanding the details submitted, full details of new bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.'

7.78 A report reference 2017-03(01) by ecolocation dated 15<sup>th</sup> July 2020 has been submitted with details of bird and bat boxes. NCC Ecology have confirmed that these details are acceptable. As such it is considered that the condition can be reworded to be in accordance with this document.

### **Condition 23 – Toucan crossing**

7.79 Condition 23 of N/2012/0909 outlines:

'No development shall take place until full details of a new pedestrian toucan crossing in Towcester Road (including full engineering and constructional details) and a timetable for implementation have been submitted to and agreed 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 promoting sustainable means of travel in accordance with the requirements of the National Planning Policy Framework. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.'

7.80 Details of the toucan crossing have been agreed under application N/2012/0909 in consultation with NCC Highways. Amended plans 31006/60 P7 and 31006/61 P3 have been submitted with this variation application. NCC Highways have been consulted on these amended plans and advise that the details are acceptable. As such it is considered that the condition can be amended to be in accordance with these plans.

### **Condition 24 – maintenance strategy for internal access roads**

7.81 Condition 24 of N/2012/0909 outlines:

'Notwithstanding the details submitted, a maintenance strategy for the development's internal access roads shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully in place prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework. This condition is required to ensure that such details are agreed in a timely manner.'

7.82 A document entitled Maintenance Strategy for Private Access Road reference 04858 dated May 2020 by PJA has been submitted with this application. NCC Highways have been consulted on the submitted details and advise that the details are acceptable for the purposes of the condition. As such the condition can be reworded to be in accordance with these details.

### **Condition 25 – Travel Plan**

7.83 Condition 25 of N/2012/0909 outlines:

'Prior to the first occupation of any unit of the proposed development the applicant shall provide a full Travel Plan for written agreement by the Local Planning Authority. The measures identified shall thereafter be carried out in accordance with a timetable to be included in the full Travel Plan.

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

- 7.84 A Travel Plan reference DN/NS/21419-01a by David Tucker Associates dated 17<sup>th</sup> January 2020 has been submitted with this application. NCC Highways have been consulted on this and have advised that the travel plan is approved. In line with this, it is considered that the condition can be reworded to be in accordance with the approved Travel Plan as opposed to requiring the submission of a travel plan.

### **Planning obligations**

- 7.85 Application N/2012/0909 was granted subject to a S106 Agreement requiring 35% on-site affordable housing, primary school education payment, highways payments, that on-site open space is maintained and made available for public access in perpetuity and provided, construction training payment, community development payment, place making payment and the Council's monitoring fee.
- 7.86 Clause 16.4 of the original S106 Agreement relates to section 73 applications but is specific to "...plot substitution but maintaining the number of Affordable Housing Units and Affordable Housing Mix with the same bedroom numbers as approved by the Permission it is hereby agreed that the obligations in this Deed shall apply to the planning permission issued pursuant to the said application unless the Council requires otherwise."
- 7.87 The S106 Agreement required the provision of 50 affordable units, 22x 3 bed houses, 24x 2 bed houses, and 4x 2 bed flats. The amended scheme proposes the same number of affordable units with the same number of bedrooms. However this proposal does result in a change to the open space provision locations and levels from that required by the original S106 Agreement.
- 7.88 The original S106 Agreement requires that no less than 6790m<sup>2</sup> of public open space will be provided within a certain area shown coloured blue on the plan within the S106 agreement and that all reasonable endeavours will be used to lay out a further 2228m<sup>2</sup> of additional public open space in an area shown coloured orange on the plan within the S106 Agreement.
- 7.89 The re-positioning of the plots has resulted in the shrinkage of the areas of public open space in these blue locations such that that now proposed provides 6078.15m<sup>2</sup> within the blue areas, a shortfall of 711.85m<sup>2</sup>. However, open space is provided within areas outside of these blue areas identified within the S106 Agreement to provide a total of 6802m<sup>2</sup>, which is in excess of the 6790m<sup>2</sup> required within the S106 Agreement. With open space being provided above a level required within the S106 Agreement, it is considered reasonable to allow an alteration to the proposed locations of this agreed open space from that identified within the S106 Agreement. A S106 Agreement variation would need to be undertaken to confirm an agreement to the alteration of the open space to be 6802m<sup>2</sup> within the areas now shown.
- 7.90 A neighbour letter raised concern as to large areas of open space on the site which are not shown as open space and questioning maintenance responsibility of this. This will be a matter for the developer as these areas would remain in private ownership.

### **Other matters**

- 7.91 Neighbour comments have raised concern that there is a right of way. Documents have been submitted which indicate a private right of way across the site with vehicles for some adjoining properties. The developer was consulted on this and subsequently the plans were updated to provide vehicle access gates to either side of the site to facilitate this private right of way. This is a

private right of way and not a public right of way and as such is not a material planning consideration within the assessment of this application.

## **8 CONCLUSION**

- 8.1 On balance, it is considered that the proposed development represents an appropriate land use that would make a contribution to addressing the need for new housing within the Borough and also for the requirement for affordable housing. Furthermore, subject to conditions and a Section 106 Agreement to secure planning obligations referred to above, it is considered that the impacts of the development can be appropriately mitigated.

## **9 CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 201 Rev G, 202 Rev D, Plan showing plots 89 and 90, AF10-1\_P1 Rev B, P202-1\_P3 Rev A, P202-1\_P2 Rev B, P202-1\_P1 Rev B, S241-1\_P3, S241-1\_P2 Rev C, S241-1\_P1 Rev C, P302-1\_P3 Rev A, P302-1\_P4, P302-1\_P2 Rev B, P302-1\_P1 Rev C, S351-1\_P2, S351-1\_P1 Rev B, P306-2\_P1, P303-2\_P2 Rev B, P303-2\_P1 Rev B, P303-1\_P2 Rev A, P303-1\_P1 Rev C, P401\_P5, P401\_P4 Rev A, P401\_P3 Rev B, P401\_P2 Rev B, P401\_P1, P402-1\_P3, P402-1\_P2 Rev A, P402-1\_P1 Rev B, A444-1\_P4, A444-1\_P3 Rev B, A444-1\_P2, A444-1\_P1 Rev B, P404-1\_P7, P404-1\_P6 Rev A, P404-1\_P4, P404-1\_P3, P404-1\_P2 Rev C, P404-1\_P1 Rev A, P201-1\_P1 Rev A, GARAGE\_P1 Rev B, GARAGE\_P2 Rev D.

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

2. The method of the treatment of all boundaries of the site as identified within plans 120 Rev F and 121 Rev C shall be provided on site in full accordance with these details prior to the plots to which they relate being first occupied and with regards to those boundary treatments not forming plot boundaries, within 1 month of the completion of the development. The approved boundary treatments shall be retained in accordance with these details at all times 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 H1 & S10 of the West Northamptonshire Joint Core Strategy.

3. The materials to be used in the development shall be in accordance with T.078/MPI Rev E, document titled Condition 4 - Window and Door information, and Proposed Materials Schedule Rev E 12/06/2020.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy H1 & S10 of the West Northamptonshire Joint Core Strategy.

4. The surface treatments of roads, accesses, parking areas, footpaths and private drives including their gradients shall be in full accordance with the details within plans 18 31006/81 Rev P7, 18 31006/82 Rev P5, 18 31006/83 Rev P5, 18 31006/84 Rev P5, 18 31006/310 Rev P3, and 18 31006/313 Rev P2 prior to the completion of the development hereby permitted and shall be retained as such thereafter.

Reason: In the interests of securing a satisfactory development in terms of visual amenity and highway safety in line with the requirements of the National Planning Policy Framework.

5. The scheme of hard and soft landscaping for the site outlined within plans 6670.HSP.2.1 Rev F, 6670.HSP.2.2 Rev F, 6670.HSP.2.3 Rev F, 6670.HSP.2.4 Rev F, 6670.HSP.2.5 Rev F, 6670.HSP.2.6 Rev F, 6670.HSP.2.7 Rev F (plan 7 of 7), and 6670.HSP.2.7 Rev F (Hard Surface Plan Overview) and Plans 6670.PP.1.0 Rev F, 6670.PP.1.1 Rev F, 6670.PP.1.2 Rev F, 6670.PP.1.3 Rev F, 6670.PP.1.4 Rev F, 6670.PP.1.5 Rev F, 6670.PP.1.6 Rev F, and 6670.PP.1.7 Rev G shall be carried out in the first planting and seeding seasons following the occupation of the

buildings or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

6. The development shall be undertaken in full accordance with the surface water management strategy, surface water drainage system and maintenance and upkeep details within documents 'Surface Water Drainage Strategy' 17/25692 Rev C by DSA, 'Surface Water Drainage Strategy' 18/31006 Rev E by DSA dated 16th July 2020 and surface water drainage strategy and drainage layout plan 31006/300 P16 prior to the completion of the development. The maintenance plan shall be carried out in full thereafter.

Reason: To reduce the risk of flooding both on and off site, to prevent environmental and amenity problems arising from flooding and in order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system in accordance with the requirements of the National Planning Policy Framework.

7. The development shall be undertaken in full accordance with the foul water details provided within plans 31006/59 P5, 31006/300 P16, 31006/301 P3, 31006/302 P1, 31006/303 P1, 31006/304 P1, 31006/305 P3, 31006/306 P2, 31006/307 P4, 31006/308 P4, 31006/315 P1, 31006/326 P2, and DS/SFA/001 Rev C prior to the completion of the development.

Reason: To ensure a satisfactory system of foul water drainage is in place for this development in accordance with the NPPF.

8. The development shall be undertaken in full accordance with the details within the CMP PF/10283 dated April 2020 and CMP Addendum PF/10282 dated April 2020.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy.

9. Within one month of the date of this decision notice a desk top study in respect of possible contaminants within the site shall be completed and a site investigation 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 the advice contained in the National Planning Policy Framework 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 9 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 9 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 the advice contained in the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy.

11. The details for the storage of refuse and materials for recycling to serve the flats at plots 113-116 within plans 201 Rev G and REFUSE\_P1 shall be provided on site in full accordance with these details prior to first occupation of units 113, 114, 115, and 116, and retained thereafter.

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

12. The development hereby permitted shall be carried out in accordance with the tree protection measures as shown on drawings Towh-03-081Rev. A and Towh-03-081Rev. B.

Reason: In the interests of securing a satisfactory standard of development and the preservation of existing trees on site in accordance with the requirements of Policy BN3 of the West Northamptonshire Joint Core Strategy.

13. The development shall be undertaken in full accordance with the junction details within plans 18/31006/SK50, and 18 31006/90 P14 prior to the completion of the development.

Reason: In the interests of securing a satisfactory standard of development in terms of highway safety in accordance with the requirements of the National Planning Policy Framework.

14. The development shall be undertaken in full accordance with the levels outlined within plan 31006/52 P5.

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan.

15. The development shall be undertaken in full accordance with the Well Strategy received by the Council on the 17<sup>th</sup> and 18<sup>th</sup> July 2018.

Reason: To ensure effective investigation of the site has been undertaken in respect of historic wells in accordance with the requirements of the National Planning Policy Framework.

16. No works shall occur within the areas marked Wildlife Area and Temporary Work Exclusion Zone outlined in orange and green on plan titled 'A3 extract Lancaster Way wildlife location Plan July 2020' 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 Section 10 of The Protection of Badgers Act 1992 authorising the specified activity/development to go ahead; or
- b) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

17. Within one month of the date of this decision notice, a method statement to protect badgers from being trapped in open excavations and/or pipe and culverts shall be submitted to and approved in writing by the Local Planning Authority.

The measures may include (but should not be restricted to):

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

The development shall be undertaken in full accordance with the approved details.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

- 18. The bird and bat boxes identified within 2017-03(01) by ecolocation dated 15<sup>th</sup> July 2020 shall be fully implemented prior to the substantial completion of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

- 19. The pedestrian toucan crossing in Towcester Road as shown within plans 18/31006/SK50, 31006/60 P7 and 31006/61 P3 shall be provided prior to the completion of the development in agreement with a timetable as agreed with Northamptonshire County Council Highways Department.

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

- 20. The development shall be carried out in full accordance with 'Maintenance Strategy for Private Access Road' reference 04858 dated May 2020 by PJA and shall be retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

- 21. The measures identified within approved Travel Plan DN/NS/21419-01a by David Tucker Associates dated 17<sup>th</sup> January 2020 shall be carried out in full accordance with the implementation schedule identified within this plan.

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

- 22. The EV charging points identified within plan 206 Rev B shall be provided for the outlined plots prior to the first occupation of those plots and shall be retained thereafter.

Reason: In the interests of creating a sustainable form of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the Northampton Parking Standards Supplementary Planning Document (2019).

## **10 BACKGROUND PAPERS**

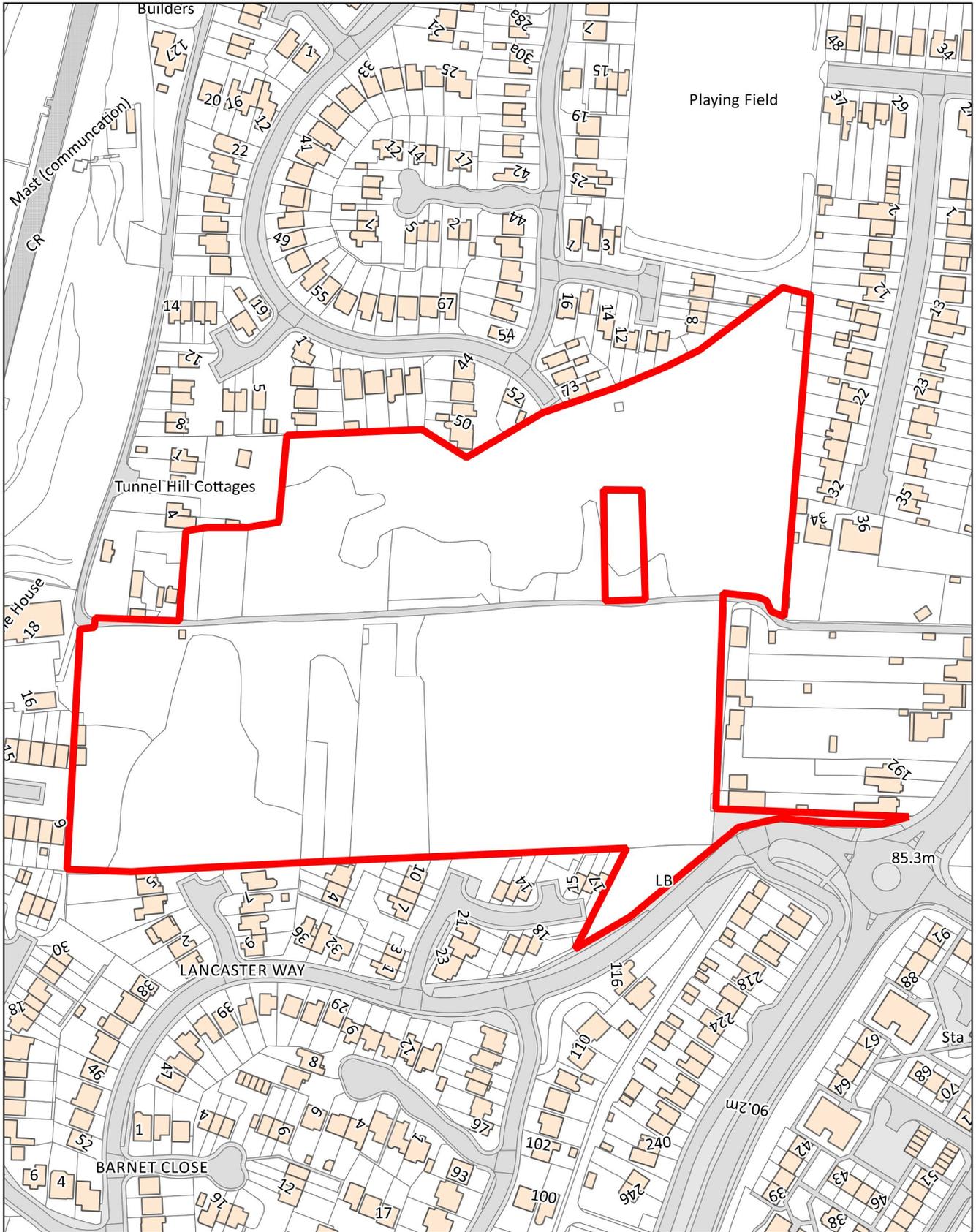
- 10.1 N/2012/0909 and N/2019/1277.

## **11 LEGAL IMPLICATIONS**

- 11.1 The development is not CIL liable as the development was approved prior to the implementation of CIL at Northampton Borough Council.

## **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: **Development land, Lancaster Way**

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Date: 08-04-2019

Scale: 1:2,000

Drawn by: -----



**PLANNING COMMITTEE:** 28<sup>th</sup> July 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/0424

**LOCATION:** 7 Laurel Valley

**DESCRIPTION:** Extension of existing detached garage to create self contained annexe including raising ridge height, installation of external staircase and dormer (Retrospective)

**WARD:** East Hunsbury Ward

**APPLICANT:** Mr Richard Gartside  
**AGENT:** N/A

**REFERRED BY:** Councillor P Larratt  
**REASON:** Impact on neighbours

**DEPARTURE:** No

**APPLICATION FOR DETERMINATION:**

**1 RECOMMENDATION**

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

The design and appearance of the proposed development is acceptable and would not lead to any unacceptable impacts on the character of the existing dwelling, local area and parking provision, and that the scheme as amended would not lead to any undue impact on adjacent residential amenity. The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, Policy S10 of the West Northamptonshire Joint Core Strategy, and saved Policy E20 of the Northampton Local Plan.

**2 THE PROPOSAL**

2.1 The application is for the extension of an existing detached garage to create a self-contained annexe above including raising the ridge height and the installation of an external staircase, dormer window to the front and two velux windows to the rear. The application is retrospective.

**3 SITE DESCRIPTION**

3.1 The application property consists of a modern detached two-storey dwelling within a residential cul-de-sac comprising of detached properties on relatively large plots. The dwelling is set back from the road with a detached garage situated to the rear of the dwelling close to the southern

boundary of the site. The height of the garage has been extended to form an annexe at first floor level, the subject of this application.

- 3.2 The property is located within a residential area with properties to the north, west and south. To the south of the site are the rear gardens of properties located on Laurel Valley and Tanglewood respectively. To the east and rear of the application site is Collingtree Golf Course.

#### **4 PLANNING HISTORY**

N/2017/0263 - Proposed two storey rear extension, single storey side extension and additional windows to side elevations. Approved 27.04.17.

N/2007/003 - Two storey side extension. Approved 13.02.07.

N/2000/33 - Garage extension. Approved 23.02.00.

N/1999/847 - Garage. Refused 9.11.99.

N/1999/317 – Rear conservatory. Approved 28.05.99.

#### **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 the Northampton Local Plan (1997) saved policies.

##### **National Policies**

- 5.2 **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 12 – Achieving well designed places

Paragraph 127 seeks to ensure a high standard of amenity for existing and future users.

##### **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 S10: Sustainable Development Principles

Policy H1 Housing Design, Density and Mix

##### **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**

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

## 6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

### 6.1 **Councillor Larratt:** objects and calls the application in to Committee. Comments received are summarised as follows:

- Concern application is retrospective and will just get approved and treated differently had the building not been completed.
- Impact on the amenity of the neighbour.
- Overlooking from side window to neighbouring property and impact on privacy of the garden.
- Impact from mood lighting on neighbouring property emanating from window in west elevation.
- No guarantee hedge along boundary will remain.
- Need not evidenced or justified.
- Concern regarding inaccuracies in planning statement.

Further comments received on amended plans:

- Pleased with the revised plans, but in the interests of openness and transparency maintains request for the application to be determined by Committee.

### 6.2 **Collingtree Parish Council:** comments received are summarised as follows:

- Concern application is retrospective and that this sets a precedent.
- Impact on privacy of neighbouring property.
- Request window (in west elevation) is removed and relocated to avoid overlooking.
- Concerned garage did not form part of any previous applications to extend the house.

### 6.3 Objections received from a third party are summarised as follows:

- Object to extension (especially west facing window) and change of use.
- Do not understand why plans were not included in the previous 2017 application.
- Acceptance of retrospective application creates a poor precedent.
- Garage permitted in 2000 makes no reference to habitable rooms or change of use.
- Loss of privacy to garden to rear garden and rear of property.
- Restrictive covenants in original development.
- Seek clarification on Building Regulation compliance for previous applications.
- Request west elevation window is removed.
- Proposal is a breach of Class E of the GPDO.
- No reference to annexes in the Council's planning guidance or policies.
- Altering the window to a fixed opaque window would not resolve loss of privacy issue.
- Incidental use and reasonable requirement for annex needs to be demonstrated.
- Request building is reduced in height and returned to original use as a garage.

Further comments received on amended plans:

- Pleased to see window in the west elevation has been removed.
- Pleased to see shared concerns regarding application from Parish Council and Councillor Larratt.
- Nothing to add to previous submissions.

## 7 **APPRAISAL**

### **Principle of development**

- 7.1 The development comprises of a double garage at ground floor, with an external staircase within the garden of the host property providing access to open plan living accommodation at first floor with a kitchen area and separate shower room. The submitted Planning Statement for the application advises that the annexe is intended to provide ancillary accommodation to enable the applicant's sons to extend their stay within the family home, and to provide usable living space for the applicant's ageing parents when they come to stay.
- 7.2 Due to the self-contained nature of the accommodation and its physical separation from the host dwelling, it could potentially be used as an independent dwelling. However, access to the annexe is from within the garden of the principal dwelling and, despite its scale, the building remains subordinate to the host dwelling. The interdependence of the principal dwelling in this case is as a result of the need to share both pedestrian access, parking space and private amenity space to the rear of the property.
- 7.3 A separate dwelling in this location, due to potential issues of amenity and parking provision, is unlikely to be acceptable and, therefore, a condition ensuring that the use of the annexe remains ancillary and solely for the use of dependants of the occupants of the host dwelling is proposed to ensure that the annexe does not form a separate planning unit.
- 7.4 The use of the building for an ancillary residential use in the form of an annexe in a residential area is therefore acceptable in principle.

### **Design**

- 7.5 Saved Policy E20 of the Local Plan, Policy S10 of the JCS and the NPPF place great importance on the quality of design of new development.
- 7.6 A detached garage was approved under application N/2000/33 to the rear of the dwelling and close to the southern boundary of the site. The garage was designed with pitched roof and a slight hip to the north and south elevations with rooflights in the eastern elevation.
- 7.7 The current application seeks retrospective consent for an increase in ridge height of 0.8m to that previously approved and constructed, retaining the approved footprint, with the insertion of a dormer to the front elevation, two rooflights to the rear and an external staircase providing access to an annex at first floor level.
- 7.8 The garage is set back within the site behind and to the side of the main dwelling and has been constructed with materials to match the existing dwelling. The building has been designed to be in keeping with the host dwelling and retains a subordinate appearance with the ridge height remaining below that of the host dwelling. Furthermore, there is mature hedging along the southern boundary of the site which obscures views of the building when approaching the site from the entrance to Laurel Valley and further mature planting to the rear of the site obscuring public views from the golf course. As such, despite its height, the building is not visually prominent within the street scene and public vantage points.
- 7.9 The design and appearance are considered acceptable and in accordance with the above policy requirements.

### **Residential amenity**

- 7.10 The NPPF and saved Policy E20 seek to ensure a good standard of amenity is maintained for existing occupiers when considering proposals for new development.
- 7.11 No. 6 Laurel Valley is situated to the north of the application site with a door providing access to a utility room and a first floor obscure glazed window on the side elevation overlooking the application site and a single storey extension to the rear. The external staircase and otherwise blank side elevation of the garage/annexe is situated approximately 13m away from this

neighbouring boundary, with a mature boundary hedge approximately 2m high along the boundary. In view of the distance from this neighbouring boundary, it is not considered there is any unacceptable impact on the amenity of this neighbouring property in respect of overlooking or overshadowing from the development.

- 7.12 Nos. 1 and 2 Tanglewood are situated to the south of the application site. No.2 Tanglewood is situated side on and with a blank elevation facing towards the southern boundary of the application site approximately 16m away. The rear elevation of the garage/annexe is orientated towards the garden of this neighbouring property with two velux windows in the roof slope. The boundary between the two properties is comprised of mature trees and vegetation which predominantly screen the development. In view of the existing screening and that the velux windows are at height and angle that would limit any overlooking, it is not considered the development adversely impacts on the amenity of this neighbouring property.
- 7.13 No. 1 Tanglewood is orientated with habitable room windows within the rear elevation facing towards the application site and the rear boundary of No. 8 Laurel Valley, with the garden extending towards both boundaries. The garage/annexe building is orientated side on to this neighbouring boundary, set in approximately 2m from the boundary with a first floor window in the side elevation overlooking the garden of No. 1 Tanglewood. The side elevation of the garage is situated in excess of 27m from the rear elevation of this neighbouring boundary. Whilst the first floor window to the annexe is visible, in view of this distance it is not considered the development results in any unacceptable overlooking of the rear habitable room windows of No. 1 Tanglewood. However, in view of the proximity of the garage/annexe to this neighbouring boundary, the first floor window, despite the presence of mature vegetation along this boundary, does overlook the neighbouring garden to the extent that it is considered there is an adverse impact on the privacy of this neighbouring occupier. Whilst amended plans were submitted to provide an obscure glazed and fixed shut window, it was considered that the presence of the window still resulted in a perception of being overlooked and therefore harm to residential amenity. Further amended plans have now been submitted to remove and brick the first floor window up, resulting in a blank elevation facing towards this neighbouring property. In view of the length of the garden and presence of existing boundary screening which assists in breaking up the mass of the building which is not significantly larger than that previously approved, it is not considered that the scale of the development results in any adverse impact in respect of being visually overbearing on this neighbouring property.
- 7.14 The garage/annexe is set back from the boundary with No. 8 Laurel Valley and screened by the existing mature high hedge along the southern boundary. As such, the development is not considered to adversely affect the amenity of this neighbouring property.
- 7.15 The garage is set behind the host dwelling and is set back from the highway so it is therefore considered that due to the separation distance to the neighbouring properties to the front the proposal, it would not affect their amenity in terms of overlooking or loss of privacy. The rear of the site faces onto Collingtree Golf Course and does not have any direct residential neighbours.
- 7.16 It is considered that the development as amended, with the removal of the first floor window in the side elevation, would not lead to any adverse impact on the amenity of neighbouring occupiers and the proposal is considered acceptable in this regard. A condition is proposed to ensure the development is carried out in accordance with the plans and Planning Enforcement would liaise with the applicant to ensure the first floor side window is removed within an appropriate timescale.

### **Parking**

- 7.17 The footprint of the garage/annexe would not alter and existing parking provision on site, which comprises a large parking area to the front and side of the dwelling, would remain unchanged. The existing dwelling comprises a 6-bedroom property requiring 3 spaces plus 1 visitor space in accordance with the Northamptonshire Parking Standards (2016). The addition of a further bedroom within the annex would not increase this parking requirement. As such, it is not

considered the development would lead to any adverse impact on parking. It is considered however, that the use of the building as a separate planning unit and the current parking arrangement would adversely impact on residential amenity, hence the proposed condition for the building to be used solely as an annexe.

### **Other considerations**

- 7.18 Whilst concerns regarding the retrospective nature of the application are noted, planning legislation allows for the submission and consideration of retrospective planning applications.
- 7.19 Restrictive covenants are not a planning consideration.
- 7.20 Concerns raised in respect of the development being in breach of Class E of the General Permitted Development Order are irrelevant. Class E relates to the provision of buildings incidental to the enjoyment of a dwellinghouse and sets out criteria as to when planning permission is required. The development proposed includes the provision of a self-contained annexe and therefore does not fall within the criteria set out in Class E and requires planning permission.
- 7.21 The ancillary nature of the annexe is accepted and would be controlled by condition. Separation to form a separate planning unit would require planning permission.
- 7.22 Building regulations in respect of previous applications is not relevant to the consideration of this application.

## **8 CONCLUSION**

- 8.1 It is considered that the design and appearance of the proposed development is acceptable and would not lead to any unacceptable impacts on the character of the existing dwelling, local area and parking provision, and that the scheme as amended would not lead to any undue impact on adjacent residential amenity. The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, Policy S10 of the West Northamptonshire Joint Core Strategy, and saved Policies E20 and H18 of the Northampton Local Plan.

## **9 CONDITIONS**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, RG4, RG5 rev B dated 26.6.2020 removing and bricking up first floor window on West elevation, RG6, RG7, RG8, and SG13A.

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

- 2) The annexe hereby permitted shall be occupied for residential purpose by dependants of and ancillary to No. 7 Laurel Valley and at no time shall it form a separate planning unit.

Reason: A separate planning unit would be undesirable in this location on the grounds of parking and visual and residential amenity in accordance with Policy E20 of the Northampton Local Plan.

- 3) 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 in the first floor side elevations of the development hereby approved.

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

## **10 BACKGROUND PAPERS**

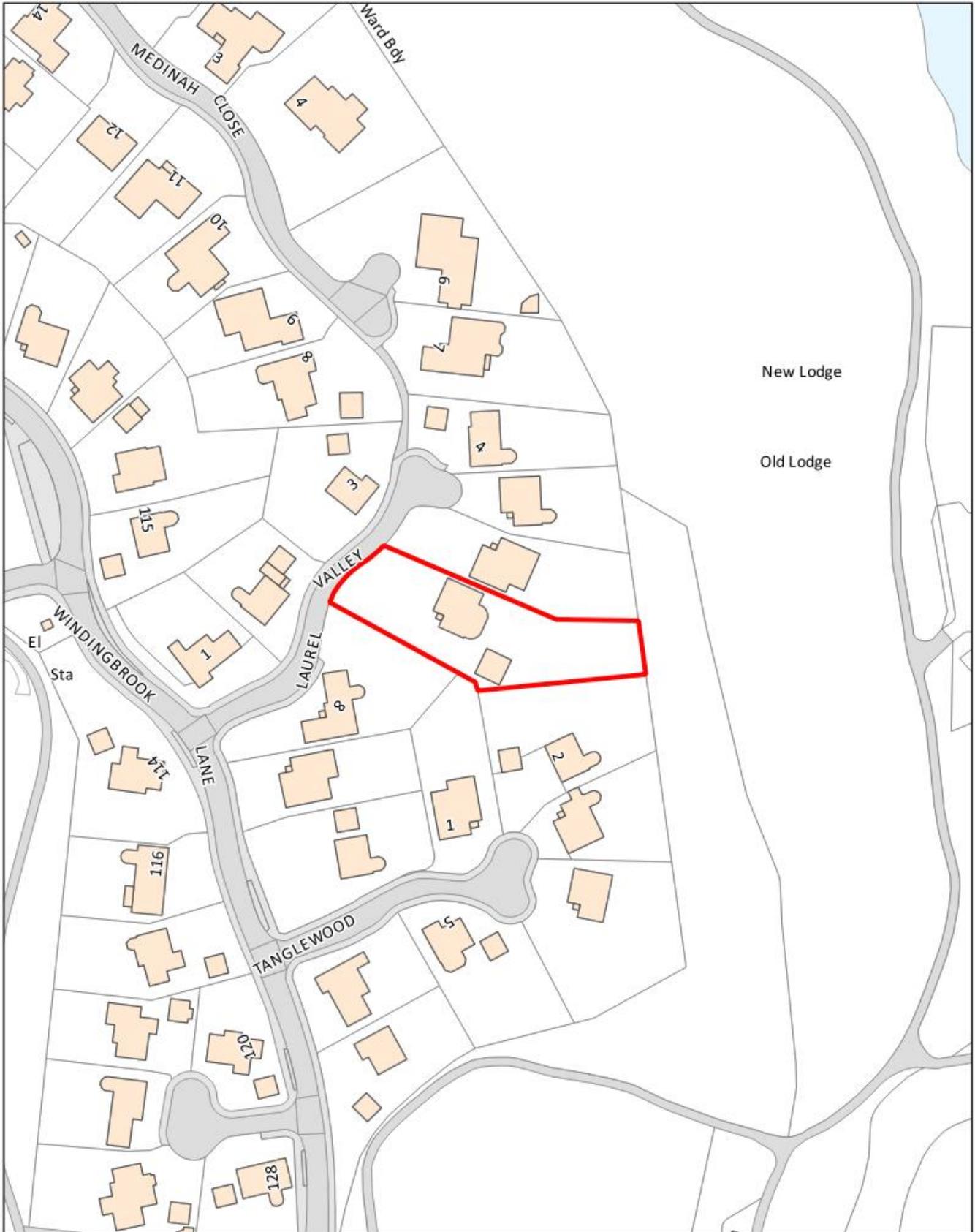
10.1 N/2020/0424.

**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: **7 Laurel Valley**

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Date: 17-07-2020

Scale: 1:1,250

Drawn by: -----



**PLANNING COMMITTEE:** 28<sup>th</sup> July 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/0458

**LOCATION:** Milton Ham Farm, Towcester Road

**DESCRIPTION:** Variation of Conditions 2, 15, 16, 19, 24, 27, 28 and 30 of Planning Permission N/2018/0277 (Distribution Centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works) to modify the height and width of Unit 1, to alter the parking and to add a staff exercise trail, and variation of conditions 3, 4, 6, 7, 8, 9, 20, 21 and 22 to be in accordance with details submitted

**WARD:** West Hunsbury Ward

**APPLICANT:** Firethorn Development Limited  
**AGENT:** Montagu Evans

**REFERRED BY:** Director of Planning and Sustainability  
**REASON:** Major application requiring Section 106 Agreement

**DEPARTURE:** No

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## APPLICATION FOR DETERMINATION:

### 1 RECOMMENDATION

#### 1.1 APPROVAL IN PRINCIPLE subject to:

1.1.1 The prior completion of a Section 106 Agreement to secure the following planning obligations:

- i) Enhanced access to public transport provision in order to mitigate the traffic and environmental impacts of the scheme;
- ii) The submission and agreement of a management and maintenance strategy for the site's bunding, and for the development to operate in accordance with the agreed details;
- iii) The provision of construction worker training places, and a financial payment towards the operation of the scheme; and
- iv) 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 planning conditions below and for the following reason:

The proposed development would represent a suitable use of this site and is of a suitable design. In addition, the proposed development would contribute towards employment provision within Northampton and have no significant adverse impact upon the amenities of nearby residential properties and adjacent open space. Subject to the securing of items of mitigation relating to drainage, landscaping and transport, it is considered that the development would be in accordance with the requirements of the National Planning Policy Framework; Policies BN5, S1, S7, S8 and S10 of the West Northamptonshire Joint Core Strategy; and Policies B5 and E20 of the Northampton Local Plan.

- 1.2 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.

## **2 THE PROPOSAL**

- 2.1 The application proposes to vary conditions 2, 15, 16, 19, 24, 27, 28 and 30 of Planning Permission N/2018/0277 (Distribution Centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works) to modify the height and width of Unit 1, to alter the parking and to add a staff exercise trail, and variation of conditions 3, 4, 6, 7, 8, 9, 20, 21 and 22 to be in accordance with details submitted.
- 2.2 The application proposes to enlarge the approved Unit 1. Unit 1 was approved at 208 metres wide, 95.28 metres deep and 15.5 metres to ridge height. It is proposed to alter the building to be 238 metres wide, 95.28 metres deep and 16 metres to ridge height. As a consequence of the enlargement of Unit 1, there would be an amendment to the parking layout.
- 2.3 It is also proposed to add a staff exercise trail to the site, which would be located on the eastern side of the site and comprise a circular route with exercise equipment positioned at intervals.
- 2.4 The proposal also includes the variation of the wording of conditions which required information to be submitted, to instead be in accordance with details that have been provided within this application.

## **3 SITE DESCRIPTION**

- 3.1 The application site consists of a site that has previously contained a combination of farm buildings, which have since been demolished. The remainder of the site is land that has previously been farmed and is currently undeveloped. Notwithstanding this, a very significant proportion of the application site has been historically allocated for commercial development.
- 3.2 The boundaries of the application site are currently marked by a combination of hedges, fences and some trees. Beyond the southern boundary is the M1 motorway, which is separated from the site by an embankment. The western site boundary is adjacent to the A43 and A5123 dual carriageway. It is a notable feature that the roundabout on this road (which also provides access to the Pineham and Swan Valley areas, Junction 15a of the M1) features a spur that was designed to serve the application site when it came forward for development.
- 3.3 The immediate vicinity of the northern and eastern boundaries feature open space. Of additional note is that there are playing fields located to the north east of the site. Beyond these are a number of residential dwellings and a crematorium.
- 3.4 Whilst the application site does not feature any significant variations in topography, it is notable that the general site level currently slopes downwards in an easterly direction.

## **4 PLANNING HISTORY**

- 4.1 88/0085 – Proposed Corporate Office Park (Class B1 use), Business Support Centre, Conference Centre and Hotel, Residential and Leisure – Outline Application – Non-determination Appeal Withdrawn
- 4.2 88/0086 – Proposed Corporate Office Park (Class B1 use), Business Support Centre, Conference Centre and Hotel, Residential and Leisure – Outline Application – Refused
- 4.3 88/1656 – Corporate Office Park (Class B1 use) Business Support Centre, Conference Centre and Hotel, Residential and Leisure Development – Outline Application – Approval in Principle, Legal Agreement not Finalised
- 4.4 89/1007 – Single office building – Outline Application – Dismissed on Appeal
- 4.5 91/0025 - Corporate Office Park (Class B1 use) Business Support Centre, Conference Centre and Hotel, Residential and Leisure Development – Outline Application – Approved
- 4.6 97/0166 – Corporate Office Park (Class B1 use) Business Support Centre, Conference Centre and Hotel, Residential and Leisure Development – Outline Application – Approval in Principle, Legal Agreement not Finalised
- 4.7 98/0077 – Development of Land to provide Office and Leisure Use – Outline Application – Undetermined
- 4.8 N/2001/1451 – 2no B2/B8 Warehouses with ancillary offices, car parking, associated landscaping, formation of a lagoon and temporary access – Withdrawn
- 4.9 N/2002/0750 – Erection of 2no. B2/B8 warehouses with ancillary offices, car parking and associated landscaping – Refused, dismissed on appeal
- 4.10 N/2002/1674 – Development of the site for B2/B8 uses with ancillary offices, associated landscaping, formation of a lagoon and public open space – Outline – Dismissed on appeal
- 4.11 N/2006/0582 – Erection of B1(a)(c), B2 and B8 units with associated parking, service yards and landscaping – Undetermined
- 4.12 08/0160/FULWNN – Engineering Works to include Ground Modelling, Creation of Landscaping Bunds, Drainage, Roads, Attenuation Lake and Infrastructure Landscaping – Approved
- 4.13 08/0275/FULWNN – Erection of seven commercial/industrial buildings (B1], B2 and B8), two office buildings (B1), two hotels (C1), two car showrooms (sui generis) and countryside park with associated infrastructure, parking and servicing, landscaping and drainage (including attenuation lake) – Approved
- 4.14 N/2012/0291 – Application to extend time limit for implementation of Planning Permission 08/0275/FULWNN for erection of seven commercial/industrial buildings (B1, B2 and B8), two office buildings (B1), two hotels (C1), two car showrooms (sui generis) and countryside park with associated infrastructure, parking and servicing, landscaping and drainage (including attenuation lake) – Refused.
- 4.15 N/2015/0335 – Redevelopment comprising a new distribution centre (Use Class B8) including related service roads, access and serving arrangements, car parking, landscaping bund and associated works – Refused, and dismissed on appeal.
- 4.16 N/2018/0277 - Distribution Centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works – Approved 06/03/2019.

## **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 the 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 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Paragraph 109 - development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

Paragraph 110 - development should encourage pedestrian and cycle movements and facilitate access to high quality public transport, creating safe, secure environments and enabling the provision of low emission vehicles in safe, accessible and convenient locations.

Section 12 - Achieving well-designed places

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

Paragraph 163 - ensuring development does not increase flood risk

Paragraph 165 - incorporating sustainable drainage systems in major developments

Section 15 - Conserving and enhancing the 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 BN1 – Creation of green infrastructure

Policy BN2 – Biodiversity

Policy BN3 – Woodland enhancement and creation

Policy BN5 – Historic environment and landscapes

Policy E1 – Existing employment areas

Policy S1 – Distribution of development

Policy S7 – Provision of jobs

Policy S8 – Distribution of jobs

Policy S10 – Sustainable Development Principles

Policy INF1 – Approach to infrastructure delivery

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:

Policy E20 – New development

Policy B5 – Development polices for commercial development  
Policy B9 – Landscaping at Milton Ham  
Policy B11 – Development at Milton Ham

## 5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003  
Northampton Parking SPD 2019  
Planning out Crime in Northamptonshire SPG 2004

## 6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Highways England** – No comment to make.
- 6.2 **NCC Highways** – No objection to the proposed amendments.
- 6.3 **NCC Ecology** – No comments to make.
- 6.4 **NCC Archaeology** – No comment. Proposal does not impact on area of archaeological mitigation.
- 6.5 **NBC Public Protection** – Details provided for conditions 6, 8, 27, and 28 acceptable. Air quality assessment accepted. EV charging should be provided. No objection to proposed lighting scheme.
- 6.6 **Northamptonshire Police** – No objection to increase in height of unit 1 and inclusion of staff exercise trail. Lighting meets minimum secure by design requirements. No control over public access to the car parking and so CCTV will need to cover employee car parking and exercise trail. All fire exit doors should meet the requirements of LPCB LPS 1175 SR2 and be of steel construction with no external hardware and should be alarmed.
- 6.7 **Environment Agency** – No comment.
- 6.8 **Local Lead Flood Authority** – Sufficient information provided for conditions 19 and 20.
- 6.9 **West Hunsbury Parish Council** – object. Increased size and scale are detrimental to local amenity and out of scale with proposed landscaping and bunding and larger than inspector indicated as acceptable in previous dismissed appeal. Concern regarding proposed attenuation tanks and flood risk from this. Increase in size of building would result in more surface run-off into Wootton Brook and maintenance of this should be considered within conditions. Concerns regarding pollution from noise, vehicles, materials and light, and traffic congestion and lack of pedestrian access to the site.
- 6.10 35 letters have been received from 22 neighbouring properties. 20 of these raise objections to the application, with 2 raising observations. The concerns raised can be summarised as follows:

### Design

- Approved building was too large and increase of unit 1 is unacceptable.
- Increase in height will be noticeable within West Hunsbury.
- Increase in warehouse and industrial sprawl around town and loss of green space and agricultural land.
- Same size as that previously refused for being too big.
- Extra rack space could be made by altering slope of roof.
- Width increase makes building more obtrusive.
- Shouldn't be allowed to apply to make it larger.
- Eyesore at entrance to town.

### Neighbouring Amenity

- Noise and light pollution from building which bund will not block out.

- Air pollution.
- Impact of noise on Crematorium and playgrounds.
- Health impact on neighbouring residents.

#### Crime

- Don't want access for workers or construction through Shelfleys Park due to safety concerns.
- Exercise trail may be used by others and vandalised.

#### Highways

- Parking level has increased drastically within plans with associated large increase in traffic and pollution (noise and air).
- Don't want lorries using Towcester Road off Mere Way to access site – should be limited to M1.
- Lower speed limit should be introduced to road to Northampton.
- Impact on traffic in area.

#### Flooding

- Concern regarding flood attenuation tanks as they are a maintenance issue.
- Concern regarding details of attenuation tanks and whether LLFA have agreed these.
- Concern regarding flood risk from development and this may be exacerbated on neighbouring sites if this site is not maintained correctly.
- Condition requested requiring neighbouring ponds to be dredged to facilitate run-off.

#### Bund

- Bunding should be increased to accommodate increased size of building.
- Concern with bund shape.
- Want bund to cover building – be higher.
- Request building is horizontal and bunding is horizontal and not dropping over its length.

#### Other

- Want all conditions to remain.
- Request plan showing current proposal overlaid with all previous refusals dismissed at appeal.
- Question whether previous approval complied with Inspectors comments and the current amendment makes this worse.
- Concern application submitted during a lockdown.
- Property values will decrease.

## 7 APPRAISAL

### Principle of development

- 7.1 The principle of the development has been established under application N/2018/0277. This identified that the site had been allocated within the Local Plan for Classes B1, B2 and B8 purposes, and had been established within a public inquiry in respect of refusal of the 2015 permission that the site was suitable for Class B8 purposes. It was also identified that the proposal complied with policy S7 of the core strategy which sets out a requirement for the provision of 28,500 jobs within the West Northamptonshire area during the plan period of 2008-2029; policy S8, which identifies that the bulk of this new job growth would take place within Northampton through the renewal and regeneration of employment sites and through the development of industrial land; and policy E1, which states that existing and allocated employment sites would be retained for commercial purposes, including those falling within Class B8 of the Use Classes Order.
- 7.2 The principle of the development has been established within application N/2018/0277 and is accepted.

### Design

- 7.3 The application proposes to enlarge the approved Unit 1. Unit 1 was approved at 208 metres wide, 95.28 metres deep and 15.5 metres to ridge height. It is proposed to alter the building to be 30

metres wider and 0.5 of a metre higher. As a consequence of the enlargement of Unit 1, there would be an amendment to the parking layout. It is also proposed to add a staff exercise trail to the site, which would be located on the eastern side of the site and comprise a circular route with exercise equipment positioned at intervals.

- 7.4 Concern was raised within neighbour letters that the proposed building is too large, that the height increase will be noticeable, that there are too many warehouses in Northampton with the loss of green space and agricultural land, and that it is an eyesore at the entrance to the town. It is also raised that the approved bund under the original application should be made larger.
- 7.5 The current application is a variation application to an approved scheme and it is only the alterations to this approval that are under consideration. It is considered that the proposed enlargement of the building would not appear substantially different to that approved under application N/2018/0277. The proposed building would be 30 metres wider, which would be visible from the northern and southern elevations, however the appearance would remain of a large warehouse. It is not considered that the increase in height of 0.5 of a metre has a significant impact upon the appearance of the building, with it retaining the appearance that would be expected from a Class B8 warehouse. A bund remains proposed, and section drawings indicate that the increase in height of the building will not have a significant impact upon the surrounding area with regards to appearance. Condition 6 requires further details on the levels of this bund.
- 7.6 Concern has been raised within neighbour letters that the revised building is similar to that previously refused on this site and the previous approval under N/2018/0277 was the limit in terms of size and bulk.
- 7.7 Application N/2015/0335 was refused and dismissed at appeal on the 3<sup>rd</sup> February 2017. This proposed a building of approximately 18.3 metres in height and a footprint of 46651m<sup>2</sup>. The Inspector for this appeal identified that the proposal would result in a marked and permanent change to the landscape in the vicinity of the site which could not be mitigated by landscaping. It was outlined that this would erode the rural characteristics of the site and its contribution to the green area separating the town from the M1. It was also considered that the large bunds needed to screen the development would further the harm, being engineered features in the landscape.
- 7.8 It is the case that the refused scheme was significantly larger than that now proposed, being 18.3 metres in height and 46651m<sup>2</sup> in footprint whereas the current scheme under consideration for Unit 1 is 16 metres in height and 23226m<sup>2</sup> in footprint, plus 4886m<sup>2</sup> as approved for units 2 and 3, a total of 32998m<sup>2</sup> on the site. This is substantially less than that refused under application N/2015/0335. It is also the case that since the refusal there has been permission granted on this site for a development including Unit 1 at 15.5 metres in height and 20406m<sup>2</sup> in footprint, with a total of 30178m<sup>2</sup> floorspace on this site.
- 7.9 With the existing live permission on the site under application N/2018/0277 and with the increase in size not being disproportionate to this previous approval, it is considered that the enlargement of Unit 1 is acceptable in design terms.
- 7.10 The proposal includes alterations to the design of the car park as a result of the alteration in size of Unit 1. The altered layout is considered acceptable in design terms.
- 7.11 The proposal also includes the introduction of a staff exercise trail on the site. This is considered a positive of the scheme and is acceptable in design terms.

### **Amenity**

- 7.12 Concern has been raised within neighbour letters as to the impact of the proposal on neighbouring amenity with regards to noise, light pollution, air pollution and the impact upon existing residents' health.

- 7.13 Application N/2018/0227 granted permission for the erection of three units on this site. Unit 1 is within the same location as this previous approval, however it has been extended 30 metres to the east and is also increased in height by 0.5 of a metre. The proposed building is located over 180 metres from the rear of the nearest residential property, and bunding remains proposed around the northern and eastern sides of the built development. There is also a good tree coverage to the south of Heronsford and Teal Close which helps screen the site from neighbouring properties on this road.
- 7.14 As within approval N/2018/0227, with the proposal being for warehousing, it is likely that the occupiers would operate on a continual basis. An updated noise assessment has been submitted in support of the application. This has been assessed by the Council's Environmental Health officers, and no objections have been raised to the development. Conditions attached to N/2018/0227 requiring the development to operate within agreed noise limits and the provision, and retention, of a suitable acoustic fence on top of the bund would be retained within this variation application.
- 7.15 By reason of the development likely to be operating on a continual basis, the issue of lighting is also of particular importance. Details of lighting have been submitted with this application and the Council's Environmental Health officer has raised no objection to these.
- 7.16 A Construction Environment Management Plan (CEMP) has also been submitted to regulate the construction of the development. This has again received no objection from the Council's Environmental Health officer however NCC Highways have not agreed the details and as such this condition will remain unaltered from application N/2018/0277.
- 7.17 The Council's Public Protection team have been consulted on this application and do not raise any concerns with the proposal. With this significant separation distance, existing trees, the proposed bunds, and with no objection from the Public Protection team, it is not considered that the proposal would have an unacceptable impact upon neighbouring amenity with regards to noise and light.

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

- 7.18 Concern was raised within neighbour letters that the proposal would result in traffic problems through increases in parking levels. It was also raised that lorries should not be allowed to use Towcester Road off Mere Way to access the site and should be limited to the M1, and that a lower speed limit should be introduced on the road to Northampton.
- 7.19 The proposed development would utilise an existing spur from the roundabout serving as the junction between the A43 and the A5123 as approved under N/2018/0227 and no change is proposed to this.
- 7.20 Application N/2018/0277 included parking spaces for 320 cars and 41 HGV's. The amended proposal provides 332 car parking spaces and 41 HGV parking spaces. Under the NCC Parking Standards 326 parking spaces would be required for this development. As such there is an overprovision of parking on this site by 6 spaces.
- 7.21 Northamptonshire County Council Highways department have been consulted on this application and have raised no objection to the proposed amendments.
- 7.22 The development contains sufficient vehicle manoeuvring spaces and car parking. The provision, and retention, of these spaces would be controlled by condition. This is particularly necessary owing to the fact that it would not be possible for the surrounding road network to accommodate any form of on street vehicle parking.
- 7.23 Application N/2018/0277 includes an agreement within a Section 106 Agreement that secures funding towards the provision of public transport. This would be reiterated within this application.

- 7.24 Following the grant of application N/2018/0277 the Council has adopted a Parking SPD which requires 10% of parking spaces to be EV charging spaces, with at least 1 per every 10 disabled parking spaces. 1 rapid charging unit would also be required per 50 parking spaces. As such 33 EV charging points would be required, with 6 of these being rapid charging units. This would be secured through a condition.
- 7.25 With regards to neighbour comments, NCC Highways have advised that there are no objections to the scheme and have not raised any objections to the safety of the site due to speed limits on roads or the access. As such it is not considered that there is a highway safety issue resultant from this proposal.

### **Flood Risk**

- 7.26 Concern has been raised within neighbour letters with regards to the flood risk of this site. This is due to the proposed flood attenuation tanks, the impact on neighbouring sites if these are not maintained properly, and the increase in surface water from the enlarged building flowing into neighbouring ponds.
- 7.27 It is a policy requirement that development does not increase flood risk either on the site, or elsewhere. The application has been accompanied by a flood risk assessment, drainage layouts and surface water maintenance details. The Lead Local Flood Authority have been consulted on these details and raise no objection. Conditions are attached to the permission requiring the development to be undertaken in accordance with the approved drainage scheme, maintenance scheme, and management strategy, and requiring a verification report.
- 7.28 With no objection from the LLFA to the proposed scheme, it is not considered that the proposal would result in an unacceptable flood risk and the submitted details are accepted.

### **Crime**

- 7.29 Neighbour letters raised concerns regarding crime safety of this development. It was requested that there is no access for workers or construction through Shelfleys Park due to safety concerns. It was also raised that the proposed exercise trail may be used by others and vandalised.
- 7.30 As part of this application Northamptonshire Police were consulted and no objection was received. It was advised that CCTV would need to cover the exercise trail and entrance to the site, and this is covered by condition 13. No access is proposed to the site from Shelfleys Park.
- 7.31 Northamptonshire Police also advised that all fire exit doors should meet the requirements of LPCB LPS 1175 SR2 standard and be of steel construction with no external hardware and should be alarmed. This would be reminded through an informative.

### **Legal Agreement**

- 7.32 Application N/2018/0277 was granted subject to a S106 Agreement which secured contributions towards construction training, public transport, and a monitoring fee and required details on landscape buffer, shift times, and a public transport strategy. This S106 Agreement does not have a clause tying it to any future variation applications and as such a new S106 Agreement is needed to make this application acceptable, subject to the same obligations as those agreed under application N/2018/0277. This has been agreed by the developer.

### **Alterations to condition wording**

#### **Condition 3 - phasing**

- 7.33 Condition 3 of N/2018/0277 outlines:

Prior to the commencement of development, a phasing plan for the implementation of 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.

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.

- 7.34 Whilst a phasing plan has been agreed under application N/2018/0277, this must be updated to show the revised scheme now proposed. Plan 17206 P0018 Rev B has been submitted which identifies that there is only one phase. This matches that agreed under application N/2018/0277. In line with this, it is considered appropriate to amend the condition to be in accordance with this plan.

#### **Condition 4 - CEMP**

- 7.35 Condition 4 of N/2018/0277 outlines:

Prior to the commencement of each phase of the development, 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.

The approved CEMP and measures contained therein shall be adhered to throughout the construction process.

Reason: To minimise the impact of the development during the construction phase in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework. This condition is required pre-commencement to ensure the agreement of such details in a timely manner.'

- 7.36 A CEMP has been submitted within this application reference T919-Rev B. Under application N/2018/0277 this CEMP has not been accepted due to NCC Highways concerns and as such it is not considered that this CEMP is acceptable for the revised scheme. As such it is not possible to amend this condition and it will remain worded as above.

#### **Condition 6 – levels**

- 7.37 Condition 6 of N/2018/0277 outlines:

'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 E20 of the Northampton Local Plan. This condition is a necessity in order to ensure that there is a neutral impact upon the amenities of surrounding properties.'

- 7.38 It is essential that the levels of this site, including the bund, are acceptable. Insufficient information has been provided to ascertain this and as such this condition cannot be amended and will remain worded as above.

**Condition 7 - materials**

- 7.39 Condition 7 of N/2018/0277 outlines:

'Prior to the commencement of each phase of the development, details and/or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.'

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy. This condition is required in order to agree such details in a timely manner.'

- 7.40 Under application N/2018/0277 the materials to be used in the development have been approved. With the plans approved being specific to the drawings, amended details are required for Unit 1 under this application. The applicant has provided details within plan 17206 P0006 Rev D of the materials for Unit 1, which match those approved under application N/2018/0277. It is considered that this condition can be amended to be in accordance with this plan and plans 17206 P0012 Rev B – Unit 2&3 Building Elevations & Section, Goosewing Grey RAL 7038 (K), White RAL 9003 (A & M), Moorland Green RAL 100 60 20 (B), Meadowland RAL 100 80 20 (C), Hamlet RAL 9002 (D) and Alaska Grey RAL 7000 (L) (N) (P).

**Condition 8 – boundary treatment**

- 7.41 Condition 8 of N/2018/0277 outlines:

'Notwithstanding the details submitted and prior to the commencement of each phase of the development, full details of all boundary treatments (which for the avoidance of doubt, shall not include the acoustic fence referenced in Condition 26) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the phase and retained thereafter.'

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.'

- 7.42 Under application N/2018/0277 details of boundary treatments have been agreed. However, with the size of the unit altering, the plans are required to be updated. Plan 17206 P0014 Rev D has been submitted which outlines boundary treatments to match those approved previously. It is considered that these details are acceptable and the condition can be amended to be in accordance with these details.

**Condition 9 – hard surfacing**

- 7.43 Condition 9 of N/2018/0277 outlines:

'Notwithstanding the details submitted and prior to the commencement of each phase of the development, full details of the appearance of all proposed hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the phase and retained thereafter.'

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

- 7.44 Under application N/2018/0277 details of hard surfacing have been agreed. However, with the size of the unit altering, the plans are required to be updated. Plan 17206 P0016 Rev B has been submitted. The details within this match that previously approved and it is considered that the condition can be updated to be in accordance with these details.

**Condition 15 – landscaping**

- 7.45 Condition 15 of N/2018/0277 outlines:

‘All planting, seeding or turfing as shown on drawings 06B, 07B and 08C 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’

- 7.46 With the amendment of Unit 1, the plans referred to within condition 15 are required to be updated. Plans 06D, 07D planting proposal 2 of 4, 07D planting proposal 4 of 4, and 08E have been submitted and NCC Ecology have advised that these are acceptable. It is considered that the planting scheme proposed is acceptable and as such the condition can be amended to refer to these updated plans.

**Condition 16 – timetable for delivery of parking, roads and manoeuvring spaces**

- 7.47 Condition 16 of N/2018/0277 outlines:

Notwithstanding the details submitted, prior to the first occupation of the development hereby permitted, a timetable for the delivery of the vehicle parking, access roads, and manoeuvring spaces as shown on drawing 17206 P0002 D 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 highway safety, in accordance with the requirements of the National Planning Policy Framework.

- 7.48 With the amendment of Unit 1, the plans referred to within condition 16 are required to be updated. The plan number should be amended to 17206 P0002 Rev F, the amended site layout.

**Conditions 19, 20, 21 and 22 – surface water drainage**

- 7.49 Condition 19 of N/2018/0277 outlines:

‘Prior to any above ground works commencing, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development in accordance with the Flood Risk Assessment document reference R-FRA-9247M-01-0 Revision A, dated April 2018, prepared by JPP Consulting Ltd, shall be submitted to the Local Planning Authority for approval in writing. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details of the scheme shall include:

- a) 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, attenuation basins and soakaways.
- b) Cross referenced calculations.

Reason: To reduce the risk of flooding both on and off site by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with the requirements of the National Planning Policy Framework.'

7.50 Condition 20 of N/2018/0277 outlines:

'Prior to any above ground works commencing, a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site shall be submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

The scheme shall include:

- a) a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.
- b) a site plan including access points, maintenance access easements and outfalls.
- c) 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 arisings generated from the site.
- d) details of expected design life of all assets with a schedule of when replacement assets may be required.

Reason: To reduce the risk of flooding both on and off site by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with the requirements of Policy BN7 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.'

7.51 Condition 21 of N/2018/0277 outlines:

'No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Flood Risk Assessment document reference R-FRA-9247M-01-0 Revision A, dated April 2018, prepared by JPP Consulting Ltd. 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 reduce the risk of flooding both on and off site by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with the requirements of Policy BN7 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.'

7.52 Condition 22 of N/2018/0277 outlines:

'No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework.'

7.53 Under application N/2018/0277 details have been agreed for conditions 19, 20 and 22. Amended details have been submitted with this application alongside an updated Flood Risk Assessment. The Lead Local Flood Authority have confirmed that the details submitted are acceptable for condition 19 and 20. The details submitted for condition 22 are also considered acceptable. As

such it is considered that these conditions can be re-worded to be in accordance with Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C. Condition 21 must be updated to refer to the new Flood Risk Assessment.

### **Condition 24 – lighting**

7.54 Condition 24 of N/2018/0277 outlines:

‘The development hereby permitted shall be implemented in accordance with the submitted external lighting strategy (reference 2764-18-171109, second issue, dated the 8th December 2017), which shall be retained thereafter.

Reason: In the interests of residential amenity in accordance with the requirements of the National Planning Policy Framework.’

7.55 As part of this application a revised lighting strategy has been submitted ‘External Lighting Strategy’ reference 3364-18-200409 Rev 03 dated 09/04/2020 by ESP, alongside plan 3364/E/100 Rev P2. Public Protection and Northamptonshire Police have confirmed that these revised details are acceptable. As such it is considered that the condition can be reworded to make reference to these amended details.

### **Conditions 27 and 28 – noise**

7.56 Condition 27 of N/2018/0277 outlines:

‘The development hereby permitted shall operate in accordance with the following operational ambient noise limits:

i) Where the existing background noise levels (measured at representative positions of the nearest dwellings, as a free field level) are below 40 dB LA90,T the noise levels generated from the development shall not exceed 45 dB LA<sub>r,T</sub>. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

ii) Where the existing background noise levels (measured at representative positions of the nearest dwellings in Teal Close and Heronsford, as a free field level) are equal to or above 40 dB LA90,T the noise levels generated from the development shall not equal or exceed 5 dB above the existing LA90,T. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

The appropriate noise limit detailed above must be achieved, as a free field level, at positions representative of the facades of properties on Heronsford and Teal Close, to accord with the findings of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017.

Reason: In the interests of securing a neutral impact upon residential amenity in accordance with the requirements of the National Planning Policy Framework.’

7.57 Condition 28 of N/2018/0277 outlines:

‘The development hereby permitted shall operate in accordance with the following operational short duration event noise limits:

i) Impulsive noise levels from loading and unloading activities on the site (excluding tonal reversing sounders) shall not exceed 61 dB LA<sub>max</sub> between 2300 and 0700 hours.

ii) All fork lift truck vehicles shall be fitted with white noise reversing alarms.

iii) Noise levels from tonal reversing sounders used on site shall not exceed 45 dB LA<sub>max</sub> between 2300 and 0700 hours (NB. This includes any penalties for specific noise penalties, as detailed in Appendix A of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017).

The appropriate noise limit detailed above must be achieved, as a free field level, at each hour in each position detailed in Schedule 17/0633/SCH1 of the submitted Noise Impact Assessment

Reference 17/0633/R1, dated the 12th December 2017 to accord with the conclusions of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017

Reason: In the interests of residential amenity in accordance with the requirements of the National Planning Policy Framework.'

- 7.58 Following the revision of the proposal a Memorandum by Cole Jarman reference 17/0633/M01 Rev 0 dated 16<sup>th</sup> April 2020 has been submitted with regards to noise. Public Protection have advised that the findings of this are acceptable. As such it is considered that conditions 27 and 28 should be updated to include this new document in addition to the documents currently referred to within them.

### **Condition 30 – offices**

- 7.59 Condition 30 of N/2018/0277 outlines:

'The offices as shown on drawing P0002 D shall be used for purposes ancillary to the warehousing hereby permitted, and shall, at no time, form separate planning units.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development, in accordance with the requirements of the National Planning Policy Framework.'

- 7.60 With the amended plan numbers within this application this condition must be amended to refer to the new plan – 17206 P0002 Rev F.

### **Other Matters**

- 7.61 A neighbour letter raised concern that they want all conditions to remain. The application does not propose to remove any conditions, rather to alter the wording to be in accordance with updated details.
- 7.62 A neighbour letter raised concern that the applicants had not provided a plan showing the current proposal overlaid with all previous refusals dismissed at appeal. The applicants have provided a comparison plan showing that proposed against that previously approved and that dismissed at appeal under application N/2015/0335. This shows a good comparison of the recent relevant planning history. The Council cannot require the applicant to provide any further comparison plans as these are not required under the validation list.
- 7.63 Concern was raised that the previous approval N/2018/0277 should not have been allowed. Application N/2018/0277 has been granted and is a live permission on this site. As such this has significant weight in the assessment of this variation application.
- 7.64 Concern was raised that the application was submitted during a lockdown. There was no changes made to the Planning process restricting the submission of applications during lockdown. Site notices were still displayed and letters sent to neighbouring properties in accordance with the requirements of the Town and Country Planning Act.
- 7.65 Concern was raised that property values will decrease as a result of this proposal. This is not a material planning consideration.

## **8 CONCLUSION**

- 8.1 The proposed development represents an appropriate land use and would enable a long allocated site to be bought forward for development. The development would also generate employment opportunities that would be beneficial to the overall economy of Northampton. Subject to conditions and the legal agreement as described previously, the proposal would not lead to significant adverse impacts upon the character and appearance of the surrounding area, neighbour amenity, the highway system, ecology, and flood risk.

## 9 CONDITIONS

1. The development hereby permitted shall be begun before 7th March 2022.

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: 17206 P0001 Rev E, P0002 Rev F, P0003 Rev B, P0004 Rev B, P0005 Rev B, P0006 Rev B, 0008 Rev A, 0009 Rev A, 0010 Rev A, 0011 Rev A, 0012 Rev A, DLA-1781-L-01 Rev D, 02-Rev D, 03-Rev E, 04-Rev E, DLA-1781-L19, 1781DLA L12, 06D, 07D planting proposal 2 of 4, 07D planting proposal 4 of 4, and 08E, 11.

Reason: For the avoidance of doubt and to ensure consistency with the Planning

3. The development shall be carried out in accordance with the phasing details within plan 17206 P0018 Rev B.

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.

4. Prior to the commencement of each phase of the development, 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.

The approved CEMP and measures contained therein shall be adhered to throughout the construction process.

Reason: To minimise the impact of the development during the construction phase in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework. This condition is required pre-commencement to ensure the agreement of such details in a timely manner.

5. The development shall be undertaken in full accordance with the Written Scheme of Investigation (WSI) prepared by Albion Archaeology, dated 23/01/2020 reference 2019/142 Version 1.1.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

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 E20 of the Northampton Local Plan. This condition is a necessity in order to ensure that there is a neutral impact upon the amenities of surrounding properties.

7. The materials to be used on the development hereby approved shall be in full accordance with plans 17206 P0006 Rev D, 17206 P0012 Rev B, Goosewing Grey RAL 7038 (K), White RAL 9003 (A & M), Moorland Green RAL 100 60 20 (B), Meadowland RAL 100 80 20 (C), Hamlet RAL 9002 (D) and Alaska Grey RAL 7000 (L) (N) (P).

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

8. The boundary treatments within plan 17206 P0014 Rev D (which for the avoidance of doubt, do not include the acoustic fence referenced in Condition 26) shall be provided in full accordance with this plan prior to the first occupation of the units hereby approved and retained thereafter.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

9. The hard surfacing shown in plan 17206 P0016 Rev B shall be provided in accordance with the plan prior to the first occupation of the units hereby approved and retained thereafter.

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

10. Notwithstanding the details submitted, full details of a scheme for at least 33 electric car charging points, including at least 6 rapid charging units, (including a timetable for implementation) shall be submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of the development. Development shall be carried out in accordance with the approved details, and be retained thereafter.

Reason: In the interests of creating a sustainable form of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the Northampton Parking Standards Supplementary Planning Document (2019).

11. Notwithstanding the details submitted, full details of a bus shelter shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted, and shall be retained thereafter.

Reason: In the interest of promoting sustainable transport in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

12. Notwithstanding the details submitted, full details of cycle storage (including a timetable for implementation) shall be submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of the development. Development shall be carried out in accordance with the approved details, and be retained thereafter.

Reason: In the interest of promoting sustainable transport in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

13. Notwithstanding the details submitted, full details CCTV (including a timetable for implementation) shall be submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of the development. Development shall be carried out in accordance with the approved details, and be retained thereafter.

Reason: In the interest of creating a safe and secure form of development, in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

14. Notwithstanding the details submitted, full details of bat and bird roosting boxes (including a timetable for implementation) shall be submitted to, and approved in writing by the Local Planning

Authority prior to the first occupation of the development. Development shall be carried out in accordance with the approved details, and be retained thereafter.

Reason: In the interest of ensuring a satisfactory impact on ecology, in accordance with the requirements of Policy BN2 of the West Northamptonshire Joint Core Strategy. Decision Notice

15. All planting, seeding or turfing as shown on drawings 06D, 07D planting proposal 2 of 4, 07D planting proposal 4 of 4, and 08E 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

16. Notwithstanding the details submitted, prior to the first occupation of the development hereby permitted, a timetable for the delivery of the vehicle parking, access roads, and manoeuvring spaces as shown on drawing 17206 P0002 Rev F 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 highway safety, in accordance with the requirements of the National Planning Policy Framework.

17. Notwithstanding the details submitted, and within three months from the first occupation of each phase of the development, a full Travel Plan for 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 retained thereafter.

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

18. The development hereby permitted shall be carried out in accordance with the access details as shown on drawing 14-T130\_06, as amended through the Detailed Design and Road Safety Audit, which shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

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

19. The surface water drainage scheme for the site as shown within the Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C shall be implemented in accordance with these details before the development is first occupied.

Reason: To reduce the risk of flooding both on and off site by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with the requirements of the National Planning Policy Framework.

20. The surface water maintenance plan identified within Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C shall be carried out in full accordance with these details prior to first occupation and at all times thereafter.

Reason: To reduce the risk of flooding both on and off site by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with the requirements of

Policy BN7 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

21. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Flood Risk Assessment document reference Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0. 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 reduce the risk of flooding both on and off site by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with the requirements of Policy BN7 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

22. No hard-standing areas are to be constructed until the surface water management strategy works have been carried out in accordance with Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework.

23. 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 and where remediation is necessary a remediation scheme must be prepared in a, 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.

24. The development hereby permitted shall be implemented in accordance with the submitted 'External Lighting Strategy' reference 3364-18-200409 Rev 03 dated 09/04/2020 by ESP, alongside plan 3364/E/100 Rev P2, which shall be retained thereafter.

Reason: In the interests of residential amenity in accordance with the requirements of the National Planning Policy Framework.

25. All trees shown to be retained in the approved plans shall be protected for the duration of the development by stout fences to be erected and maintained on alignments to be approved in writing by the Local Planning Authority before any construction works taking place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials or waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy BN3 of the West Northamptonshire Joint Core Strategy.

26. The acoustic fence within plan as agreed within plan P0017 Rev A shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted, and shall be retained thereafter.

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

27. The development hereby permitted shall operate in accordance with the following operational ambient noise limits:

i) Where the existing background noise levels (measured at representative positions of the nearest dwellings, as a free field level) are below 40 dB LA90,T the noise levels generated from the development shall not exceed 45 dB LAr,T. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

ii) Where the existing background noise levels (measured at representative positions of the nearest dwellings in Teal Close and Heronsford, as a free field level) are equal to or above 40 dB LA90,T the noise levels generated from the development shall not equal or exceed 5 dB above the existing LA90,T. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

The appropriate noise limit detailed above must be achieved, as a free field level, at positions representative of the facades of properties on Heronsford and Teal Close, to accord with the findings of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017 and Memorandum by Cole Jarman reference 17/0633/M01 Rev 0 dated 16<sup>th</sup> April 2020.

Reason: In the interests of securing a neutral impact upon residential amenity in accordance with the requirements of the National Planning Policy Framework.

28. The development hereby permitted shall operate in accordance with the following operational short duration event noise limits:

i) Impulsive noise levels from loading and unloading activities on the site (excluding tonal reversing sounders) shall not exceed 61 dB LAmax between 2300 and 0700 hours.

ii) All fork lift truck vehicles shall be fitted with white noise reversing alarms.

iii) Noise levels from tonal reversing sounders used on site shall not exceed 45 dB LAmax between 2300 and 0700 hours (NB. This includes any penalties for specific noise penalties, as detailed in Appendix A of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017).

The appropriate noise limit detailed above must be achieved, as a free field level, at each hour in each position detailed in Schedule 17/0633/SCH1 of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017 to accord with the conclusions of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017 and Memorandum by Cole Jarman reference 17/0633/M01 Rev 0 dated 16<sup>th</sup> April 2020.

Reason: In the interests of residential amenity in accordance with the requirements of the National Planning Policy Framework.

29. The level of noise emitted from plant shall be at least 6 dB(A) below the existing background noise level (as measured at representative positions of the nearest dwellings, as a free field) of 40 dB LA90,T. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

Reason: In the interests of residential amenity in accordance with the requirements of the National Planning Policy Framework.

30. The offices as shown on drawing 17206 P0002 Rev F shall be used for purposes ancillary to the warehousing hereby permitted, and shall, at no time, form separate planning units.

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

## **Informative**

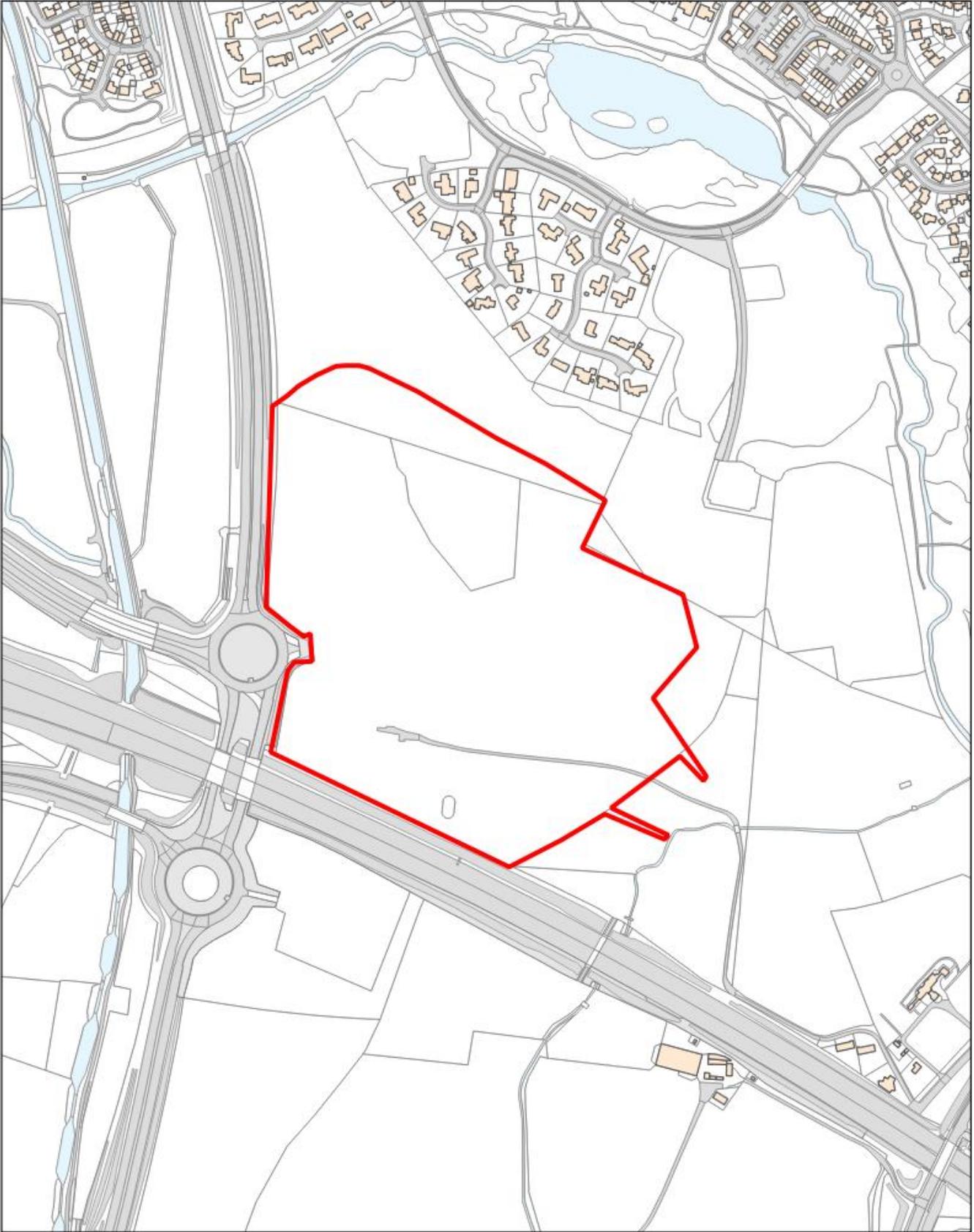
1. The application is advised that all fire exit doors should meet the requirements of LPCB LPS 1175 SR2 and be of steel construction with no external hardware and should be alarmed.

## **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.



Title: **Milton Ham Farm, Towcester Road**

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Date: 17-07-2020

Scale: 1:5,000

Drawn by: -----



**PLANNING COMMITTEE:** 28<sup>th</sup> July 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/0536

**LOCATION:** 2 Lanercost Walk

**DESCRIPTION:** Adjustment of fence line along Keswick Drive to make it 2m closer to pavement to increase size of back garden

**WARD:** Eastfield Ward

**APPLICANT:** Mr Stuart Duff  
**AGENT:** N/A

**REFERRED BY:** Director of Planning and Sustainability  
**REASON:** Applicant is an NBC employee

**DEPARTURE:** No

**APPLICATION FOR DETERMINATION:**

**1 RECOMMENDATION**

**1.1 APPROVAL** for the following reason:

Due to its siting, scale and design, the proposed repositioning of boundary fencing would not have an undue detrimental impact on the appearance and character of the surrounding area, neighbour amenity and highway safety to comply with the National Planning Policy Framework, Policy S10 of the West Northamptonshire Joint Core Strategy and Policies E20 and H18 of the Northampton Local Plan.

**2 THE PROPOSAL**

2.1 Permission is sought for the relocation of the existing 1.8m high boundary fence to the side of the property closer to the public footpath.

**3 SITE DESCRIPTION**

3.1 The application site consists of a detached dwelling at the corner of Keswick Drive and Lanercost Walk. The property has a single attached garage to the side with gravel and paved driveway that can accommodate three vehicles. The side and rear garden is mostly enclosed by a 1.8m high boundary fence with an open plan front garden and strip of grass area between the side boundary

fence and the public footpath. There is an existing bus shelter located in between Keswick Drive and the application site.

3.2 The site is not in a conservation area or near any listed buildings.

#### **4 PLANNING HISTORY**

4.1	N/1977/0133	the re-siting of existing fence	APPROVED
	N/1979/0346	the relocation of boundary fence to within 1m of footpath	REFUSED

#### **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 the Northampton Local Plan (1997) saved policies.

##### **National Policies**

5.2 **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 section is of particular relevance to this application:

Paragraph 127 Design and residential amenity

##### **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. Policy of particular relevance is:

S10 Sustainable Development Principles

##### **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 Design of extensions  
H18 Residential extensions

##### **5.5 Supplementary Planning Documents**

Residential Extensions and Alterations Design Guide SPD 2011  
Northampton Parking Standards 2019

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

6.1 Comments have been received from a local resident stating that they had no objection to the proposal providing that adequate visibility was maintained for vehicles emerging from the driveway of 1 Keswick Drive whose visibility is reduced due to the existing bus shelter. They also raised concerns regarding the possible accumulation of rubbish due to the angle of the proposed fence adjacent to 1 Keswick Drive.

## **7 APPRAISAL**

- 7.1 The main issues to consider are the impact on the appearance and character of the host building, wider area, neighbour amenity and parking/highway safety.

### **Impact on appearance and character of the host building and wider area**

- 7.2 This is an open plan estate and the application site is located in a prominent position at the entrance to the estate on the corner of Keswick Drive and Lanercost Walk.
- 7.3 The local area has changed considerably since its original construction with various boundary treatments apparent and as such, the relocation of the boundary fence closer to the footway on Keswick Drive is unlikely to have a negative impact on the generally open character of the area, due to the backdrop of mature vegetation along the front property boundaries lining each side of Keswick Drive.
- 7.4 A relatively substantial verge is maintained between the proposed fence line and the adjacent public footpath and the bus shelter, and would continue to provide a feeling of openness that would not detract from the open appearance of Keswick Drive.

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

- 7.5 The neighbouring property of no. 1 Keswick Drive is a dormer style bungalow that has a window to the front elevation. There is currently a mature conifer style tree planted on the common boundary with the application site close to the existing fence, it is considered that the relocation of the fence would not negatively impact on the outlook from the ground floor of this property due to the existing vegetation.
- 7.6 Due to the separation distance, it is not considered that the neighbouring properties located on the opposite side of Keswick Drive would be unduly affected in terms of limiting outlook.

### **Parking and Highway Safety**

- 7.7 The proposal has been amended since its original submission with splayed corners of the fencing to provide improved visibilities for the driveway of the neighbouring property of no. 1 Keswick Drive and from the junction of Lanercost Walk and Keswick Drive. It is considered that the proposal is acceptable and would not adversely impact on highway safety.

## **8 CONCLUSION**

- 8.1 For the reasons cited above, the proposal is considered acceptable and recommended for approval.

## **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 plan: Existing and Proposed Fence Line received on 14/07/2020, Proposed Site Plan received on 14/07/2020.

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

## **11 BACKGROUND PAPERS**

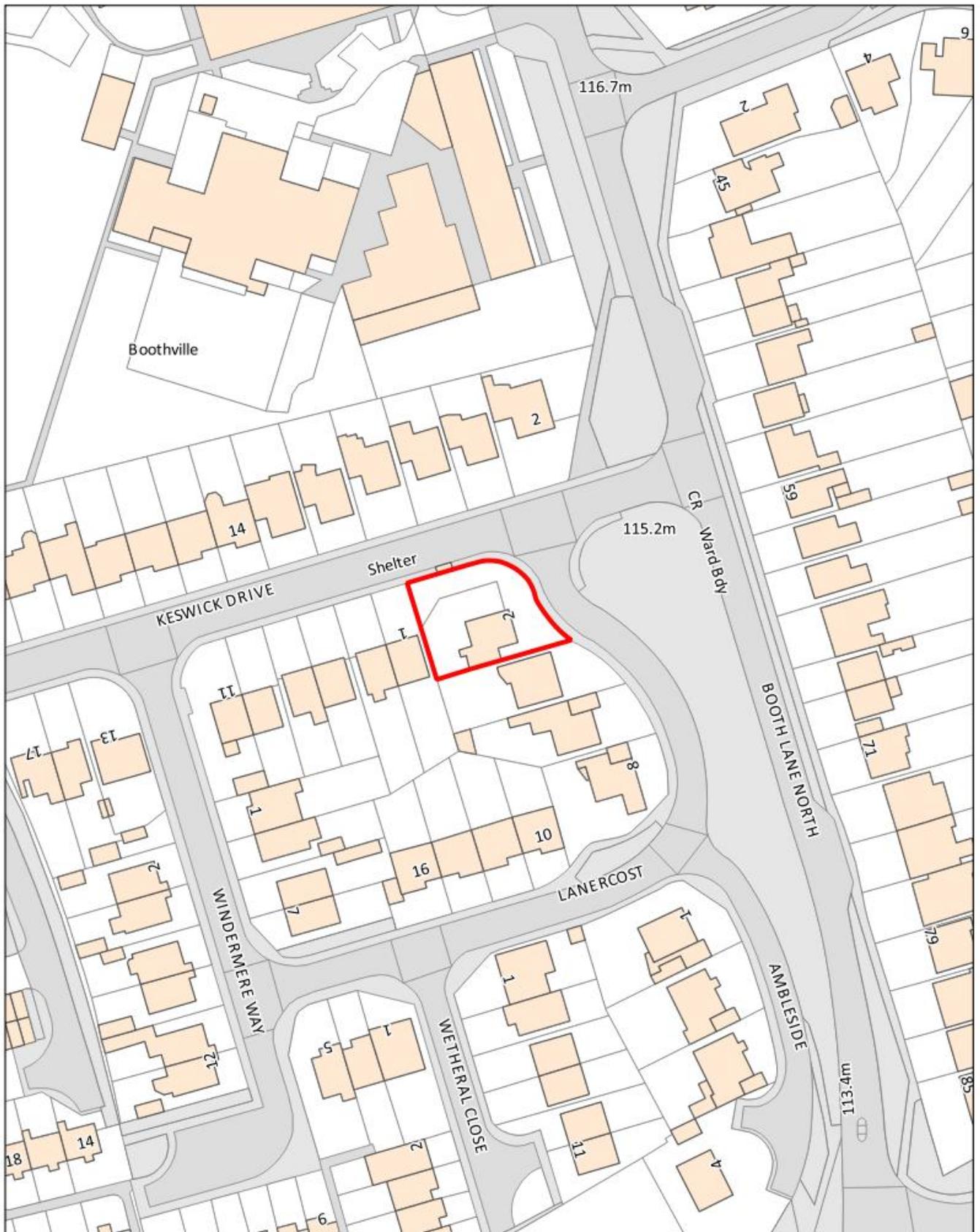
11.1 N/2020/0536.

## **12 LEGAL IMPLICATIONS**

12.1 The development is not CIL liable being under 100 square metres floor area.

## **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: **2 Lanercost Walk**

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Date: 17-07-2020

Scale: 1:1,000

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**PLANNING COMMITTEE:** 28<sup>th</sup> July 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/0558

**LOCATION:** 12 Cranstoun Street

**DESCRIPTION:** Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants

**WARD:** Castle Ward

**APPLICANT:** Mr D Jokubenas  
**AGENT:** Design Board-Architectural Services

**REFERRED BY:** Councillor D Stone  
**REASON:** Affect community cohesion

**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 the proposed use is considered acceptable in this location in line with national policy requirements to deliver a wide choice of homes. The proposed layout would provide adequate facilities for 4 occupants. Notwithstanding the existing parking situation in the local area, the site is in a sustainable location close to Wellingborough Road local centre. The proposal thereby complies with the National Planning Policy Framework; Policies H1, H5, BN5, BN7 and S10 of the West Northamptonshire Joint Core Strategy; saved Policy H30 of the Northampton Local Plan, and the Council's adopted Houses in Multiple Occupation Supplementary Planning Document.

**2 THE PROPOSAL**

2.1 The proposal is for the change of use of a 3-bedroom dwellinghouse into a 4-person house in multiple occupation (HIMO). There will be one shower room and one separate toilet with a sink to serve the residents. The proposed kitchen will be located on the ground floor, the proposed living room will be on the ground floor next to the kitchen and will have doors opening into the rear garden property. Parking will be on-street.

**3 SITE DESCRIPTION**

- 3.1 The property is a mid-terraced dwelling located on Cranstoun Street, within the Boot and Shoe Quarter Conservation Area. The dwelling is a brick-built dwelling in a style typical of the area, providing 3 bedrooms at present. The site lies just outside of the Northampton Central Area and is close to the Mounts and a short distance from Northampton Town Centre.

#### **4 PLANNING HISTORY**

- 4.1 No relevant planning history attached to this property.

#### **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.

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 72 (c) - ensure that a variety of homes to meet the needs of different groups in the community will be provided.

Paragraph 127 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.

Section 12 – seeks to achieve 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 H1 - Housing Density & Mix & Type of Dwellings

Policy H5 - Managing the Existing Housing Stock

Policy S10 - Sustainable Development Principles

Policy BN5 - Heritage Asset

Policy BN7 - 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:

E20 – allows for new development providing that the design reflects the character of its surroundings in terms of layout, siting, form, scale & appropriate use of materials and that the proposal is designed and located to ensure adequate standards of privacy, daylight and sunlight.

H18 – allows for house extension provided design acceptably in keeping with character and appearance of the host dwelling; and effect upon adjoining properties.

H30 – Multi occupation with a single dwelling.

#### 6.4 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004

Northamptonshire County Parking Standards 2016

Northampton Parking Standards 2019

Houses in Multiple Occupation Supplementary Planning Document 2019

Proposals for HIMO's 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 10% of HIMO's within a 50 metre radius.
- Secure the provision of adequate facilities and amenities
- Provide adequate waste and recycling facilities and sufficient refuse storage
- Minimise flood risk
- Secure provision of adequate parking
- Provide adequate secure cycle storage in accordance with relevant parking standards documents and SPDs

### 7 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 7.1 **NBC Conservation** - No objection on conservation grounds. Provided the use will not result in an over-concentration of HIMO's in the street, then the use will have a neutral impact on the historic character of the Boot and Shoe Quarter Conservation Area. No alterations to the front elevation are indicated and the proposal will not affect the appearance of the Conservation Area.
- 7.2 **NBC Private Sector Housing** – The bedrooms and kitchen are of a sufficient size. The W.C. will need to include a wash basin. Fire safety provision will be required.
- 7.3 **Councillor D Stone** – Calls in the application and considers that the site is within a densely populated area with issues of transience and pressure on services. There is a flight of families from this area and need to store community cohesion and balanced communities. The kitchen is too small, and the shower and toilet location does not safeguard privacy. All rooms should have en-suites. The bedrooms are not large enough.
- 7.4 **NCC Highways** – comments awaited, and any update will be reported to the Committee via the addendum.

### 8 **APPRAISAL**

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

- 8.1 The conversion of the existing dwelling to a HIMO is considered to be in line with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities.

Policy H5 of the JCS allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas.

### **Area concentration**

8.2 The Houses in Multiple Occupation Supplementary Planning Document (HIMO SPD) states:

“The proposal should not result in a concentration of similar uses in one particular locality. It should not result in a material change or an adverse impact on the character and amenity of the area. It should not result in more than 10% of the total number of HIMO dwellings, regardless of whether licensed or not, within a 50m radius of the application site, in order to prevent over concentration of similar uses in one locality”.

8.3 The number of HIMOs is calculated from a number of data sources, including previous planning permissions, licences granted under the Housing Act, other data held by the Council and survey work. Within the 50m radius, there are currently 3 other HIMOs (established or with planning approvals) on Cranstoun Street, Margaret Street, Earl Street and Robert Street.

8.4 Council records evidence that the proposal would not lead to an over-concentration of authorised and licensed HIMOs within a 50m radius of the application site. The inclusion of the proposed HIMO would result in a concentration of 4.4%. The proposed concentration is therefore within the threshold of 10% as described in the adopted SPD.

### **Size of property and facilities for future occupiers**

8.5 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.

8.6 The proposed HIMO is a small multiple occupancy home for a maximum 4 occupants within 4 bedrooms. The property is considered to be of a sufficient size, providing a 3-bedroom home at present. Each bedroom is a sufficient size exceeding the minimum requirements of the Council's HIMO Facilities and Amenities Guidance, with two of the bedrooms also exceeding 10m<sup>2</sup>.

8.7 The proposed kitchen would be 7sqm with a separate lounge of 12m<sup>2</sup>. This would meet the requirements for both rooms as stated in Principle 2 of the HIMO SPD 2019. There is also a shower room and separate W.C which is sufficient for facilities for 4 people.

8.8 A condition restricting the use of the property to a maximum of 4 people could be imposed. Private Sector Housing have confirmed that the proposals would meet the requirements for the proposal provided that the separate W.C. also includes a sink. The applicant has shown the provision for facilities on revised plans to make it clear that this will be provided. All bedrooms would be served by adequate outlook and light. As such Private Sector Housing are satisfied that it would meet licensing requirements.

### **Flooding**

8.9 The application site is located in Flood Zone 1 and with very low risk of flooding.

### **Highways/Parking**

8.10 The HIMO SPD sets out clearly that where limited or no parking provision is proposed, the site must provide a parking beat survey. Should a parking beat survey reveal that there is insufficient on-street parking capacity, the application site should be within 400m of a bus stop with at least one bus every 30 minutes between 0700 and 1900 Mondays to Sundays and be located within 400m of facilities and services contained in a town centre, district centre, local centre or neighbourhood parade. Only outside such locations is parking required to be provided.

- 8.11 No parking beat survey has been submitted with the application, however within the submitted Design and Access Statement, the applicant has stated that no on-site parking can be provide on the site and parking is on street to the front. The property is in a reasonably sustainable location close to the town centre and local facilities. As such residents do not need to have cars. It is acknowledged that the existing parking situation is congested.
- 8.12 It is therefore clear that there is some pressure on parking, however, Cranstoun Street lies within an area where parking is controlled by permits issued by Northamptonshire County Council and as such the number of people per house who can be granted a parking permit can be controlled.
- 8.13 As the application site is in a sustainable location within 400m of bus stops in Lower Mounts, and also within walking distance of the Town Centre including the bus and train stations for travel further afield. The proposal is considered to be in accordance with the requirements of the HIMO SPD in respect of parking considerations. There are several bus routes that pass through the bus stops located in the Mounts which run between Southfields and the Town Centre and Brackmills and the Town Centre. These run at least every 15 minutes on Monday-Friday and therefore sustainable transport options to employment locations such as Brackmills are also possible.
- 8.14 The HIMO SPD recommends that storage space should be provided which is accessible to cycle users to encourage and facilitate sustainable transport. Space is available to the rear of the house and cycle storage is shown on the submitted Proposed Site Plan (A870-1). Two secure and covered cycle stores which would accommodate up to 6 bicycles are shown within the rear garden and it is considered this would be sufficient to provide storage for future occupants who chose to own bicycles.
- 8.15 A further consideration in respect of parking is the Northamptonshire Parking Standards, which states that HIMO shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development would produce a demand for 4 parking spaces, which is an increase of 2 compared to the existing use, as the parking the requirement for the existing 3-bed dwelling is 2 spaces. In the absence of the required off road parking spaces, Principle 5 of the Northampton Parking Standards SPD outlines the requirements, similar to the HIMO SPD, whereby the application site should be within a sustainable location. In this regard, the proposal is considered to be in accordance with the requirements of the Parking Standards SPD in respect of parking considerations.
- 8.16 There is no evidence to support that all the residents would own cars. Furthermore, regard must paid to recent appeal decisions 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.
- 8.17 In view of the recent appeal decisions, and the weight the Inspectors have given to the sustainability of locations and having regard to the sustainable location of the application site, the number of occupants proposed, and that there is sufficient room within the site to provide secure bicycle storage, it is not considered that a refusal on highway grounds could be upheld at appeal.

### **Refuse storage**

- 8.18 There is sufficient space to the rear of the property for bin storage and a triple bin store is detailed on the submitted plan. This would allow for outdoor storage of waste prior to refuse collection days. These facilities would ensure there was space to store refuse in the rear garden prior to refuse collection days.

## **9 CONCLUSION**

- 9.1 The use of the property as a 4-person HIMO would provide an appropriate standard of accommodation for residents and would not have an undue impact upon the amenity of adjoining occupiers.
- 9.2 The proposed development would be in accordance with the requirements of Policies H1, H5, BN5, BN7 and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20 and H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation Supplementary Planning Document 2019 and the aims and objectives of the National Planning Policy Framework.

## **10 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: A870-1a.

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

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

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

4. The cycle storage shown on Plan Number A870-1a shall be implemented prior to the first occupation of the house in multiple occupation hereby approved and retained as such 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 refuse storage shown on Plan Number A870-1a shall be implemented prior to the first occupation of the house in multiple occupation hereby approved and retained as such 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.

## **11 BACKGROUND PAPERS**

- 11.1 File N/2020/0558.

## **12 LEGAL IMPLICATIONS**

- 12.1 The development is 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.



Title: **12 Cranstoun Street**

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**PLANNING COMMITTEE:** 28<sup>th</sup> July 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/0589

**LOCATION:** 18 Talbot Road

**DESCRIPTION:** Change of Use from Dwellinghouse (Use Class C3) to House In Multiple Occupation (Use Class C4) for 4 occupants

**WARD:** Castle Ward

**APPLICANT:** Mr Kalam Mohammad  
**AGENT:** N/A

**REFERRED BY:** Councillor D Stone  
**REASON:** Over-development

**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 as it would not result in an over concentration of similar uses within the vicinity of the site, would provide adequate facilities for future occupants, would not be at risk from flooding or have significant adverse impacts on parking provision in this sustainable location. In addition, the proposal would have a neutral impact on the character and appearance of 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 Supplementary Planning Document and the aims and objectives of the National Planning Policy Framework.

### 2 THE PROPOSAL

- 2.1 Permission is sought to convert a dwelling house into a House in Multiple Occupation for 4 persons (Use Class C4).
- 2.2 The proposal would see the conversion of a two bedroom dwelling to four bedroom HIMO with two bedrooms and a kitchen at ground floor, and two bedrooms and a separate bathroom above. The basement will be converted to a lounge/diner.

### **3 SITE DESCRIPTION**

- 3.1 The application site comprises a mid-terraced, property located in a residential area with similar terraced properties on the street. The property has a lounge, dining room and kitchen at ground floor with 2 bedrooms and a bathroom on the first floor, and a basement.
- 3.2 The site is near to Kettering Road and within easy walking of the town centre and local services along the Kettering Road. The site is within close proximity to bus routes in the town centre and along the Kettering Road. The site is within the Boot and Shoe Quarter Conservation Area and is in a low risk flood zone (flood zone 1). The property is not listed.

### **4 PLANNING HISTORY**

- 4.1 None.

### **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.

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:

Paragraphs 72 (c) - ensure that a variety of homes to meet the needs of different groups in the community will be provided.

Paragraph 127 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.

Paragraph 193 - In considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

#### **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 and Type of Dwellings  
Policy H5 - Managing the existing Housing Stock  
Policy S10 - Sustainable Development Principles  
Policy BN5 - The Historic Environment and Landscape

### 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:

E20 - New development  
H30 - Multi occupation within a single dwelling  
E26 - Development in Conservation Areas

### 6.4 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004  
Northamptonshire County Parking Standards 2016  
Northampton Parking Standards 2019  
Boot and Shoe Quarter Conservation Area Appraisal 2011

### 6.5 Houses in Multiple Occupation (HIMO) Supplementary Planning Document (November 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 10% of HIMOs within a 50 metre radius.
- Secure the provision of adequate facilities and amenities
- Provide adequate waste and recycling facilities and sufficient refuse storage
- Minimise flood risk
- Secure provision of adequate parking
- Provide adequate secure cycle storage in accordance with relevant parking standards documents and SPDs

## 7 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 7.1 **Councillor D Stone** - call in and object to on grounds of over-development and not meeting the needs of the area for balanced community and community cohesion.
- 7.2 **Highways (NCC)** – no comments received.
- 7.3 **Private Sector Housing (NBC)** - the property is suitable for the 4 people in 4 households.
- 7.4 **Conservation (NBC)** - No objection on conservation ground.
- 7.5 **Town Centre Conservation Area Advisory Committee** – noted that the proposal would put pressure on parking in the area and that little space has been allocated for bin storage. Felt the communal living space in the basement may fail to meet the requirements for light and ventilation as set out in the Landlords Guide to Amenities and Facilities for houses on multiple occupation (2018) and would result in poor amenity for residents. In addition, the loss of family home an over concentration of HIMO can lead to a transient population rather than a balanced diverse community.
- 7.6 **One third party objection** - in relation to noise and parking.

## 8 **APPRAISAL**

- 8.1 The conversion of the existing dwelling to a HIMO is considered to be in line with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. Policy H5 of the Joint Core Strategy allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas.

#### **Area concentration**

- 8.2 NBC records evidence that there are 5 other HIMOs (out of 85 properties) within a 50m radius of the application site. The use of this property as a HIMO would equate to 7% concentration and would clearly fall within the 10% maximum threshold recommended by the Council's adopted SPD in relation to HIMOs. It is considered therefore that there would still be a reasonable mixture of house types within the area.

#### **Size of property and facilities for future occupiers**

- 8.3 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 Facilities and Amenities Guidance and appropriate kitchen, WC and wash facilities. A condition restricting the use of the property to a maximum of 4 people would ensure over-development does not occur. All bedrooms would be served by adequate outlook and light. In addition, Private Sector Housing was consulted and found the property is suitable for four occupants.

#### **Flood Risk**

- 8.4 The site lies in a low risk Flood Zone (Zone 1) where there is limited risk from flooding to the proposed use.

#### **Highways / Parking**

- 8.5 The Houses in Multiple Occupation SPD sets out clearly that where limited or no parking provision is proposed, the site must provide a parking beat survey. Should a parking beat survey reveal that there is insufficient on-street parking capacity, the application site should be within 400m of a bus stop with at least one bus every 30 minutes between 0700 and 1900 Mondays to Sundays, and be located within 400m of facilities and services contained in a town centre, district centre, local centre or neighbourhood parade. Only outside such locations is parking required to be provided.
- 8.6 No parking beat survey was submitted with the application. It is considered that the application site is in a sustainable location within 400 metres of bus stop with buses stopping, on average, every 30 minutes. The site is also located within 102m of the nearest bus stop on Kettering Road. In this regard, the proposal is considered to be in accordance with the requirements of the SPD in respect of parking considerations. It also complies with Principle 5 of the Parking Standards SPD (2019). Within such areas, the SPD recommends that storage space should be provided which is accessible to cycle users. There is sufficient space to the rear of the property for cycle storage. A condition is to be recommended to agree the details of cycle storage for the property to ensure it is of an appropriate size and design. The proposal is, therefore, in compliance with this principle of the SPD. The Northamptonshire Parking Standards state that HIMO shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development will produce a demand for 2 additional parking spaces than the lawful use, as a two-bed dwelling would normally require 2 parking spaces.
- 8.7 There is no evidence to support that all the residents would own cars. Furthermore, regard must be paid to recent appeal decisions 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.

- 8.8 In view of the recent appeal decisions, and the weight the Inspectors have given to the sustainability of locations and having regard to the sustainable location of the application site, the number of occupants proposed, and that there is sufficient room within the site to provide secure bicycle storage, it is not considered that a refusal on highway grounds could be upheld at appeal.

### **Refuse storage**

- 8.9 There is sufficient space to the rear of the property for bin storage. A condition is to be recommended to agree the details of refuse storage for the property to ensure it is of an appropriate size and design.

### **Amenity**

- 8.10 The proposed use falls within Use Class C4, which in effect categorises this as a residential use here is no evidence to demonstrate that the proposal would generate adverse amenity impacts such as noise or anti-social behaviour over and above those created by a more conventional C3 dwelling. Consequently, it is not considered that a refusal of planning permission, or the imposition of conditions in relation to amenity issues would be reasonable or sustainable at appeal.

### **Heritage Assets**

- 8.11 The application property is located in the Boot and Shoe Quarter Conservation Area and, therefore, special attention must be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area, with great weight given the conservation of the heritage asset.
- 8.12 In this instance, the proposal involves no external alterations to the property. As such and given that the Conservation Officer has no objection to the application on heritage impact grounds, it is considered that the proposal would not impact on the character or appearance of the Conservation Area.

## **9 CONCLUSION**

- 9.1 The proposed development would not lead to an unacceptable concentration of HMOs within the locality that would adversely affect upon the character of the local area, street scene, or Conservation Area nor would the development have significant adverse impacts on neighbouring amenity or parking provision. The property is also of sufficient size to accommodate the level of accommodation as proposed.
- 9.2 The proposed development would be in accordance with the requirements of 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 Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.
- 9.3 The proposed development is recommended for approval subject to the following conditions.

## **10 CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Proposed Floor Plan.

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

- 2 Full details of facilities for the storage of refuse and materials to be recycled 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 within two months of the date of the permission hereby granted 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.

- 3 Full 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 within two months of the date of the permission hereby granted 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.

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

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

## **11 BACKGROUND PAPERS**

- 11.1 N/2020/0589.

## **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.



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## Addendum to Agenda Items Tuesday 28<sup>TH</sup> July 2020

### 7. OTHER REPORTS

Item 7a

N/2020/0667

**Application for a variation to the S106 agreement to amend mortgagee clause  
University of Northampton Park Campus, Boughton Green Road**

No update.

### 10. ITEMS FOR DETERMINATION

Item 10a

N/2019/1277

**Variation of Condition 2 of Planning Permission N/2012/0909 (Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout) to alter the layout of the development, alter house types, and remove and alter garages, and variation of conditions 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 to be in accordance with details submitted. Removal of conditions 10 and 16  
Development Land, Lancaster Way**

**Anglian Water** - the foul water details and the details submitted for Condition 7 are acceptable. It is advised that for Condition 26 (maintenance of surface water drainage system) the sewers are proposed to be adopted under Section 104 and until they are adopted, they remain the responsibility of the Developer. No comments on the details submitted for Condition 8. It is advised that Anglian Water are adopting the on-site surface water pipe network.

**Councillor E Roberts** – objection; the concerns raised relates to work commencing without permission; that the conditions are not sufficient to ensure protection; that NCC object to works being commenced until the badger situation is resolved but works continue; the impact on the badgers; that appropriate POS is not provided; drainage issues; overlooking concerns; visibility splays; parking in a row of three is unfavourable; no access should be provided through Leah Bank; and that the application contradicts the NPPF. Questions are also raised as to how land outside of the development site is to be used.

**Five additional neighbour objections** have been received, all from persons who have previously commented on the application. The comments raised that have not been covered within the Committee Report can be summarised as follows:

- Boundary plan adjacent plot 139 does not match what has been built on the site and is outside of red line of site. Plan should be updated to match what is on site. (Officer Comment – following these comments the boundary plan has been updated).
- Document states all properties rented but this impacts on affordable housing. (Officer Comment – the development is required to comply with the affordable housing provisions as set out within the S106 agreement for application N/2012/0909).
- Concern conditions on application N/2012/0909 are in breach (Officer Comment – this is not a matter for consideration within the assessment of this application).
- Impact of proposal on schools, nurseries etc. (Officer Comment – This is not a matter

under assessment within this variation application. The application remains tied to the requirements of the S106 for application N/2012/0909).

- Roundabout is dangerous. (Officer Comment – The roundabout has been designed in consultation with NCC Highways and is in accordance with the approved details).

Plan 207 Rev A has been submitted which outlines the management of the open space areas. Condition 1 is proposed to be updated to include this plan.

An amended site boundary plan 120 Rev H has also been submitted. This plan alters the position of the boundary fence adjacent plots 126 and 139. The amended position is considered acceptable and Condition 2 should be updated to be in accordance with this new plan.

A Badger Method Statement as required by Condition 17 has been submitted reference PF/10282-V.2 dated July 2020. NCC Ecology have been consulted on this and advise that it is acceptable. As such it is considered that Condition 17 should be amended to be in accordance with these details.

**Conditions 1, 2 and 17 are amended** as follows:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 201 Rev G, 202 Rev D, Plan showing plots 89 and 90, AF10-1\_P1 Rev B, P202-1\_P3 Rev A, P202-1\_P2 Rev B, P202-1\_P1 Rev B, S241-1\_P3, S241-1\_P2 Rev C, S241-1\_P1 Rev C, P302-1\_P3 Rev A, P302-1\_P4, P302-1\_P2 Rev B, P302-1\_P1 Rev C, S351-1\_P2, S351-1\_P1 Rev B, P306-2\_P1, P303-2\_P2 Rev B, P303-2\_P1 Rev B, P303-1\_P2 Rev A, P303-1\_P1 Rev C, P401\_P5, P401\_P4 Rev A, P401\_P3 Rev B, P401\_P2 Rev B, P401\_P1, P402-1\_P3, P402-1\_P2 Rev A, P402-1\_P1 Rev B, A444-1\_P4, A444-1\_P3 Rev B, A444-1\_P2, A444-1\_P1 Rev B, P404-1\_P7, P404-1\_P6 Rev A, P404-1\_P4, P404-1\_P3, P404-1\_P2 Rev C, P404-1\_P1 Rev A, P201-1\_P1 Rev A, GARAGE\_P1 Rev B, GARAGE\_P2 Rev D, 207 Rev A.

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

2. The method of the treatment of all boundaries of the site as identified within plans 120 Rev H and 121 Rev C shall be provided on site in full accordance with these details prior to the plots to which they relate being first occupied and with regards to those boundary treatments not forming plot boundaries, within 1 month of the completion of the development. The approved boundary treatments shall be retained in accordance with these details at all times 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 H1 & S10 of the West Northamptonshire Joint Core Strategy.

17. The development shall be undertaken in full accordance with the Badger Method Statement PF/10282-V.2 dated July 2020.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

#### **Item 10b**

**N/2020/0424**

**Extension of existing detached garage to create self contained annexe including raising ridge height, installation of external staircase and dormer (Retrospective)**

**7 Laurel Valley**

Further comments received from 3<sup>rd</sup> party are summarised as follows:

- Remain concerned a 'reasonable requirement' has not been given for the need for the annexe.
- Disagree that poorly maintained 6-8 high laurels assists in breaking up mass of building,

feels overbearing.

**Officer response:** The applicant has confirmed that their son is currently living in the annexe. The impact of the building is addressed in the officer report.

**Item 10c**

**N/2020/0458**

**Variation of Conditions 2, 15, 16, 19, 24, 27, 28 and 30 of Planning Permission N/2018/0277 (Distribution Centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works) to modify the height and width of Unit 1, to alter the parking and to add a staff exercise trail, and variation of conditions 3, 4, 6, 7, 8, 9, 20, 21 and 22 to be in accordance with details submitted Milton Ham Farm, Towcester Road**

**Lead Local Flood Authority** - clarifying that Condition 22 has been addressed but Condition 21 must remain until the site has been completed. This does not impact upon the recommendation of this item.

**One additional neighbour objection** – Impact of proposed development on deed of grant for neighbouring plot of land regarding surface water (*Officer Comment: This is a private matter and cannot be considered within the assessment of this application*).

The gatehouse plan for unit 1 has been updated to show the new layout. As such Condition 2 should be amended to refer to plan P0008 Rev B.

Further details have been submitted regarding Conditions 4 (CEMP) and 6 (levels).

**NCC Highways** have advised that the amended CEMP is acceptable and as such it is considered that Condition 4 can be amended to be in accordance with the details submitted.

The levels submitted for Condition 6 show a matching bund formation and building level as that within application 2018/0277. As these details match, it is considered that Condition 6 should be amended to be in accordance with the submitted details.

The proposed materials for the development have been altered from a variegated scale of greens to a greyscale. This would be for all three units. It is considered that the alteration of the colour scheme to a greyscale does not materially alter the appearance of the building and would be acceptable in design terms. As such Condition 7 should be updated to be in accordance with the new material details. For the avoidance of doubt, it is also considered that Condition 2 (plans) should be updated to include the new elevation plans F0014 Rev A and F0021 Rev A.

**Conditions 2, 4, 6 and 7** are updated as follows:

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 17206 P0001 Rev E, P0002 Rev F, P0003 Rev B, P0004 Rev B, P0005 Rev B, F0014 Rev A, P0008 Rev B, 0009 Rev A, 0010 Rev A, 0011 Rev A, F0021 Rev A, DLA-1781-L-01 Rev D, 02-Rev D, 03-Rev E, 04-Rev E, DLA-1781-L19, 1781DLA L12, 06D, 07D planting proposal 2 of 4, 07D planting proposal 4 of 4, and 08E, 11.

Reason: For the avoidance of doubt and to ensure consistency with the Planning.

4. The development shall be undertaken in full accordance with Construction Environmental Management Plan T919 – Rev D dated 20/07/2020 and tracking drawing P0031 Rev A.

Reason: To minimise the impact of the development during the construction phase in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

6. The levels of the development shall be undertaken in full accordance with plans 101 Rev C and 107 Rev B.

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan.

7. The materials to be used on the development hereby approved shall be in full accordance with plans F0014 Rev A, F0021 Rev A, Oyster Grey RAL 7035, Pure Grey RAL 000 50 00, Slate Grey RAL 7012, White RAL 9003, and Goosewing Grey RAL 7038.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

**Item 10d**

**N/2020/0536**

**Adjustment of fence line along Keswick Drive to make it 2m closer to pavement to increase size of back garden  
2 Lanercost Walk**

No update.

**Item 10e**

**N/2020/0558**

**Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants  
12 Cranstoun Street**

**NCC Highways** - the property in question is within a Permit Zone and therefore all parking in the vicinity is controlled. The LHA holds the right to restrict the number of permits administered to any property as it sees fit. This may result in the number of permits being limited and there is no guarantee that every resident within the revised property will be issued with a permit.

**Item 10f**

**N/2020/0589**

**Change of Use from Dwellinghouse (Use Class C3) to House In Multiple Occupation (Use Class C4) for 4 occupants  
18 Talbot Road**

No update.

## **12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS**

**Item 12a**

**N/2019/0755**

**Conversion and addition of two new upper floors incorporating fenestration changes and alterations to external façade to create 122no apartments for social housing and alterations to layby and new crossing points and footways to Greyfriars  
Belgrave House, Greyfriars**

The applicant has amended the proposed materials for the vertical feature panels from stained glass to aluminium panels with colouring to the front face for the following reasons:

- Structural calculations have indicated that the weight of the glazing panel system would add significant load on to the structure of the building;
- The glazed feature panels would cause warranty issues with the weather proofing of the building; and;
- Investigations of the clarity of the coloured pattern with the glazed panel revealed that it was difficult to depict the image shown at a distance.

As a result, **Condition 8 and 11 to be updated** to change “vertical stained-glass panels” to “vertical feature panels”, as follows:

8. Prior to the construction of the roof extension or installation of the new façades hereby permitted, full details of all proposed external facing materials (including details of the curtain wall glazing and Juliette balconies, cladding, vertical feature panels, external lettering and clock features) 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 Policies H1 and BN5 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan.

11. Prior to the occupation of the development hereby permitted, a Full Site Management Plan (in conformity with the general principles established within the submitted Management and Operations Overview 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 residents moving into, and out of, the development
- ii) On site management/security
- iii) A code of conduct for occupiers of the development
- iv) Access controls, compartmentalisation and security performance of doors
- v) CCTV
- vi) Roof top management
- vii) Refuge strategy
- viii) Cleaning/maintenance strategy for external curtain glazing and vertical feature panels
- ix) Clock feature maintenance strategy

The Management Plan shall be fully implemented prior to the first occupation of the development and shall be retained thereafter.

Reason: In the interests of visual and residential amenity, highway safety and to ensure the provision of a safe and secure development in accordance with Policies H1, S10, BN5 and C2 of the West Northamptonshire Joint Core Strategy, Policy 1 of the Northampton Central Area Action Plan and the requirements of the National Planning Policy Framework.

**Item 12b**

**N/2020/0257**

**Change of Use of Community Hall (Use Class D1) to Dwellinghouse (Use Class C3), with dropped kerb for wheelchair access only and alteration to windows and doors  
Senior Citizens Community Room  
Hinton Road**

No update.

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**PLANNING COMMITTEE:** 28<sup>th</sup> July 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2019/0755

**LOCATION:** Belgrave House, Greyfriars

**DESCRIPTION:** Conversion and addition of two new upper floors incorporating fenestration changes and alterations to external façade to create 122no apartments for affordable housing and alterations to layby and new crossing points and footways to Greyfriars

**WARD:** Castle Ward

**APPLICANT:** Northampton Partnership Homes  
**AGENT:** Waterman

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

**DEPARTURE:** No

**APPLICATION FOR DETERMINATION:**

**RECOMMENDATION**

1.1 **APPROVAL IN PRINCIPLE** subject to the completion of a S106 Agreement to secure 100% on-site affordable housing together with the Council’s monitoring fee and the conditions as set out below and for the following reason:

The proposed development would represent a regeneration opportunity in the town centre and contribute to the Council’s five year housing land supply. As part of a balanced assessment, it is considered acceptable and no objections are raised to the proposal with regards to the National Planning Policy Framework, Policies SA, S1, S3, S10, S11, H1, H2, N2, BN2, BN5, BN7, BN9, E1, INF1 and INF2 of the West Northamptonshire Joint Core Strategy; and Policies 1, 10, 15, 16 and 17 of the Northampton Central Area Action Plan.

1.2 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.

## **2 THE PROPOSAL**

- 2.1 The application seeks planning permission for the conversion, external alterations and addition of two new upper floors to create 122 apartments for affordable housing. The proposed apartments would comprise 70 x 1 bed units and 52 x 2 bed units and the resultant building would be 11 storeys high with a flat roof form.
- 2.2 The proposed external alterations would include the removal of the existing precast concrete panels and glazing that span the building, and the installation of floor to ceiling glazing incorporating Juliette balconies. In addition, stained glass feature panels running the full height of the 9 residential floors would be introduced, with vertical lettering and clock features also added to the extended building. There would also be glass balustrades to roof level, with the flat roofs incorporating planting boxes, condensers, and photovoltaic panels.
- 2.3 The apartments would utilise the existing pedestrian accesses to Belgrave House, comprising an external entrance off Greyfriars and an internal entrance from the Grosvenor Shopping Centre. In addition, a new pedestrian access would be created from the top floor of the Grosvenor Centre multi-storey car park. The applicant has indicated that the top floors of the multi-storey car park could be used by residents of the flats, however this car park is not within the red edge of the application site. The extended building would also benefit from two fire escapes in addition to the previously referenced entrances, one onto the service yard on the roof of the Grosvenor Centre and the other onto Emporium Way.
- 2.4 The proposal also includes alterations to the existing layby on Greyfriars and new crossing points and footways to the Greyfriars site to connect into the footway on Lady's Lane.

## **3 SITE DESCRIPTION**

- 3.1 The application site is in the town centre and comprises a 9 storey office building with an 11 storey lift/stairwell tower to the eastern side that is attached to the Grosvenor Shopping Centre and a multi-storey car park. The office building dates from the 1970s with a T-shaped plan form and has been disused for some time. It has 7 upper floors of office accommodation accessed from a lower ground floor. The lower ground floor has pedestrian access to Greyfriars to the north and the shopping centre to the south. The upper ground floor is in separate use as storage for Sainsburys and does not form part of the application proposals. There is a service yard to the south of Belgrave House which serves Sainsburys and other units within the Grosvenor Shopping Centre.
- 3.2 The application building fronts onto Greyfriars but, due to its large size, is visible from the Market Square to the south and Sheep Street to the west, as well as in wider views of the Northampton townscape. The Market Square and Sheep Street falls within the All Saints Conservation Area which includes a number of listed buildings. There are, however, other large scale buildings in the immediate locality, including the Grosvenor Centre multi-storey car park, which has a similar upper floor height to the application property, and Northampton House to the east of the car park, which is 12 storeys in height.

## **4 PLANNING HISTORY**

- 4.1 N/2019/0722: Change of Use to Residential (Use Class C3) for social housing with the addition of two new upper floors, to create 124no apartments with changes to fenestration, alterations to external façade, and the addition of an external lift on to the existing building. Withdrawn.
- 4.2 N/2017/1145: External alterations to include replacement double glazing and associated column panelling, erection of lift core and new access from lower level and associated works. Approved.
- 4.3 N/2017/1144: Change of Use of Belgrave House from offices (Use Class B1a) to student accommodation (Sui Generis). 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 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 - Delivering a sufficient supply of homes

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:

Policy SA - Presumption in Favour of Sustainable Development

Policy S1 - Distribution of Development

Policy S3 - Scale and Distribution of Housing Development

Policy S10 - Sustainable Development Principles

Policy S11 - Low Carbon and Renewable Energy

Policy H1 - Housing Density and Design

Policy H2 - Affordable Housing

Policy N2 - Northampton Central Area

Policy C2 - New Developments

Policy BN2 - Biodiversity

Policy BN5 - Heritage Assets

Policy BN7 - Flood Risk

Policy BN9 - Planning for Pollution Control

Policy E1 - Existing Employment Areas

Policy INF1 - Infrastructure Delivery

Policy INF2 - Infrastructure Requirements

#### 5.4 **Northampton Central Area Action Plan 2013**

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

Policy 1 - Promoting Design Excellence  
Policy 10 - Parking  
Policy 15 - Office and Business Uses  
Policy 16 - Central Area Living  
Policy 17 - Grosvenor Centre Redevelopment

#### 5.5 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004  
Affordable Housing Interim Statement 2013  
Planning Obligations SPD 2013  
Northamptonshire County Parking Standards 2016  
Northampton Parking Standards 2019

### 6 **CONSULTATIONS / REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Anglian Water:** There is available capacity for the foul drainage and sewerage system also has capacity at present for these flows. There are assets owned by Anglian Water within or close to the site and informative should be imposed to highlight this to the applicant. Details of surface water drainage should be secured by condition.
- 6.2 **Archaeology (NCC):** The scheme in its current form does not require any archaeological investigation as it is a conversion of an existing building with no significant new build.
- 6.3 **Conservation (NBC):** No objection. The conversion and addition of the extra floors and the proposed alterations to the external appearance of the building will not have an adverse impact on views from adjacent Conservation Areas or harm the setting of nearby listed buildings. The alterations to the external access will also have an acceptable impact.
- 6.4 **Construction Futures:** A financial contribution should be made to secure a construction training programme.
- 6.5 **Development Management (NCC):** A development of the proposed size and mix is expected to generate 16 nursery / pre-school places, 7 Primary School Pupils and 4 Secondary and Sixth-form School Pupils. However, there is insufficient education capacity to serve the development and a financial contribution is therefore required. In addition, a financial contribution should be made to libraries and a condition imposed to secure sprinklers and fire hydrants. Also, an advisory note relating to broadband is recommended.
- 6.6 **Ecology (NCC):** There are no ecological constraints to this development and the proposal offers an opportunity for biodiversity enhancements in the form of swift bricks to the northern elevation.
- 6.7 **Environment Agency:** No comments.
- 6.8 **Highway Authority (NCC):** Although the Highway Authority will not be seeking any mitigation as a result of this application other than a Construction and Environmental Management Plan, it should be noted that the proposed development would increase parking demand in the area. Furthermore, as more applications come forward to increase the residential density in the town

centre area, the Highway Authority will consider each on a case by case basis and may ask for some form of mitigation going forward.

- 6.9 **Lead Local Flood Authority (NCC):** No drainage information has been provided.
- 6.10 **Northamptonshire Police Crime Prevention Design Advisor:** Pleased that a lot of the crime prevention recommendations made in previous responses to this application have been included in this iteration of the scheme, however the following matters require further clarification by condition:
- The new pedestrian route into the front of the building requires both street lighting and CCTV coverage to ensure the personal safety of pedestrians using it.
  - The description of the site management is very comprehensive but fails to address how the building is managed 'out of hours'.
  - The new flat doors should meet the requirements of BS PAS24:2016.
  - The bin and cycle stores should have access-controlled doors to reduce opportunities for anti-social behaviour.
  - The access to the top floor of the car park should be adequately controlled to ensure only residents can access it.
- 6.11 **NHS England:** The development could result in an increased patient population of 296 and therefore a financial contribution should be made to general medical services facilities.
- 6.12 **Public Protection (NBC):** No objections subject to the following comments/conditions:
- The submitted Preliminary Investigation report recommends intrusive soil testing and radon protection measures be further investigated and this should form the basis of a site investigation condition.
  - The Noise Report details acoustic glazing measure to protect end users from road traffic noise which appear acceptable, however the ventilation solution proposed may not be acceptable on air quality grounds. In addition, further work is required regarding plant noise and these matters could be addressed via noise conditions.
  - Whilst the site is not in an Air Quality Management Area, Greyfriars is heavily trafficked and a modelled health exposure assessment should be provided together with a mitigation strategy including an acoustic / air quality filtered ventilation scheme to allow the windows to remain closed and prevent exposure to elevated levels of Nitrogen Dioxide and traffic noise.
  - Electric Vehicle Charging Points should be included as part of development.
- 6.13 **Town Centre Conservation Area Advisory Committee:** The reuse of the building for key worker housing with good internal space standards is welcomed and the scheme would also improve the Greyfriars frontage. The main concern of the Committee is the impact of the extra two storeys, although it is noted that these would be set back from at the rear section of the building and it is recommended that an impact assessment is undertaken on heritage assets and views. In addition, it is suggested that the stained-glass detailing should have a local theme (e.g. boots and shoes; Northampton's history, etc) and long-term maintenance of the green roof is also important.
- 6.14 There have been **no neighbour / third party representations** regarding this application.

## 7 APPRAISAL

### Principle of development

- 7.1 The application site is in a residential area within the urban area of Northampton and, therefore, development of the site for residential purposes is acceptable in principle under Policy S1 of the Joint Core Strategy (JCS).
- 7.2 It is acknowledged that Policy E1 of the JCS and Policy 15 of the Central Area Action Plan (CAAP) seek to safeguard existing employment premises and promote the central area as an office and business centre. However, the existing offices have been vacant and marketed for a period in excess of 7 years and the principle of the conversion of Belgrave House to residential student accommodation has previously been accepted under application N/2017/1144. Furthermore, and

in any event, Policy 15 of the CAAP allows for change of use away from business uses where it can be demonstrated that the overarching strategic objectives of the plan may be contributed to and one such objective is to increase opportunities for town centre living. Moreover, Policy 16 of the CAAP promotes town centre living to add to the vitality, viability and sustainability of the town centre. In addition, the NPPF supports the redevelopment of under-utilised buildings and brownfield land to meet the need for new homes and the proposal would also help support the regeneration of the central area. As such, no objections are raised to the principle of the loss of the employment generating use in this instance.

- 7.3 Notwithstanding the above, the Council cannot presently demonstrate a five year 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 122 flats would contribute towards the Council's housing supply, and specifically the need for additional affordable units, with associated social and economic benefits and this therefore weighs in favour of the proposal. In addition, the proposal would benefit the vitality, viability and sustainability of the town centre and contribute to the regeneration of the central area. Furthermore, the NPPF advises that substantial weight should be given to the value of using suitable brownfield land within settlements for new homes.

### **Design and Heritage Assets**

- 7.4 Policy H1 of the JCS and Policy 1 of the CAAP place great importance on the quality of design of new developments and are in conformity with the NPPF, which advises that planning should always seek to secure high quality design.
- 7.5 In addition, the site is located close to the All Saints Conservation Area and there are several listed buildings in the vicinity of the application property on the Market Square and Sheep Street. As such, special attention must be paid to preserving or enhancing the character or appearance of the conservation area and the setting of the listed buildings, with great weight given to the conservation of the heritage assets.
- 7.6 The existing building has a somewhat dated appearance with its elevations dominated by large concrete panels that span the width of the building between rows of small windows. It comprises one of a cluster of high-rise and large-scale buildings of varied design that front onto Greyfriars and are visible from the Market Square, the All Saints Conservation Areas and in wider views of the townscape. Indeed, the application property comprises a 9 storey high 1970s office building with an 11 storey lift/stairwell tower; it neighbours a multi storey car park with a similar top floor level to the application property; and Northampton House to the east comprises a 12 storey building that was converted from offices to flats in the late 1990s / early 2000s.
- 7.7 The application proposes the addition of two further storeys of accommodation to Belgrave House and, as such, the scale of the building and its prominence in the streetscene would be increased. However, given the large-scale and varied design of nearby buildings, the extended property would not appear out of scale with its neighbours or overly dominant in wider views of the townscape. Furthermore, the additional storeys would only be introduced to the part of the building fronting Greyfriars and thus would be set well back from and not dominate the historic Market Square, with the separation to the listed former corn exchange to the west also maintained. In addition, the new upper floors would be slightly recessed to help break up the additional mass of the building and create a sense of subservience to the upper floors. The new storeys would also have a lightweight design with floor to ceiling glazing that would help reduce the prominence of the enlarged building. The external façade of the existing building would also be changed to floor to ceiling glazing and this would help to modernize and enhance the appearance of the property, with particular benefit to the Greyfriars elevation. Also, design features would be added to the building to seek to further enhance its appearance, comprising vertical stained-glass panels, clock features, lettering and roof planting boxes with a green wall balustrade, and full details of these together with all the external material for the proposed development can be secured by condition.

- 7.8 It should also be acknowledged that the application has been accompanied by a Townscape Visual Impact Assessment. This document assesses the application proposals from 15 viewpoints, including close-range, mid-range and long distances. It concludes that the proposal would not protrude above the existing skyline and would be a similar size and scale to existing built form in the town centre. Furthermore, it finds that whilst there would be some adverse visual impacts during the construction, the refurbishment of the building has the potential to enhance the appearance of the townscape post construction.
- 7.9 Overall, it is considered that the proposal would enhance the Greyfriars elevation of the property and that it would not have an adverse impact on views from the All Saints Conservation Area or the setting of listed buildings. Furthermore, it is considered that the impact of the development on the wider views of the townscape would also be acceptable and that the proposal would not have a detrimental impact on the character and appearance of the area.

### **Residential amenity**

- 7.10 Policy H1 of the JCS 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.
- 7.11 In terms of the residential amenity of neighbours, the proposal would not introduce windows to any elevation that does not presently already benefit from windows, with the additional storeys replicating the window orientation of the lower floors such that there would not be an unacceptable loss of privacy to any neighbours. Furthermore, the existing separation to neighbouring buildings would also be maintained and the additional storeys would not result in an unacceptable overbearing or overshadowing impact or a detrimental loss of daylight. As such, it is considered that the proposal would not have an unacceptable impact on the amenities of neighbours.
- 7.12 Turning to the amenities of future occupiers of the new dwellings, the proposal would comprise a mixture of one and two bed apartments and all the units would benefit from generous floor areas that exceed the national space standards to the benefit of the amenity of future occupiers. Furthermore, all habitable rooms would be served by windows affording outlook. It is acknowledged that some of the apartments would have relatively deep plan forms or include alcove areas to the open plan kitchen/living rooms. However, kitchens, bathrooms and stores are proposed to the areas that would receive less light and all the apartments would benefit from floor to ceiling glazing to maximise daylight. There would also be some views between the apartments in the rear elevation and those on the rear projection of the property, however this relationship is not unusual in a town centre environment. The proposal includes a roof top garden area on the rear projection for residents with 12 planting boxes for residents to use and a buffer area to the sixth-floor apartments that face directly onto the roof garden. Whilst this roof top garden is only a small facility that would be available to a limited number of residents, its inclusion is welcomed subject to appropriate management which can be secured by condition. Furthermore, it is also acknowledged that there are several parks and other outdoor amenities within walking distance of the development. In addition, the scheme has been assessed by Environmental Health and it is considered that the noise and air quality impacts associated with vehicle traffic and commercial plant can be mitigated subject to conditions. The proposal has been amended to omit refuse chutes and include internal bin stores on each floor and the management arrangements for these can also be secured by condition. Overall, it is considered that the proposal would afford an acceptable standard of amenity for future occupiers.

### **Parking, access and safety**

- 7.13 The County and Borough Councils' Parking Standards provide guidance on the parking requirements for different use classes. In addition, Policy C2 of the JCS and Section 9 of the NPPF seeks to promote sustainable transport and modal shifts to non-car modes of travel. Furthermore, the guidance in the NPPF requires and safe and suitable access for all developments and details that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

- 7.14 The Parking Standards indicate that one car parking space should be provided per 30sqm gross floor area for office uses and per bedroom for residential dwellings. As such, the existing offices would require some 330 parking spaces under the Standards, and the proposed conversion and extension to residential should provide 174 parking spaces. The existing property does not however benefit from any on-site parking and as such there is an existing parking shortfall which would be reduced by the proposal. It is acknowledged that the occupiers of the existing offices could utilise the existing Grosvenor Centre multi-storey car park, however there is no mechanism presently in place to secure this in perpetuity. In addition, the proposed layout introduces a direct pedestrian access to the multi-storey car park such that there is also potential for residents to utilise the existing Grosvenor Centre multi-storey car park should an agreement be reached between the applicant and the owners/operator of the car park. However, such car parking proposals do not form part of the current proposal and therefore cannot be controlled under this application. Furthermore, and in any event, the supporting text in the County Parking Standards detail that flatted schemes should be treated on their own merit based on the character of the area. In addition, Policy 10 of the CAAP promotes a reduction in Parking Standards in the town centre. In this instance, the application site occupies a highly sustainable location in the town centre, with a direct link to the Grosvenor Centre, which includes a supermarket and is only a short walking distance to the Northgate bus station from the pedestrian entrance on Greyfriars. In addition, the proposal includes cycle stores on each floor of the development and has been accompanied by travel plan framework to seek to promote sustainable travel. Also, the locality benefits from parking restrictions in the form of double yellow lines such that there are controls to prevent on-street parking in inappropriate locations in the immediate vicinity of the site. As such, and given that Highway Authority raise no objections, it is considered that this particular proposal is acceptable as a zero parking scheme subject to conditions to secure cycle parking, a travel plan, and a management plan for the building to deal with matters including arrangements from residents moving in and out of the building.
- 7.15 The Northampton Parking Standards also seek the provision of electric vehicle charging points for new residential developments. However, as the proposal would not provide any additional parking spaces and thus occupiers would likely need to rely on sustainable form of transport, it is not considered that it would be reasonable or necessary to require the provision of electric vehicle charging points by condition.
- 7.16 The application has been amended since its submission to improve the access arrangements to the property. The application originally proposed the primary access to the development to be located off Emporium Way, however there were practical and accessibility issues with such an approach and the Police Crime Prevention Design Advisor (CPDA) also raised strong concerns from a crime and safety perspective. The amended scheme proposes to utilise the existing entrance to Belgrave House at lower ground floor level off Greyfriars as the primary access to the property served by a new concierge office/reception area and further details of management arrangements to ensure the safety of residents can be secured by condition. To facilitate access to the building from Greyfriars, the proposal also includes a new pedestrian crossing on Greyfriars and a footway around part of the Greyfriars site to connect into the existing footway network. These works and an associated lighting and CCTV scheme can be secured by conditions. The internal access into the Grosvenor centre from Belgrave House would also be retained as part of the proposal, however this would only be available during the opening hours of the shopping centre. The amended scheme also includes a new pedestrian access on the seventh floor to the top deck of the multi-storey car park to improve the accessibility of the scheme. Overall, and given the town centre location of the site and subject to conditions to address external lighting, CCTV, access controls and details of the management of the building as recommended by the Police CPDA, it is considered that the amended access arrangements to the property are acceptable.

### **Section 106 Obligations and Affordable Housing**

- 7.17 Policies INF1 and INF2 of the Joint Core Strategy seek to secure the provision of infrastructure needed to serve new developments, such as education, healthcare, open space provision and

construction training, either directly on site or by a financial contribution secured through a Section 106 planning obligation.

- 7.18 In addition, the NPPF details that major housing developments should be expected to provide at least 10% affordable housing. 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.
- 7.19 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, including whether the plan and the viability evidence underpinning it, is up to date. 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.
- 7.20 In respect of this application, the development proposes the provision of a 100% affordable housing scheme at affordable rent. Whilst this would exceed the requirements of Policy H2 of the JCS and not provide a mix of tenures as sought by Policy H1 of JCS, it would provide a mix of one and two bed units as sought under CAAP Policy 16. Furthermore, it would make a significant contribution towards an identified need for affordable housing in the Borough, which would be a significant benefit arising from the scheme.
- 7.21 Notwithstanding the affordable housing benefits, the development still needs to be assessed in respect of the provision of the necessary infrastructure. In this respect, consultees have indicated a requirement for contributions for education, medical facilities, and construction training and these contributions would be policy compliant, as would a contribution towards off-site open space. In addition, contributions have been suggested towards the provision of fire infrastructure and libraries, but the development is not required to provide such infrastructure under existing planning policies.
- 7.22 The applicant, however, has submitted a viability assessment which details that the development would not turn a profit and that financial contributions for infrastructure would make the scheme unviable. The applicant's viability assessment has been assessed by an independent viability consultant on behalf of the Council and the consultant confirms that the values and underlying assumptions in the appraisal are not unreasonable, and that the development would not be profitable on a 30 year term. Furthermore, the consultant details that the principal reason for the lack of viability is due to the complications of refurbishing the application building. As such, it is accepted that should financial contributions for infrastructure be sought, the proposed scheme would not be viable and the development would be undeliverable, such that it is likely that the application property would remain vacant for a further period of time.
- 7.23 It is therefore necessary to balance the harm arising from the provision of no financial contributions towards education, health and open space infrastructure to mitigate the impacts of the scheme against the benefits arising from the proposal. In this case, the proposal would deliver additional dwellings within Northampton to contribute to the Council's five year housing land supply, and specifically would deliver much needed affordable housing. Furthermore, the proposal would assist in the reuse and regeneration of a prominent site within the town centre. As such, it is considered that the benefits of the scheme are significant. In addition, the applicant has confirmed that, as a 100% affordable housing scheme, occupiers for the development would be drawn from existing Council housing lists such that they would already be resident within the Borough. Therefore, should they have children for example, then the children would already have school places allocated to them and the future occupiers would already be utilising existing health and other facilities in the Borough. Furthermore, it is understood that consideration would also be given to prioritising key workers on the housing list who are employed in the town centre and thus already utilising existing facilities in the town centre.
- 7.24 Overall, and as part of a balanced assessment, it is considered that benefits of delivering the development outweigh the harm that emanates from the lack of financial contributions for infrastructure. Given this conclusion, and being mindful that the building is currently owned by a

third party, it is considered necessary and reasonable to require a Section 106 legal agreement to secure the entire development for occupation as affordable housing.

### **Other considerations**

- 7.25 A preliminary assessment relating to land contamination has been submitted and Environmental Health recommends conditions to require further investigation work in accordance with the recommendations in the report and Policy BN9 of the JCS.
- 7.26 In terms of air quality impacts, sustainability and climate change, Policy BN9 of the JCS requires proposals to improve air quality and Policy S11 of the JCS seeks the provision of low carbon and renewable energy for major developments. The application has been accompanied by an air quality impact assessment which proposes photovoltaic panels and heat pumps on the roof of the application property to seek to mitigate the air quality impacts of the development. Furthermore, this renewable and low carbon technology would also address sustainability matters and further details of this equipment can be secured by condition.
- 7.27 The County Ecologist advises that there are no ecological constraints to the proposal and, subject to a condition to secure biodiversity enhancements in the form of 15-20 swift bricks to the northern elevation of the building, raises no objections to the proposal.
- 7.28 The application property is not in Flood Zone 2 or 3 but comprises a major development and therefore it has been accompanied by a Flood Risk Assessment. Whilst the Environment Agency raise no concerns, it is noted that Anglian Water and the Lead Local Flood Authority are seeking further details relating to surface water drainage. However, as the proposal would not increase the impermeable area within the site, it is considered that it would not be reasonable to condition details of surface water drainage and such matters are also addressed under the Building Regulations. As such, no objections are raised to the proposal with regards to flood risk and surface water drainage.
- 7.29 A Construction Environmental Management Plan is recommended due to constrained nature of the site and its surrounds.
- 7.30 It is acknowledged that the County Council are seeking a condition relating to fire hydrants and sprinklers, however there is no policy basis for such a condition and these matters are addressed under the Building Regulations. Notwithstanding this, it is noted that the documents supporting the application detail that the development would be served by sprinklers and it should also be noted that the amendments to the scheme, including the revised pedestrian access arrangements, are in part a response to informal discussions involving the Fire and Rescue Service.

## **8 CONCLUSION**

- 8.1 To conclude, the conversion and extension of the application property to facilitate town centre living is acceptable in principle under the development plan. Notwithstanding this, the Council cannot presently demonstrate a five year housing land supply and, therefore, it is necessary to assess the proposal against the presumption in favour of sustainable development. In this instance, there would be harm arising from inability of the scheme to mitigate the impact of the development on education, health and open space infrastructure. However, it is considered that this harm is outweighed by the benefits arising from the scheme, including the delivery of a significant number of affordable housing units to contribute to an identified need; the increase in central area living to improve the vitality, viability and sustainability of the town centre; the reuse of a vacant brownfield site; the potential for the scheme to act as catalyst for the regeneration of the central area; and the introduction of renewable energy technology, and biodiversity enhancements.

## **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 attached schedule of approved plans.

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

3. 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 which shall include:

- i. Traffic management and signage during construction.
- 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 construction
- viii. Crane positions

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.

4. 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 and 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.

5. 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 shall be subject to approval in writing by the Local Planning Authority. The scheme

must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

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 details are agreed in a timely manner and to ensure a satisfactory standard of development.

6. The remediation scheme approved pursuant to Condition 5 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 shall be subject to approval in writing by 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. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

7. 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 and where remediation is necessary a remediation scheme must be prepared 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. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

8. Prior to the construction of the roof extension or installation of the new façades hereby permitted, full details of all proposed external facing materials (including details of the curtain wall glazing and Juliette balconies, cladding, vertical stained-glass panels, external lettering and clock features) 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 Policies H1 and BN5 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan.

9. Prior to the construction of the roof extension or installation of the new façades hereby permitted, a full scheme of works including a timetable for the provision of the works to alter the layby and install a new pedestrian crossing and footway to the Greyfriars site in accordance with the details shown the submitted Greyfriars Road S278 Works Plan drawing number 001 A01 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of promoting sustainable transport methods and to ensure a safe and satisfactory standard of development in accordance with the requirements of Policies S10 and C2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

10. Prior to the occupation of the development hereby permitted, full details of external lighting and CCTV to serve the entrances to the development, altered layby and the new pedestrian crossing

and footway 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 prior to the occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of appearance of the locality, residential amenity and crime prevention in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan.

11. Prior to the occupation of the development hereby permitted, a Full Site Management Plan (in conformity with the general principles established within the submitted Management and Operations Overview 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 residents moving into, and out of, the development
- ii) On site management/security
- iii) A code of conduct for occupiers of the development
- iv) Access controls, compartmentalisation and security performance of doors
- v) CCTV
- vi) Roof top management
- vii) Refuge strategy
- viii) Cleaning/maintenance strategy for external curtain glazing and stained-glass feature panels
- ix) Clock feature maintenance strategy

The Management Plan shall be fully implemented prior to the first occupation of the development and shall be retained thereafter.

Reason: In the interests of visual and residential amenity, highway safety and to ensure the provision of a safe and secure development in accordance with Policies H1, S10, BN5 and C2 of the West Northamptonshire Joint Core Strategy, Policy 1 of the Northampton Central Area Action Plan and the requirements of the National Planning Policy Framework.

12. Prior to occupation of the development hereby permitted, full details of the proposed photovoltaic panels and air source heat pumps to accord with the recommendations of the Air Quality Assessment (report reference WIE13992-100-R-8-1-3-CB) and Energy Statement (report/project reference BSD13145) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided in full prior to occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of minimising the environmental impact of the development and air quality and visual amenity in accordance with Policies S10, S11, H1, BN5 and BN9 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan

13. The windows to serve the development hereby permitted shall be provided in accordance with the glazing specification detailed in Table 5 of the submitted Noise Report (reference WIE13992-100-R-3.1.4) and retained thereafter.

Reason: To protect future occupiers of their dwellings and in the interests of residential amenity in accordance with Policies H1, BN9 & S10 of the West Northamptonshire Joint Core Strategy.

14. Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, a health exposure assessment including an acoustic / air quality filtered ventilation scheme to serve the new flats shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and thereafter retained and maintained in accordance with the approved details.

Reason: To protect future occupiers of their dwellings and in the interests of residential amenity in accordance with Policies H1, BN9 & S10 of the West Northamptonshire Joint Core Strategy.

15. Prior to the occupation of the development hereby permitted, full details of all external plant and machinery and a scheme for associated noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and retained thereafter.

Reason: To protect future occupiers of their dwellings and in the interests of residential amenity in accordance with Policies H1, BN9 & S10 of the West Northamptonshire Joint Core Strategy.

16. The new bin and cycle stores shown on the plans hereby approved shall be implemented in full prior to the occupation of the development hereby permitted and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policies C2 and S10 of the West Northamptonshire Joint Core Strategy.

17. 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 plan shall be fully implemented within two months of the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of promoting more sustainable means of travel in accordance with Policies S10 and C2 of the West Northamptonshire Joint Core Strategy and the requirements of the National Planning Policy Framework.

18. Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, a scheme for the provision and management of the roof planting boxes and green wall balustrade shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and thereafter retained and maintained in accordance with the approved details.

Reason: In the interests of amenity and to enhance biodiversity in accordance with Policies H1, S10, BN2 and BN5 of the West Northamptonshire Joint Core Strategy, Policy 1 of the Northampton Central Area Action Plan and the requirements of the National

19. Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, full details of all roof top enclosures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and thereafter retained.

Reason: In the interests of visual and residential amenity and to secure a satisfactory standard of development in accordance with Policies H1, S10 and BN5 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan

20. Prior to the occupation of the development hereby permitted, 20 swift boxes shall be installed in accordance with the details shown on drawing number NPH-AHR-02-ZZ-DR-A-20-101 Rev C and retained thereafter.

Reason: In the interests of biodiversity in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and the requirements of the National Planning Policy Framework.

## **10 BACKGROUND PAPERS**

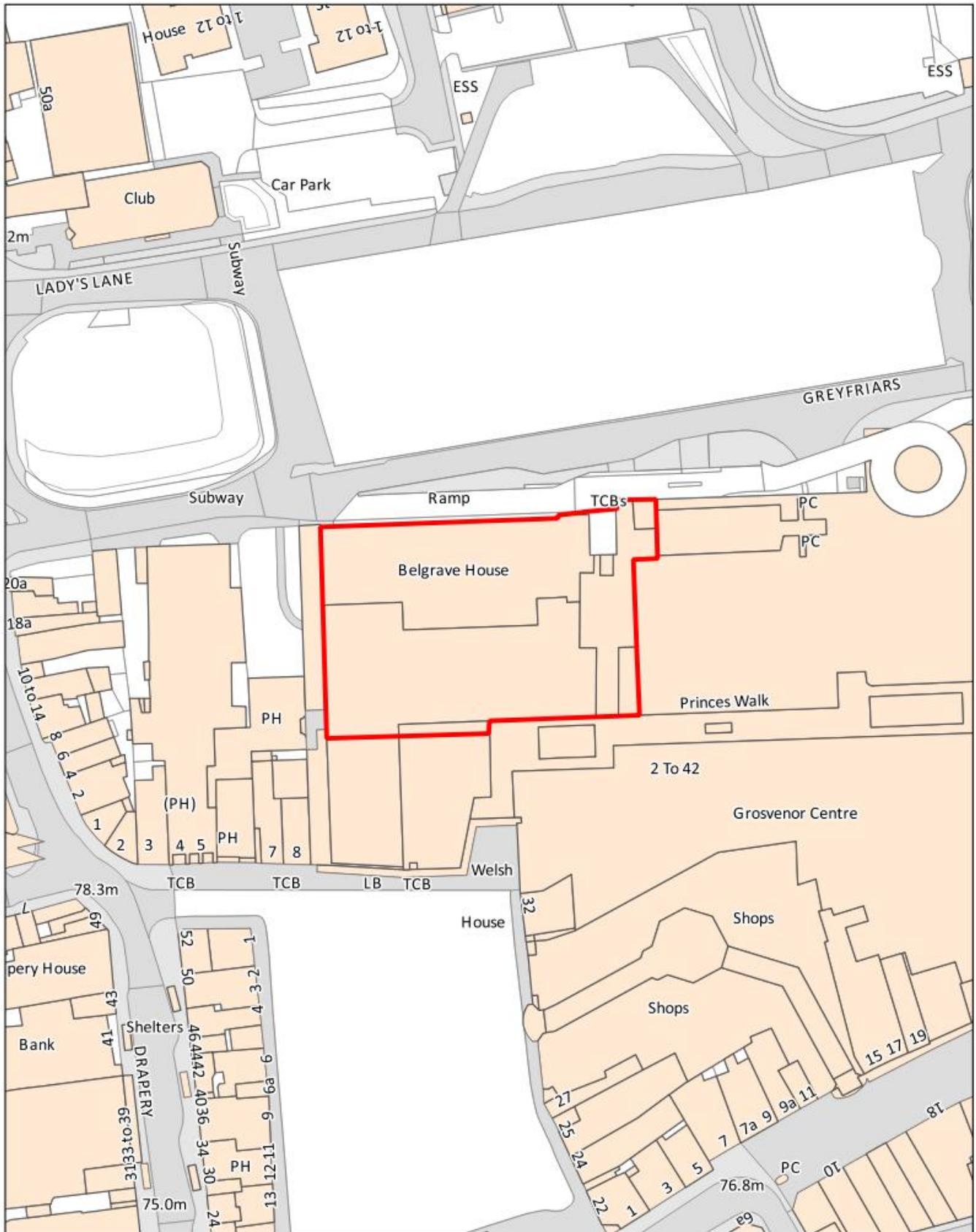
- 10.1 N/2019/0722, N/2017/1145 and N/2017/1144.

## **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: **Belgrave House, Greyfriars**

Date: 17-07-2020

Scale: 1:1,250

Drawn by: -----

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**PLANNING COMMITTEE:** 28<sup>th</sup> July 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/0257

**LOCATION:** Senior Citizens Community Room, Hinton Road

**DESCRIPTION:** Change of Use of Community Hall (Use Class D1) to Dwellinghouse (Use Class C3), with dropped kerb for wheelchair access only and alteration to windows and doors

**WARD:** Sunnyside Ward

**APPLICANT:** Northampton Partnership Homes  
**AGENT:** Mr Nota

**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 site is in a sustainable location, in an established residential area with access to public transport. The proposed conversion would contribute to the Council's 5-year housing supply. Subject to the conditions proposed, the development would not lead to any unacceptable adverse impacts on existing highway or existing and proposed residential amenity, or adjacent land uses. As such, the proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies SA, S10, H1, of the West Northamptonshire Joint Core Strategy, and Policy E20 of the Northampton Local Plan.

**2 THE PROPOSAL**

2.1 It is proposed to change the use of the property from a community room (Use Class D1) to a single dwelling (Use Class C3) with three bedrooms, a large bathroom, kitchen and living room which would provide a home for tenant with disabilities. Off road parking is provided within the existing car park and a new dropped kerb is to be created for wheelchair access.

2.2 The proposal also includes new and altered window openings, and front and rear doors. A garden will be formed within the surrounding open space to the north and east, with a low-level fencing along the western elevation of the property.

### **3 SITE DESCRIPTION**

- 3.1 The site comprises a single-storey community centre, with car park and surrounding open space. There are a number of trees surrounding the property, which also sits to the rear of bungalows which front Hinton Road, Cosgrove Road and Cosgrove Way.

### **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) and the Northampton Local Plan (1997) saved policies.

### **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:

2 – Achieving Sustainable Development  
4 – Decision Making  
5 – Delivering a Sufficient Supply of Homes  
8 – Promoting Healthy and Safe Communities  
9 – Promoting Sustainable Transport  
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:

SA – Presumption in Favour of Sustainable Development  
S10 – Sustainable Development Principles  
H1 – Housing Density and Mix and Type of Dwellings

#### **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 policy is material to this application:

E20 – Design of New Development

#### **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

## 7 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 7.1 **NBC Environmental Health** – No objections. Includes the following observations: in keeping with the Council's adopted Low Emission Strategy, the development should include 1 charging point; all gas-fired boilers to meet a minimum standard of <40 mgNO<sub>x</sub>/kWh; conditions recommended in relation to land contamination.
- 7.2 **NCC Highways** – Observation that the access road and footpaths are not highway land.
- 7.3 **Councillor Parekh** – Called in the application as local constituents would like to speak (call-in considered invalid as it was out of time).
- 7.4 **15 neighbour/third party objections** have been received from 13 objectors and 12 different addresses. Comments are summarised:
- There will be nowhere for elderly community to go. No other facility like this in the area.
  - Currently in use for different groups and as a polling station.
  - New fencing will create an alleyway.
  - Not in the public interest to remove a community building. NPH favour housing over community facilities.
  - There are groups which would like to take over/run the facility.
  - New dwelling will lead to loss of light, overlooking, noise disturbance and burglary.
  - A dwelling would not be in keeping with the area.
  - The rear field is used for leisure/dog walking.
  - Consultation is happening after the planning application.
  - The centre needs better management.
  - Windows on the west will reduce privacy of residents.

## 8 APPRAISAL

- 8.1 Paragraph 118 of the NPPF, encourages the use of brownfield sites and the re-use of under-utilised land and buildings for residential use where there is an identified need for additional housing in the area.
- 8.2 The site is currently used as a local community centre. The proposal intends to convert the building into a single bungalow, which will comprise of three bedrooms, an open plan kitchen living area and a large bathroom/wet room. To the front of the dwelling there are existing parking spaces and manoeuvring space and part of the side/ rear grassed area will be enclosed to create a garden.
- 8.3 Northampton Partnership Homes (NPH), have confirmed that the change of use is down to this site being underutilised. NPH have conducted a review of the usage of all the community hubs as part of a wider review of assets, wherein it was concluded that a number of facilities were not used, and 16 Community Hubs are to be reduced to 13. A number of the remaining 13 centres are to be re-furbished to provide better facilities for local residents. The 3 centres with low usage numbers are to be redeveloped into residential accommodation for new tenants. This information has been shared with the Council as part of this planning application.
- 8.4 The process has previously included a review of assets submitted to Northampton Borough Council to progress to the next stage to either invest in certain facilities, to re-provide new where necessary or to find alternative uses to those where there was insufficient demand. It was decided that the application site would be better utilised as a dwelling and the submission of a planning application has led to a consultation process being undertaken with residents. A site

notice was displayed in the local area and a number of resident responses and objections have been received in relation to the application.

- 8.5 NPH has provided suggested alternative locations for existing groups which use the Hinton Road Community Centre. These include centres at the Liburd Room, Leicester Street or Market Street. The closest centre to remain in the immediate locality is the Liburd Room in Kingsthorpe which is approximately 1 mile away from the application site and located on Whilton Road. This is considered to be an acceptable alternative.
- 8.6 The site is in a sustainable location, located within an established residential area with good access to the local centre on Harborough Road and bus routes into the town centre. Subject to the considerations discussed within the remainder of this report, the principle of conversion of the existing building to residential dwelling is considered acceptable.

### **Design**

- 8.7 The NPPF advises that good design is a key aspect of sustainable development. These aims are reflected in Policy S10 of the JCS which require new development to achieve the highest standards of sustainable design incorporating safety and security measures.
- 8.8 In respect of the existing building, the development would only make minor changes to the external appearance of the building. The south of the building which forms the front elevation will include new windows serving two bedrooms and a new front entrance door with side panel. The main footprint of the property will remain the same. The north elevation (rear) will have the existing windows and doors removed and 2x new windows inserted, with new double-glazed sliding doors inserted to provide access to the rear garden. The side elevation to the west will retain one high level window which will provide light into the kitchen and insert a new high elevation and obscurely glazed window for the bathroom. One existing window will be removed on this elevation. The eastern elevation which will have outlook onto the rear garden to be created will include the insertion of one window to serve a bedroom.
- 8.9 These changes are considered to be minimal with no extensions to be provided. It is not considered that these works would not have a significant impact upon the character and appearance of the local area.
- 8.10 In terms of boundary treatments, the garden is proposed to the side and rear and would be enclosed by a 1.8m fence to safeguard the privacy of the private garden space. There are a mix of low and higher garden fences to the rear gardens of existing bungalows which provide a level of surveillance over the open space and footpaths. The fence would back onto the footpath at one section and some concern has been raised in this regard. However, this is a relatively small area to be enclosed, with the remaining site being open and on balance, it is considered to be acceptable in design terms. Notwithstanding this, more detailed information on boundary treatments can be secured via a condition attached to the decision. The inclusion of a low 1m railing to the west and boundary planting would provide additional security for the property, in addition to a more visually improved appearance. Again, details of this boundary treatment can be secured via a condition.
- 8.11 Objections have been received on the design stating that windows to the west will reduce privacy. However, the proposed windows have been amended through the course of the application to be high-level windows (on the west elevation) and this would safeguard privacy of both existing residents' gardens and rear windows, and also the privacy of future occupants. Neighbouring amenity is considered further in the following section of this report.

### **Amenity**

- 8.12 Policy H1 of the JCS requires new development to have regard to the living conditions and amenity of both future occupiers and the occupiers of neighbouring properties.

- 8.13 The existing building would be converted to provide one 3-bed dwelling. All rooms within the converted building and would have sufficient daylight and outlook and are considered to be of reasonable size. Outdoor amenity space would be located to the rear and side of the property and is of a reasonable size. The remaining open space would still be available for public use.
- 8.14 In respect of neighbouring amenity, the proposed property would retain its existing footprint and there would be relatively minor alterations to windows and doors. Windows to the west elevation would be high level and therefore similar to those which currently exist. This protects the privacy of neighbours to the west, in addition to the privacy of occupiers. The proposed new window facing east, which would serve a bedroom, is at ground floor level and sufficient boundary treatments including the garden fence of the property, and the neighbouring properties would breakup views between properties. There is a distance of approximately 12.5m between this side elevation and the rear of properties which front Cosgrove Way. The introduction of new glazed doors and window to the rear (north) elevation would not be intrusive or lead to overlooking, being some 25m from the rear elevation of properties opposite, with open space and a footpath between the two. The boundary fence of the private garden would also break up views. Indeed, the existing community building has large windows and doors to this elevation. The front elevation facing south would replace the door to the porch and the existing window and provide one additional window. This elevation does not directly face any dwellings and would not lead to a loss of privacy over and above the existing situation.
- 8.15 A dropped kerb for wheelchair access would be provided down to the parking area. This would not be detrimental to neighbouring occupiers but provide a fit for purpose dwelling and parking for future occupants.
- 8.16 No other alterations are proposed, and it is not considered residential amenity of these properties would be adversely affected.
- 8.17 Environmental Health recommended that conditions to be imposed in relation to land contamination. However, as the proposal is for conversion rather than new build, such conditions are not considered to be necessary.

### **Highway Matters**

- 8.18 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.
- 8.19 Access to the site would be via the existing access from Hinton Road and parking would be as per the existing situation. There is space for at least 3 cars which would be adequate for a 3-bedroom dwelling. The Northamptonshire Parking Standards (September 2016) advise that applications for a 3 bed dwelling should provide 2 parking spaces, therefore the development complies with the Northamptonshire Parking Standards. The Highway Authority have not objected to the proposed development.
- 8.20 NBC Environmental Health have requested the provision for 1 electric charging point per dwelling and as such, a condition can be attached for the provision for a scheme for electric vehicle charging. The details of boiler will be covered by Building Regulations.
- 8.21 It is not considered that the proposal would lead to any unacceptable adverse impacts on existing highway conditions within the area such that the application should be refused on this basis.

## **9 CONCLUSION**

- 9.1 The proposal would utilise a community building that is currently under-used. It is acknowledged that some residents wish to keep the facility, however the review submitted by NPH justifies the loss of the facility as improvements will be made to alternative facilities. There is also another facility just a short distance away which reduces the impact on the immediate community. The

proposal involves minimal changes to the fabric of the building and external layout. It is considered that there is no significant demonstrable harm in terms of this particular use. The site is in a sustainable location with good access to the town and public transport and the development would make a positive contribution to the Council's 5-year housing supply. The development would not lead to any unacceptable adverse impacts on existing highway or existing or proposed residential amenity, or adjacent land uses.

9.2 The proposal is recommended for approval, subject to the conditions below.

## 10 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: SK08 20/03A, SK08 20/01C, SK08 20/02C and SK08 04.

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

3. Prior to first occupation of the residential dwelling hereby approved, full details of the proposed bin stores shall be submitted to and approved in writing by the Local Planning Authority. The approved bin stores shall be implemented in full accordance with the approved details prior to first occupation of the residential unit hereby approved and retained thereafter.

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

4. Prior to first occupation of the residential dwelling hereby approved, a detailed scheme of hard and soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority.

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. This is a pre-commencement condition to ensure timely submission of details.

5. All planting, seeding or turfing shown on approved details submitted under Condition 4 (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 Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

6. Prior to first occupation of the residential unit hereby approved, full details of at least 1 electric vehicle charging point for the approved residential unit 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.

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 including roof alteration/enlargement shall be erected to the dwelling hereby permitted.

Reason: In the interests of residential amenity and to prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan and Policy H1 of the West Northamptonshire Joint Core Strategy.

8. 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 in the west elevation of the dwelling hereby permitted without prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with Policy E20 of the Northampton Local Plan and Policy H1 of the West Northamptonshire Joint Core Strategy.

9. Notwithstanding the details as submitted, full details of boundary treatment of the site 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 dwelling hereby permitted and retained 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.

**Informative:**

1. You will need to obtain formal street naming and numbering for the new unit(s) through Northampton Borough Council Building Control. For further information please call 01604 838920 or email [buildingcontrol@northampton.gov.uk](mailto:buildingcontrol@northampton.gov.uk)
2. Work on site must not occur outside the following hours:  
  
Monday – Friday 7.30 a.m. – 18.00 p.m.,  
Saturday 8.30 a.m. – 13.00 p.m. and  
No work on Sundays & Bank Holidays.

**11 BACKGROUND PAPERS**

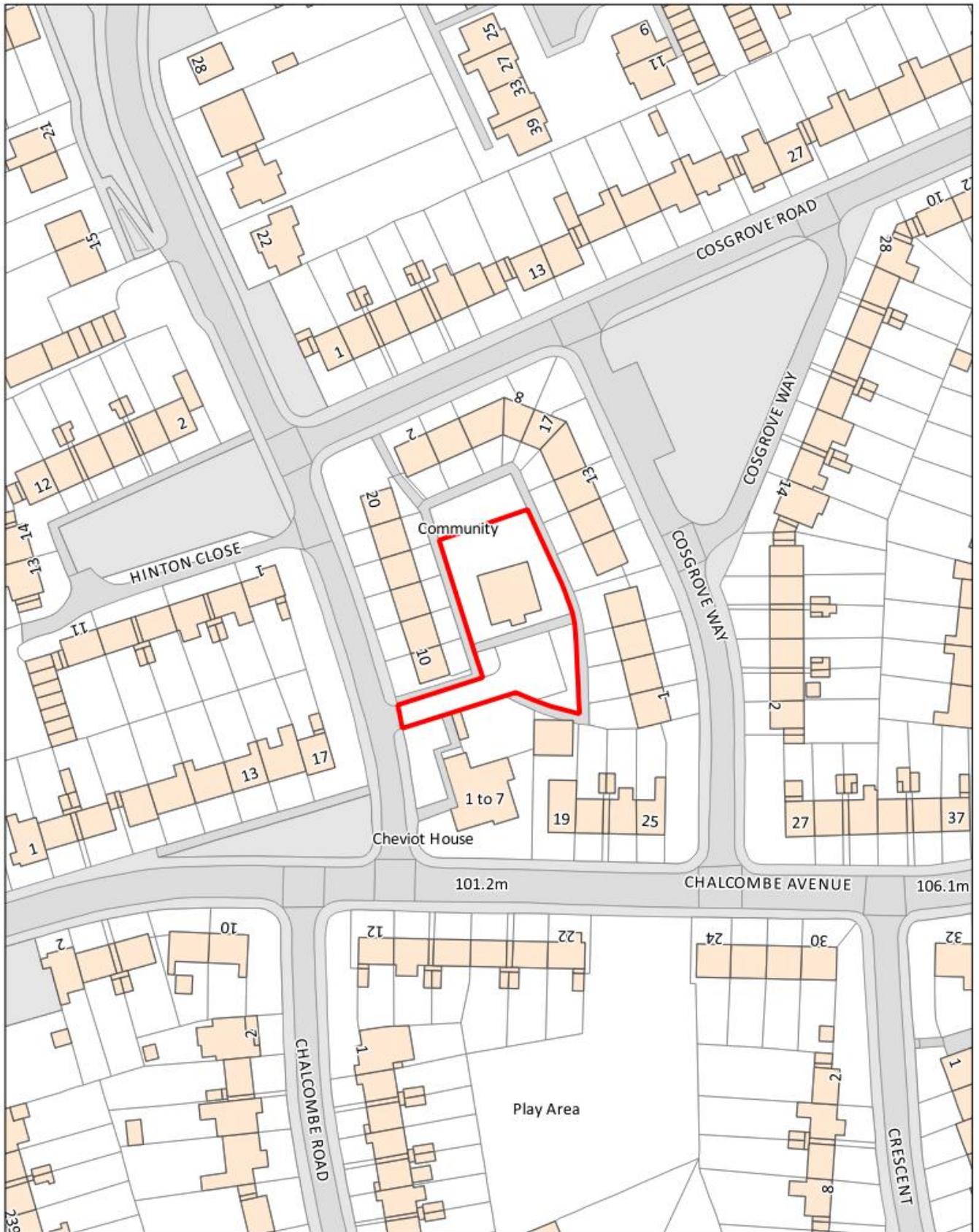
- 11.1 File N/2020/0257.

**12 LEGAL IMPLICATIONS**

- 12.1 The development is 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.



Title: **Hinton Road - Community Room**

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Date: 16-07-2020

Scale: 1:1,000

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