

PLANNING COMMITTEE: 9th June 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1388

LOCATION: Former Sjn Car Showroom and Premises, 399 Harlestone Road

DESCRIPTION: Creation of new access to serve 379 - 399 Harlestone Road with associated highway works to Harlestone Road

WARD: New Duston Ward

APPLICANT: Westley, Westley, Hill
AGENT: LSH

REFERRED BY: Director of Planning and Sustainability
REASON: Part 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 development would not have an adverse impact upon the highway system, the character and appearance of the surrounding area, or neighbour amenity. The development is therefore in conformity with the requirements of the National Planning Policy Framework; Policies S1, S10, C2, BN9 and N1 of the West Northamptonshire Joint Core Strategy; Policy E20 of the Northampton Local Plan; and Policies T1 and T2 of the Duston Neighbourhood Plan.

2 THE PROPOSAL

2.1 The application seeks full planning permission for the upgrading of the western access serving the site of 379 - 399 Harlestone Road with associated highway works to Harlestone Road. 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 includes 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.

- 2.2 The submitted Transport Assessment aims to demonstrate the suitability of the proposed access arrangements for potential future developments (e.g. a primary school and food retail store). However, and for the avoidance of doubt, the applicant is not seeking planning permission for such future uses and the proposal is only for the new access into the site and associated works to the Harlestone Road.

3 SITE DESCRIPTION

- 3.1 The application site is located to the south side of Harlestone Road and has two vehicular accesses onto Harlestone Road with a horseshoe configuration. It is occupied by the remnants of a former car dealership, with the showroom building to the frontage of the site recently demolished and only the forecourt canopy and kiosk remaining as a hand car wash and the repair/service garage retained to the rear of the site for the repair of refrigeration trucks and other vehicles.

4 PLANNING HISTORY

- 4.1 N/2018/1225: Change of use of site to allow for refrigerated trucks, trailers and light goods vehicles to be repaired on site. Pending consideration at time of drafting report.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies, and the Duston Neighbourhood Plan.

5.2 National Policies

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

Section 2 – Achieving sustainable development
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

5.3 West Northamptonshire Joint Core Strategy (2014)

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

Policy S1 – Distribution of development
Policy S10 – Sustainable development principles
Policy C2 – New developments
Policy BN9 – Planning for pollution control
Policy N1 – The regeneration of Northampton

5.4 Northampton Local Plan 1997 (Saved Policies)

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

Saved Policy E20 – New development (Design)

5.5 Duston Neighbourhood Plan

At Full Council on 14th December 2015 Northampton Borough Council made the Duston Neighbourhood Plan. It now forms part of the Development Plan for Northampton. Policies of particular relevance are:

Policy T1 – Transport issues

Policy T2 – Transport needs

6 CONSULTATIONS / REPRESENTATIONS

Comments received are summarised as follows:

6.1 **Duston Parish Council:** No objections.

6.2 **NBC Environmental Protection:** No objections subject to contaminated land conditions due to the former use of the site including car repairs, petrol filling stations and historical brick works.

6.3 **NCC Highways:** After due consideration, the Local Highway Authority do not object to this application subject to conditions to require compliance with the approved plans (subject to s278 approval), the closure of the eastern access to the site and further details of the proposed zebra crossing facility.

However, it must be highlighted that the proposed road junction is over-engineered for the existing permitted uses. The swept path analysis is accepted.

For the purposes of clarity, whilst this application has modelled the proposed traffic impact of a school and supermarket, this application is for the access only. Therefore, wider considerations regarding traffic impact on the local network has not been considered. Any future application for uses on this site will require a Transport Assessment and must mitigate its impact on the local network.

6.4 **Eight third party letters of objection** were received to the application as originally submitted. The objection letters include the following points:

- Harlestone Road is extremely busy and nearby junction cannot tolerate more traffic.
- Vehicles turning into the site will obstruct and impede access to properties on the Harlestone Road.
- Concerned at noise, traffic and pedestrian safety associated with potential school and store uses on the site [Officer Note: The application is for access alterations and associated highway works and is not seeking planning permission for future uses]
- Concerned boundary of site abuts residential properties and potential future uses will reduce privacy [Officer Note: The application only relates to the frontage of the site and highway works (as outlined in red on the submitted plans; the blue edge on the submitted plans only denotes the extent of land in the ownership of the applicant] .
- Unclear why neighbours to the rear of the site have not be notified [Officer Note: The works only relate to the frontage of this large site and thus only neighbours on the Harlestone Road were notified by letter, however a site notice was also displayed on the frontage of the site to ensure that the application was more widely advertised].

6.5 **A further two third party letters of objection** were received following the submission of revised plans. The revised plans were submitted to address the comments of County Highways, with amendments including a new pedestrian refuse/island in the centre of the upgraded access and the re-siting of the zebra crossing within the new access road. The objections to the amended

plans re-iterate concerns relating to potential future uses of the site and also include the following points:

- The existing two accesses to the site are perfectly adequate and afford excellent visibility from and onto the highway; the altered access is not needed for the existing uses.
- The plans incorrectly show buildings on the site that have recently been demolished.
- Proposal should not be approved unless a change of use application is also submitted.

7 APPRAISAL

- 7.1 The application site is located within the built-up area of Northampton and, therefore, the proposed development is acceptable in principle under the development plan.
- 7.2 The proposed works to upgrade the existing access arrangements to the site together with the supporting Transport Assessment and Road Safety Audit have been extensively assessed by the County Highway Authority and found to be acceptable subject to conditions. It is noted that the Transport Assessment seeks to model the suitability of the access for potential future uses including a new primary school and food retail store, which has caused some concerns amongst third parties. However, and as clearly stated in the application supporting submissions, the application is not seeking planning permission for any such uses and the proposal is only for the new access arrangements as a potential catalyst for the generation of the site. As such, it is considered that the proposed access works the subject of the application would not have an adverse impact on highway safety and offer the potential for wider benefits through the integration of cycle-footways on both sides of the new access road.
- 7.3 The proposed access arrangements would be somewhat over-engineered for the existing uses on the site. However, such access arrangements are not unusual for large commercial sites such as the application property and it is considered that the proposal would not have an adverse impact on the character and appearance of the area.
- 7.4 The proposed works would only relate to the front part of the site and a small section of the Harlestone Road and, as such, would not have an adverse impact on the residential amenity of neighbours.
- 7.5 The site forms part of a former car sales and repair garage and is directly adjacent to a former petrol filling station and was historically a brick works. As such, it is recommended that land contamination conditions are imposed should planning permission be forthcoming.

8 CONCLUSION

- 8.1 To conclude, the proposed access alterations and associated highway works would not have an adverse impact upon the highway system, the character and appearance of the surrounding area, or neighbour amenity. Accordingly, the proposal is compliant with the requirements of national and local planning policies.

9 CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: DWG/3022/SK05, DWG/3022/SK01A, DWG/3022/SK02A, DWG/3022/SK03C, and DWG/3022/SK04C.

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, an investigation and risk assessment in respect of any possible contamination on the site, whether or not it originates on the site, shall be submitted to and approved 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. This is a pre-commencement condition to ensure timely submission of details.

4. 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 shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, an appraisal of remediation options, 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. This is a pre-commencement condition to ensure timely submission of details.

5. All remedial works found to be required under Conditions 3 and 4 shall be fully implemented in accordance with the approved remediation scheme and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

6. 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. Development on the part of the site affected shall be suspended and an investigation and risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

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.

7. Prior to the commencement of the development hereby permitted, full engineering and constructional details of the zebra crossing facility on the new access road (shown on drawing number DWG/3022/SK01A) 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 use of the new access and retained thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with Policies C2 and S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

8. Prior to the use of the new access hereby permitted, the existing eastern access from the site onto the highway shall be permanently closed in accordance with the details shown on drawing DWG/3022/SK01A including the reinstatement of the footway and verge.

Reason: To confine access to the permitted point(s) in order to ensure that the development does not prejudice the free flow of traffic or conditions of highway safety along the neighbouring highway in accordance with Policies C2 and S10 of the West Northamptonshire Joint Core Strategy.

10 BACKGROUND PAPERS

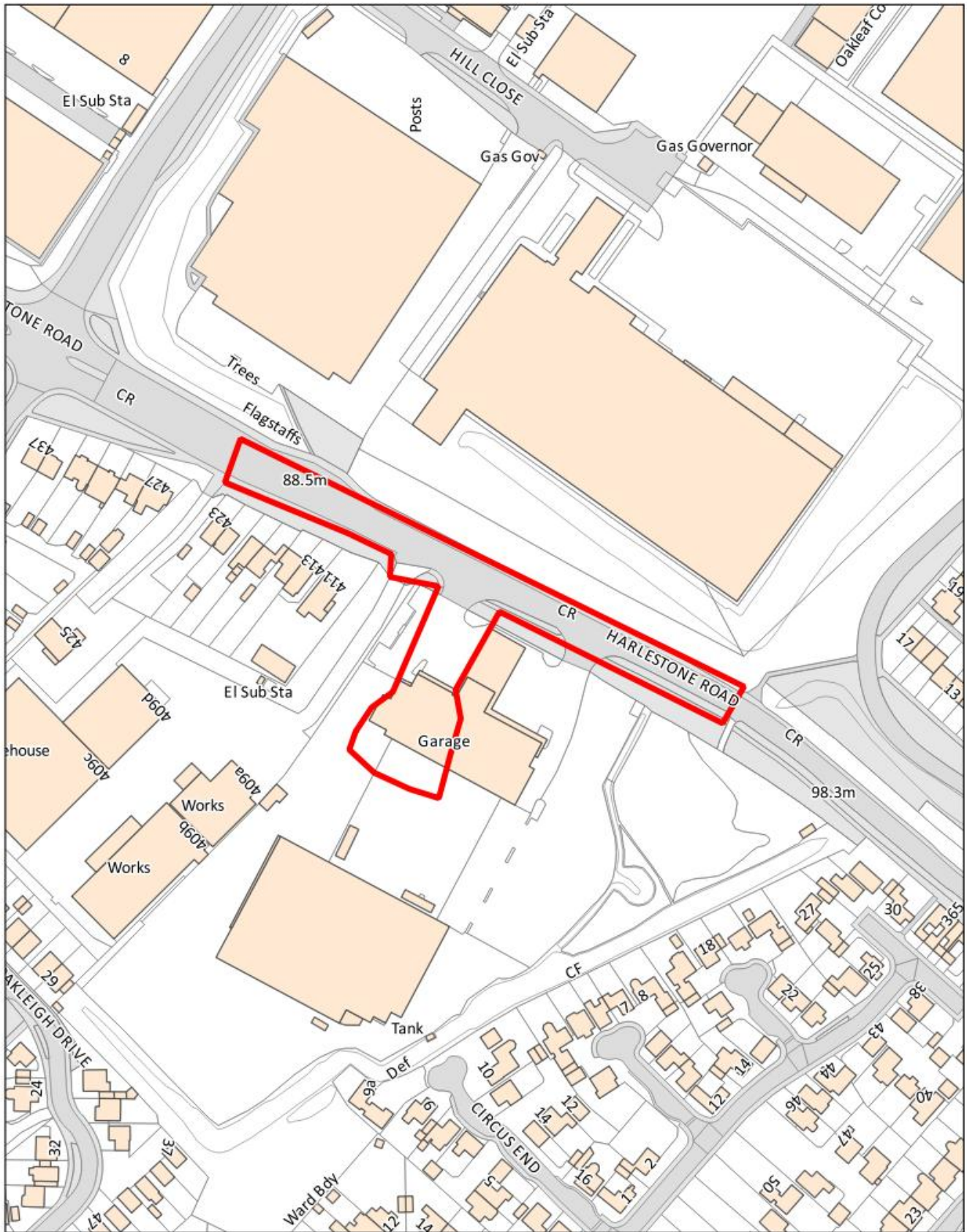
10.1 N/2019/1388 & N/2018/1225.

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: **399 Harlestone Road**

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Date: 28-05-2020

Scale: 1:1,750

Drawn by: -----