



# PLANNING AGENDA

**Tuesday, 22 November 2016**

The Jeffrey Room, St. Giles Square, Northampton,  
NN1 1DE.

6:00 pm

**Members of the Committee**

**Councillor:** Brian Oldham (Chair), Matthew Golby (Deputy Chair)

**Councillors:** Jane Birch, Julie Davenport, Anamul Haque (Enam), Mary Markham, Jamie Lane, Graham Walker, Arthur McCutcheon, Brian Markham, Samuel Shaw, Andrew Kilbride and Elizabeth Gowen.

**Chief Executive** David Kennedy

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 6.00pm on 25<sup>th</sup> October, 22<sup>nd</sup> November, 20<sup>th</sup> December 2016 and the 17<sup>th</sup> January, 14<sup>th</sup> February, 14<sup>th</sup> March, 11<sup>th</sup> April, 9<sup>th</sup> May and the 8<sup>th</sup> June 2017. 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?

- 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)

### 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.

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

Your attendance is requested at a meeting to be held:  
in The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.  
on Tuesday, 22 November 2016  
at 6:00 pm.

**D Kennedy**  
**Chief Executive**

**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**  
There are none.
- 8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**  
There are none.
- 9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

- (A) N/2016/1193 - VARIATION OF CONDITIONS 3, 9, 10, 11, 12 AND 14 OF PLANNING PERMISSION N/2014/1328 - CHANGE OF USE TO PROVIDE A COMMUNITY ARTS HUB INCLUDING 57 WORKSHOPS, MEETING SPACES AND ASSOCIATED AMENITIES INCLUDING ALTERATIONS AND REFURBISHMENT OF EXISTING BUILDINGS, ERECTION OF THREE STOREY BUILDING AND DEMOLITION OF EXISTING STRUCTURES AND ASSOCIATED EXTERNAL WORKS TO CHANGE CONDITIONS FROM 'PRE-COMMENCEMENT' TO 'PRE-COMMENCEMENT' ON THAT PART OF WORKS.**

**N/2016/1196 - VARIATION OF CONDITIONS 3, 6 AND 7 - LISTED BUILDING APPLICATION FOR CHANGE OF USE TO PROVIDE A COMMUNITY ARTS HUB INCLUDING 57 WORKSHOPS, MEETING SPACES AND ASSOCIATED AMENITIES INCLUDING ALTERATIONS AND REFURBISHMENT OF EXISTING BUILDINGS, ERECTION OF THREE STOREY BUILDING AND DEMOLITION OF EXISTING STRUCTURES AND ASSOCIATED EXTERNAL WORKS TO CHANGE CONDITIONS FROM 'PRE-COMMENCEMENT' TO 'PRE-COMMENCEMENT' ON THAT PART OF WORKS.**

(Copy Herewith)

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

(Copy Herewith)

- (A) N/2012/0909 - PROPOSED RESIDENTIAL DEVELOPMENT OF 139 RESIDENTIAL DWELLINGS, GARAGES AND ASSOCIATED WORKS INCLUDING NEW ACCESS ROUNDABOUT, LAND OFF LANCASTER WAY, TOWCESTER ROAD**

(Copy Herewith)

- (B) N/2016/0283 - HYBRID APPLICATION INCLUDING FULL PLANNING APPLICATION FOR THE ERECTION OF THREE DORMER BUNGALOWS (PLOTS 4, 5, 6) AND OUTLINE PLANNING APPLICATION FOR THE ERECTION OF THREE DWELLINGS (PLOTS 1,2,3) WITH ACCESS, LAYOUT AND APPEARANCE TO BE CONSIDERED. DEMOLITION OF OUT BUILDING, THE LEYS CLOSE , 39 MILL LANE**

(Copy Herewith)

- (C) N/2016/0985 - CHANGE OF USE FROM RETAIL (USE CLASS A1) TO PUB (USE CLASS A4), 45 ST GILES STREET**

(Copy Herewith)

- (D) N/2016/1091 - ERECTION OF THREE RESIDENTIAL BUILDINGS COMPRISING A TOTAL OF 80 SPECIALISED SUPPORTED LIVING APARTMENTS (USE CLASS C3), TOGETHER WITH ASSOCIATED ACCESS, PARKING, OPEN SPACE, BINS AND SCOOTER STORES, UNITED TRADES CLUB, BALMORAL ROAD**

(Copy Herewith)

**(E) N/2016/1093 - CHANGE OF USE FROM DWELLING (USE CLASS C3) TO A HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 6 RESIDENTS - RETROSPECTIVE, 6 STIMPSON AVENUE, NORTHAMPTON, NN1 4LP**

(Copy Herewith)

**(F) N/2016/1145 - DEMOLITION OF GARAGE AND DWELLING AND ERECTION OF THREE HOUSES AND THREE BUNGALOWS WITH ASSOCIATED WORKS INCLUDING ACCESS DRIVE (OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS AND LAYOUT), GARAGE PREMISES, 531 HARLESTONE ROAD**

(Copy Herewith)

**(G) N/2016/1212 - PROPOSED RE-ROOFING OF A FAILED FLAT ROOF INTO A PITCHED GABLE ROOF, GIFFORD COURT, LIMEHURST ROAD**

(Copy Herewith)

**(H) N/2016/1292 - CHANGE OF USE OF EXISTING DWELLING TO 3NO. FLATS AND DEMOLITION OF EXISTING REAR OUTBUILDING AND ERECTION OF REAR STORE - PART RETROSPECTIVE, 2 ELIZABETH WALK**

(Copy Herewith)

**(I) N/2016/1344 - CHANGE OF USE OF PART FIRST FLOOR TO DAY CENTRE (USE CLASS D1) TO BE USED INCONJUNCTION WITH THE PROPOSED DAY CENTRE ON THE SECOND FLOOR, 24 MARKET SQUARE**

(Copy Herewith)

**(J) N/2016/1372 - CHANGE OF USE FROM SHOP (USE CLASS A1) TO A DROP IN CENTRE, KINGS HEATH POST OFFICE, 2 PARK SQUARE**

(Copy Herewith)

**(K) N/2016/1385 - CHANGE OF USE OF TWO EXISTING COMMUNAL ROOMS WITHIN A BLOCK OF FLATS INTO TWO ONE BEDROOM SELF-CONTAINED DWELLINGS, DOVER COURT, ST JAMES ROAD**

(Copy Herewith)

**(L) N/2016/1424 - INSTALLATION OF 1 NO. TEMPORARY REFRIGERATED STORAGE CONTAINER FOR A PERIOD OF 2 YEARS, COMMUNITY CENTRE, BRUNSWICK PLACE**

(Copy Herewith)

## **11. ENFORCEMENT MATTERS**

There are none.

## **12. ITEMS FOR CONSULTATION**

There are none.

## **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.”

### **SUPPLEMENTARY AGENDA**

**Exempted Under Schedule  
12A of L.Govt Act 1972  
Para No:-**

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

## NORTHAMPTON BOROUGH COUNCIL

### PLANNING COMMITTEE

Tuesday, 25 October 2016

**PRESENT:** Councillor Oldham (Chair); Councillor Golby (Deputy Chair);  
Councillors Birch, Davenport, Gowen, Haque, J Hill, Kilbride, Lane,  
Markham, McCutcheon, Shaw and Walker

**OFFICERS:** Peter Baguley (Head of Planning), Rita Bovey (Development  
Manager), Nicky Toon (Senior Planning Officer), Ben Clarke  
(Principal Planning Officer), Theresa Boyd (Planning Solicitor), Dan  
Kalley (Democratic Services Officer)

#### 1. APOLOGIES

There were no apologies received.

#### 2. MINUTES

The minutes of the meeting held on 6<sup>th</sup> September were agreed and signed by the  
Chair.

Councillor Kilbride commented that under item three of the minutes from 27<sup>th</sup>  
September it should state that the councillors declared a personal and disclosable  
pecuniary interest on the agenda items listed.

The minutes of the meeting held on 27<sup>th</sup> September were agreed and signed by the  
Chair.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

**RESOLVED:** That under the following items, the members of the public listed below  
were granted leave to address the Committee:

**N/2016/1123**

David Ballentine  
Cllr Ian Simons

**N/2016/1151**

Chris Parr

**N/2016/1152**

Chris Parr

**N/2016/1260**

Ann Timson  
Jonathan Petty



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

Councillor Oldham declared a personal and disclosable pecuniary interest in items 10f, 10g and 10i as a Director on the Northamptonshire Partnerships Homes Board.

Councillor Kilbride declared a personal and disclosable pecuniary interest in items 10f, 10g and 10i as a Director on the Northamptonshire Partnerships Homes Board.

#### **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 and elaborated thereon. The applications relating to 2 Cardinal Close and 101 Martins Lane were both dismissed by the Inspector, in agreement with the delegated decision by the Development Manager. With regards to 30 Whitworth Road and 133 Colwyn Road the Inspector had taken a different view to the Local Planning Authority in respect of impacts on parking and highway conditions. In his report he noted that, although concerns had been raised by the Highways Authority, he was of the view that the locations were sustainable, including close links to local buses.

**RESOLVED:** That the report be noted.

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

There were none.

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

There were none.

#### **9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

There were none.

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

- (A) N/2016/0654 - VARIATION OF PLANNING CONDITIONS 7, 9 AND 10 OF PLANNING PERMISSION N/2015/0333 (HYBRID APPLICATION FOR NEW RETAIL FOOD STORE AND UP TO 19 RESIDENTIAL DWELLINGS) TO ALLOW IN-STORE BAKERIES, EXTENSION OF OPENING HOURS AT BANK HOLIDAY BETWEEN 8AM TO 10PM AND CHANGE OF**

**DELIVERIES HOURS TO STATE NO DELIVERIES TO BE PERMITTED BEFORE 6.30AM AND AFTER 9.00PM ON MONDAYS TO SATURDAYS; BANK HOLIDAYS NO DELIVERIES TO BE PERMITTED BEFORE 6.30AM AND AFTER 9.00PM; SUNDAYS AND PUBLIC HOLIDAYS NO DELIVERIES TO BE PERMITTED BEFORE 8.30AM AND AFTER 5.00PM, FORMER NORTHAMPTON CHRONICLE AND ECHO SITE, UPPER MOUNTS**

The Principal Planning Officer submitted a report on behalf of the Director of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was advised that planning permission for the site was granted a year ago for an Aldi store and residential dwellings, subject to a number of conditions.

This application sought the Committees approval to vary three of the conditions associated with the original permission, namely varying the following:

- Condition 7 – to include the creation of an instore bakery
- Condition 9 – allow extension to opening hours at bank holidays between 8am to 10pm
- Condition 10 – allow extension of delivery hours between 6.30am to 9.00pm Mondays to Saturdays; between 6.30am to 9.00pm on bank holidays; between 8.30am to 5.00pm on Sundays and public holidays.

It was stated that these approvals were needed in order to satisfy the s.106 agreements.

In response to questions from the committee the Principal Planning Officer confirmed that the impact on residents of relaxing the delivery times was minimal. This was due to the fact that the store was relatively small in size, deliveries for stores such as Aldi were generally made from a small number of commercial vehicles and if disruption were to become an issue the Council could potentially intervene under Environmental Health legislation.

**RESOLVED:**

That the application be **APPROVED IN PRINCIPLE** subject to the completion of a Section 106 agreement and the conditions as set out in the report and for the following reason:

The proposed development would result in the satisfactory reuse of this previously developed site, on account of the proposal representing a sustainable commercial and residential development which would have a neutral impact upon the viability and vitality of the allocated hierarchy of centres, in addition to contributing to the established need for housing within Northampton. Furthermore, the proposal has established a number of acceptable design parameters that would ensure that the proposed development would be of a satisfactory scale and design whilst ensuring a neutral impact upon neighbour amenity and the highway system. The proposal is therefore in accordance with the requirements of the National Planning Policy Framework; Policies H1, H2, S1, S2 and INF1 of the West Northamptonshire Joint Core Strategy; and Policies 1, 12, 16 and 23 of the Northampton Central Area Action Plan.

**(B) N/2016/0970 - CHANGE OF USE FROM DWELLING (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 RESIDENTS - RETROSPECTIVE, 162 ST ANDREWS ROAD**

The Principal Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was advised that given the size of the property the application to turn the residential dwelling into a house in multiple occupation for 4 people was not overly intensive. The additional condition as set out in the addendum was also referred to.

A number of Members of the Committee commented that it was a shame to lose a family home, which were needed.

**RESOLVED:**

That the application be **APPROVED** subject to the conditions as set out in the report and an additional condition as stated by the addendum and for the following reason:

The proposed change of use to a house in multiple occupation (HIMO) would not lead to an over concentration of HIMOs within the locality or lead to any significant impact on the character and amenity of the surrounding area or existing parking conditions. The property is of sufficient size to accommodate the level of accommodation proposed and is in accordance with the requirements of Policies H1, H5 and S10 of the West Northamptonshire Joint Core Strategy, Policies E20 and H30 of the Northampton Local Plan, the Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

**(C) N/2016/1055 - CHANGE OF USE FROM DWELLING (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 3 RESIDENTS, 3 UPPINGHAM STREET**

The Principal Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was advised that this application, according to Council records would not significantly impact on the character of the surrounding area. The revised conditions as set out on the addendum were also referred to.

Members of Committee commented that it was essential to ensure that the number of residents at this residence did not, at any stage, exceed three people.

**RESOLVED:**

That the application be **APPROVED** subject to the conditions as set out in the report and the additional condition as set out by the addendum and for the following reason:

The development would not lead to an unacceptable concentration of HIMOs within the locality that would adversely impact upon the character of the street, nor would the development have significant adverse impacts on neighbouring amenity or parking provision. The property is of sufficient size to accommodate the level of

accommodation as proposed and is in accordance with the requirements of Policies H1, H5, and S10 of the West Northamptonshire Joint Core Strategy, Policies E20 and H30 of the Northampton Local Plan, the Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

**(D) N/2016/1102 - PART CONVERSION OF GARAGE TO KITCHEN, 59 MESHAW CRESCENT**

The Development Manager submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. The Committee were informed that this application was in front of the Committee by virtue of the application being brought by an employee of the Council. The application was for a partial garage conversion and would not have any adverse impact on the appearance of the property from the front.

**RESOLVED:**

That the application be **APPROVED** subject to the conditions as set out in the report and for the following reason:

The proposed development for a partial garage conversion would not have any adverse impact on the appearance and character of the original dwelling, surrounding area and amenity of adjoining occupiers. The proposed development would comply with saved Policies E20 and H18 of the Northampton Local Plan, Policy S10 of the West Northamptonshire Joint Core Strategy, Residential Extensions and Alterations Design Guide SPD and advice contained in National Planning Policy Framework.

**(E) N/2016/1123 - CHANGE OF USE OF DWELLING (USE CLASS C3) TO DWELLING AND CHIROPRACTIC STUDIO AND ERECT SINGLE STOREY SIDE EXTENSION, 1 MARJORAM CLOSE**

The Development Management Team Leader submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. The application was for a single storey extension with a chiropractic studio. It was advised that although there were no planning objections to the single storey extension, officers were of the view that the potential number of customers would result in the significant and unacceptable increase in comings and goings to and from the property.

Mr D Ballentine, owner of 1 Marjoram Close addressed the Committee in support of the application. He stated that there would be a maximum number of four clients at the address during a one hour period. To start with it was proposed that there would be a split shift of work, with one person working in the morning and another in the afternoon. In reality this would only mean 2 customers an hour.

The hours of business were to be between 9.00am and 6.00pm Monday to Friday with every second Saturday operating from 9.00am to 12.00pm. In addition the Committee were advised that each patient would be allotted 20 minutes of time with a further ten minute crossover period between patients. In addition he stated that there were a lack of chiropractic services in the local area and members of the public would have to travel into the centre of Northampton to receive treatment.

In response to questions from the Committee, Mr D Ballentine clarified a number of issues. He confirmed that most of the residents within Marjoram Close were retired and had indicated that they would support the application. He confirmed that the garage would be used to park one of the cars at the premises, therefore allowing for one customer to be able to park on the driveway.

Parish Councillor Ian Simons addressed the Committee raising concerns by members of the parish community. This included concerns that extra cars would hamper access to the street and, in particular, rubbish bin lorries, who needed to get down the street. In addition, at weekends and school holidays there would be a number of children potentially playing in the street.

Members of the Committee made a number of comments in relation to the application including:

- Following the site visit, there was no evidence that the street was busy or would potentially be overcrowded.
- There was little evidence that there would be an increase of anti-social behaviour and increased footfall could improve security.

However, some Members did raise concerns that although it didn't seem overcrowded, it might be preferential for the applicant to find premises near a doctor's surgery.

#### **RESOLVED:**

A proposal was made to refuse the application in line with the officer recommendation. Upon taking a vote, this motion failed.

A further proposal was made to approve the application, with the drafting of conditions being delegated to the Head of Planning in consultation with the Chair.

Upon taking a vote this motion was passed and the application **APPROVED** for the following reason:

The proposed use and extension would not have an undue detrimental impact on the residential amenity, highway safety, appearance and character of the host building and street scene and complies with Policies E20, H18 and B20 of the Northampton Local Plan, S10 and BN9 of the West Northamptonshire Joint Core Strategy, the Council's Residential Extensions Design Document and aims of the National Planning Policy Framework.

**(H) N/2016/1216 - CHANGE OF USE IN PART FROM ESTATE AGENT (USE CLASS A2) TO COFFEE SHOP/RESTAURANT (USE CLASS A3), NORTHAMPTON & COUNTY CLUB , 8B GEORGE ROW**

The Development Management Team Leader submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was advised that the application was for a change in use from Estate Agents to a Coffee Shop/Restaurant. In addition there were no alterations to the external structure proposed.

In response to questions from the Committee the Development Management Team Leader confirmed that refuse would be stored to the rear of the property. In addition, no external alterations in relation to air conditioning and extractor units were proposed under this application. Any such alterations would require planning and listed building consent under a separate application.

**RESOLVED:**

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

The proposal would bring a currently vacant unit in a prominent location in the town centre back into sustainable use. The proposal would preserve the character and appearance of the listed building and the All Saints Conservation Area and would improve the vitality of the immediate area, in accordance with the requirements of Policy 13 of the Central Area Action Plan, Policies S9, S10, and BN5 of the West Northamptonshire Joint Core Strategy and the aims of the National Planning Policy Framework.

7.05pm Councillors Oldham and Kilbride left the room. Councillor Golby took over as Chair.

**(F) N/2016/1151 - DEMOLITION OF AN EXISTING SINGLE STOREY OUT-HOUSE AND THE CONSTRUCTION OF A TWO STOREY EXTENSION TO THE REAR OF THE EXISTING PROPERTY; CHANGE EXTERNAL FINISH OF HOUSE TO BRICK, 10 TOMS CLOSE**

The Development Manager submitted the report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was advised that this application was for a two storey extension to the rear of the property and for the cladding of the building to be a brick finish. It was stated that this application had only come before the Committee as they owned the land.

Mr C Parr from Northamptonshire Partnerships Homes (NPH) addressed the Committee and stated that both this application and N/2016/1152 focused on the upgrading of outdated construction methods. It was essential to make the property structurally sound. In addition, he stated that the long term goal was to demolish houses on the close and build more homes.

In response to questions from the Committee, Mr C Parr stated that NPH owned three of the properties, however the adjoining properties were privately owned and therefore, NPH were not in a position to upgrade those houses.

**RESOLVED:**

That the application is **APPROVED** subject to the conditions set out in the report and for the following reason:

The proposed development would have no undue detrimental impact on the amenities of neighbouring occupiers and would not be out of keeping with the character and appearance of the area. The proposed development would therefore comply with Policy S10 of the West Northamptonshire Joint Core Strategy, Policies E20 and H18 of the Northampton Local Plan and the National Planning Policy Framework.

**(G) N/2016/1152 - CONSTRUCTION OF TWO STOREY SIDE EXTENSION, NEW PORCH TO THE FRONT AND A CONSERVATORY TO THE REAR. EXISTING GARAGE IS TO BE DEMOLISHED AND REPLACED BY A DOUBLE GARAGE. EXTERNAL FINISH OF HOUSE IN BRICK, 11 TOMS CLOSE**

The Development Manager submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was advised that this application was to be read in conjunction with N/2016/1151. In addition to updating the property there was also a proposed rear conservatory and front porch.

**RESOLVED:**

That the application be **APPROVED** subject to the conditions set out in the report and for the following reason:

The proposed development would have no undue detrimental impact on the amenities of neighbouring occupiers and would not be out of keeping with the character and appearance of the area. The proposed development would therefore comply with Policy S10 of the West Northamptonshire Joint Core Strategy, Policies E20 and H18 of the Northampton Local Plan and the National Planning Policy Framework.

**(I) N/2016/1260 - PRIOR NOTIFICATION OF DEMOLITION OF EXISTING THREE LEVEL WALKWAYS PROVIDING PEDESTRIAN ACCESS BETWEEN ST JOHNS HOUSE AND ST MARK'S HOUSE, ST JOHNS HOUSE , ST ANDREWS STREET**

The Development Manager submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. Members were advised that this was not a planning application, rather looking at the method of demolition and whether in principle this was acceptable. The three walkways between St Johns House and St Mark's House were to be demolished using an

elevated platform. There had been no objections raised and all parties had been consulted on this project.

Ms A Timson addressed the Committee and asked a number of questions including why the bridges needed to be demolished and whether tenants had been consulted on the matter. In addition it was stated that the removal of the bridges would not make a difference to anti-social behaviour.

Mr J Petty, from Northamptonshire Partnerships Homes addressed the Committee in support of the method of demolition and responded to points raised by the objector. A consultation had been carried out, in which a large number of tenants supported the proposal to demolish the bridges. In terms of fire escape, the risk of lifts not being repaired within adequate times had not been resolved, due to spares now being readily available on site. In addition, both the Police and Fire Service had written to support the application.

In response to questions from the Committee, Mr J Petty stated that he did not have the exact number of people who had responded to the consultation as this information was highly confidential. In his opinion, the removal of the bridges would prevent anti-social crime in the area.

#### **RESOLVED:**

That the recommendation that the Authority's **PRIOR APPROVAL WILL NOT BE REQUIRED** be approved for the following reason:

The means of demolition and the proposed restoration of the site are considered to be acceptable and would be consistent with the aims and objectives of policies of the West Northamptonshire Joint Core Strategy and National Planning Policy Framework.

7.30pm Councillors Oldham and Kilbride returned to the room. Councillor Oldham resumed as Chair.

#### **11. ENFORCEMENT MATTERS**

There were none.

#### **12. ITEMS FOR CONSULTATION**

- (A) N/2016/1208 - ERECTION OF A LEISURE BUILDING TO INCLUDE A CINEMA, OTHER LEISURE USES AND RESTAURANT UNITS AND ERECTION OF RETAIL UNITS, CYCLE HIRE FACILITIES TOGETHER WITH PROPOSALS FOR ACCESS, PARKING AND SERVICING SPACE, HARD AND SOFT LANDSCAPING AND OTHER ASSOCIATED WORKS. (16/01662/FUL), RUSHDEN LAKES, RUSHDEN**

The Development Management Team Leader submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. Members were advised that the original development for proposals for the site, approved at Public Inquiry, had been subject to a number of amendments, to which Northampton



Borough Council had not objected. The current proposal seeks to increase the level of retail in excess of 5 000m<sup>2</sup>, as such it is considered that this has the potential to lead to an adverse effect on Northampton Town Centre.

Members of the Committee commented on aspects of the report. Following discussion amongst the Committee, it was agreed that although it was acknowledged that the principle of developing the site has previously been established at appeal, it was still important to relay the Council's concerns regarding the development and these further amendments, and that Northampton Borough Council would be objecting to the proposal.

**RESOLVED:**

That Northampton Borough Council **OBJECT** to the development as proposed;

- Northampton Borough Council objected to the original application for the development proposals for Rushden Lakes, allowed on appeal by the Secretary of State in 2014 following a public inquiry, regarding the potential impacts of the development on the viability and vitality of Northampton.
- It is acknowledged that the principle of development has been established through the grant of planning permission by the Secretary of State, and subsequent approval of amendments to the original scheme.
- However, the site has been subject to several amendments since the original permission in 2014, and the current proposal represents a further increase in the level of retail (Use Class A1) development, in excess of 5,000 sq. m.
- As such, the Council consider the development as proposed has the potential to lead to significant adverse impacts on the vitality and viability of Northampton Town Centre.

**(B) N/2016/1219 - CONSTRUCTION OF 53 DWELLINGS INCLUDING PUBLIC OPEN SPACE, BALANCING POND AND ASSOCIATED INFRASTRUCTURE (RESUBMISSION), LAND OFF WHITES LANE, LOWER HARLESTONE**

The Development Management Team Leader submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was advised that the consultation related to the erection of 53 dwellings, including open space, balancing pond and associated infrastructure. It was stated that this application had previously been refused by Daventry District Council due to concerns with the design; Northampton Borough Council has not raised any objection to the previous application.

Members raised concern regarding ensuring appropriate infrastructure is in place prior to development and that the S106 should be in place prior to the grant of permission.

In response to questions from the Committee, the Development Management Team Leader agreed to include in the Council's response comments from local residents

who bordered the development, from within Northampton Borough Council, and that appropriate consideration be given to the provision of vehicle charging points.

**RESOLVED:**

That Northampton Borough Council has **NO OBJECTIONS** to the principle of development subject to the issues outlined below being addressed by Daventry District Council:

- No adverse comments being received from the Highway Authority regarding the impact on the local road network;
- An appropriate contribution reflecting the level of development and infrastructure costs should be provided towards necessary highway works to mitigate the impact of the development including a financial contribution towards the North West Bypass and the Kingsthorpe corridor, in accordance with Joint Core Strategy Policy N4;
- No adverse comments being received from the Environment Agency, Lead Local Flood Authority or other statutory body regarding flooding or drainage matters;
- An appropriate contribution should be provided towards the range of infrastructure requirements identified in Joint Core Strategy Policy N4 including a primary school (and, if advised by the County Council, a secondary school), healthcare services and community facilities;
- The requirements of Joint Core Strategy Policy N4 should be satisfied in terms of how the development would contribute towards an integrated transport network;
- An appropriate contribution should be provided towards infrastructure items set out in Joint Core Strategy Appendix 4 and the more up-to-date Infrastructure Delivery Plan produced by the West Northamptonshire Joint Planning Unit;
- Securing 35% of the proposed dwellings as affordable housing in accordance with Policy H2 of the Joint Core Strategy with a housing mix in accordance with the Northampton Affordable Housing Interim Statement 2013;
- The private housing mix including more 2 bed dwellings in accordance with the Northampton Affordable Housing Interim Statement 2013.

**13. EXCLUSION OF PUBLIC AND PRESS**

None required.

The meeting concluded at 7:45 pm

**Directorate:** Regeneration, Enterprise and Planning  
**Director:** Steven Boyes



**List of Appeals and Determinations – 22<sup>nd</sup> November 2016**

**Written Reps Procedure**

Application No.	DEL/PC	Description	Decision
<b>N/2014/1110</b> APP/V2825/W/16/3155828	DEL	Erection of 4 bed dwelling and associated garage at 2 Rectory Close	<b>DISMISSED</b>
<b>N/2015/1285</b> APP/V2825/W/16/3152716	DEL	Outline planning permission for the erection of a dwelling at Land Rear of 1 Thornton Road	<b>AWAITED</b>
<b>N/2015/1403</b> APP/V2825/W/16/3158525	DEL	Erection of 3 bed dwelling with parking spaces at 754 Obelisk Rise	<b>AWAITED</b>
<b>N/2016/0251</b> APP/V2825/W/16/3157902	DEL	Variation of condition 5 of application N/2010/532 (Change of use to restaurant and takeaway on ground floor and residential on first floor) to extend opening hours to Sunday to Thursday 10.00 - 01.00 and Friday & Saturday 10.00 – 0200 at Freddie's Chicken, 99 Weedon Road	<b>AWAITED</b>
<b>N/2016/0309</b> APP/V2825/C/16/3152604	DEL	Change of use from dwelling house (Use Class C3) into house in multiple occupation for upto 4 occupants (Use Class C4) at 26 Burns Street	<b>DISMISSED</b>
<b>N/2016/0540</b> APP/V2825/W/16/3154685	DEL	Change of use from offices (Use Class B1) into house in multiple occupation for 5no. occupants (Use Class C4) including rear dormer extension and 2no. velux roof lights at 343 Wellingborough Road	<b>ALLOWED</b>
<b>N/2016/0614</b> APP/V2825/D/16/3157292	DEL	Two storey side extension at 15 Sussex Close	<b>DISMISSED</b>

**Public Inquiry**

<b>N/2015/0335</b> APP/V2825/W/15/3138580	PC	Redevelopment comprising a new distribution centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works. Land at Milton Ham, Towcester Road  <b>Public Inquiry will commence on 29 November 2016 at the Guildhall, St Giles Square</b>	<b>AWAITED</b>
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**Hearings**

		None	
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**Enforcement Appeals**

<b>E/2016/0129</b> APP/V2825/C/16/3152604		Enforcement Notice Appeal for unauthorised erection of single storey rear extension at 69 Raeburn Road	<b>DISMISSED</b>
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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 - [www.planningportal.co.uk](http://www.planningportal.co.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 and Regeneration  
 The Guildhall, St Giles Square,  
 Northampton, NN1 1DE



**PLANNING COMMITTEE:** 22<sup>nd</sup> November 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/1193 & N/2016/1196

**LOCATION:** 34 Guildhall Road

**DESCRIPTION:** N/2016/1193 - Variation of Conditions 3, 9, 10, 11, 12 and 14 of Planning Permission N/2014/1328 - Change of use to provide a community arts hub including 57 workshops, meeting spaces and associated amenities including alterations and refurbishment of existing buildings, erection of three storey building and demolition of existing structures and associated external works to change conditions from 'pre-commencement' to 'pre-commencement' on that part of works.

N/2016/1196 - Variation of Conditions 3, 6 and 7 - Listed Building application for change of use to provide a community arts hub including 57 workshops, meeting spaces and associated amenities including alterations and refurbishment of existing buildings, erection of three storey building and demolition of existing structures and associated external works to change conditions from 'pre-commencement' to 'pre-commencement' on that part of works.

**WARD:** Castle Ward

**APPLICANT:** Northampton Borough Council  
**AGENT:** Purcell LLP

**REFERRED BY:** Head of Planning  
**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 reasons:

1.1.1 **N/2016/1193 Planning Application**

The proposed variations of conditions are acceptable and would not result in any adverse impacts on the historic interest or character of the Grade II listed building, the Conservation Area or flood risk. The development would provide significant regeneration opportunities within the

town centre and would result in under used listed buildings being brought back into a long term viable use with no significant harm to heritage assets having been demonstrated. There would be no adverse highway or flooding implications and acceptable relationships with surrounding properties. This would accord with the aims and objectives of the National Planning Policy Framework, Policies S7, S10, E7, BN5, BN7, N1 and N2 of the West Northamptonshire Joint Core Strategy, and Strategic Objectives 1 and 2 and Policies 1, 5 and 21 of the Northampton Central Area Action Plan.

### 1.1.2 **N/2016/1196 Listed Building Consent Application**

The proposed variations of conditions are acceptable and would not result in any adverse impacts on the historic interest or character of the Grade II listed building or the Conservation Area. The development would provide significant regeneration opportunities within the town centre and would result in under used listed buildings being brought back into a long term viable use with no significant harm to heritage assets having been demonstrated. This would accord with the aims and objectives of the National Planning Policy Framework, Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan.

## **2. THE PROPOSAL**

- 2.1 The application seeks to vary pre-commencement conditions attached to the existing planning permission and listed building consent for the development of the site as a community arts hub including 57 workshops, permitted in May 2015. The conditions sought to be varied relate to the submission of details of materials, window and door details, a methodology for the treatment of a wall, roof repairs, glazed courtyard roof, a surface water drainage scheme, and external lighting. The application seeks to vary the wording of the relevant conditions to allow submission of details prior to commencement on that part of the works referred to in the condition, in order to allow enabling works to commence on site for the repair of the existing buildings.

## **3. SITE DESCRIPTION**

- 3.1 The site is situated in Derngate Conservation Area and sits between Guildhall Road, Fetter Street and Angel Street and was originally used for the production of machinery associated with the Boot and Shoe industry.
- 3.2 The buildings which front Guildhall Road are 19<sup>th</sup> Century and of brick construction with a decorative façade. These are Grade II listed.
- 3.3 The buildings fronting Fetter Street are of a later period and were an extension to the Guildhall Road buildings. These have north/south roofs with a more industrial appearance. Given their relationship with the listed Guildhall Road buildings these buildings are also listed.
- 3.4 The buildings fronting Angel Street consist of a single storey flat roofed brick built building and a two storey building which has the appearance of a dwelling. The single storey building was originally the Weights and Measures building and would have been associated with the group of civic buildings on the opposite side of Angel Street. There is also a single storey building which runs at a right angle to Angel Street which is proposed to be demolished under the existing approvals, as well as boundary walls.
- 3.5 There are a variety of land uses in the vicinity of the site with office, retail, commercial and residential premises. On the opposite side of Angel Street, to the north, is the County Hall group of buildings, while on the opposite side of Fetter Street is the site of Project Angel the County Council's proposed new headquarters, currently under construction.

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

- 4.1 N/2014/1328 – Change of use to provide a community arts hub including 57 workshops, meeting spaces and associated amenities including alterations and refurbishment of existing buildings, erection of a three storey building and demolition of existing structures and associated external works. Permitted 11/05/15.
- 4.2 N/2014/1329 – Listed building application (details as above). Approved by the Secretary of State 11/05/15.

#### **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 Central Area Action Plan (2013).

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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:

Paragraph 23 advises on the need to promote competitive town centres and for the provision of a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres.

Paragraphs 56 and 57 promote the importance of good design.

Part 12 of the NPPF advises on the requirement to conserve and enhance the historic environment weighing any harm to heritage assets arising from development proposals against the public benefits.

##### **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 S7 requires provision to be made for a net increase of 28,500 jobs to 2029.

Policy S10 sets out sustainable development principles including the achievement of high standards of design.

Policy E7 states that cultural development proposals will be supported where they contribute to the achievement of regeneration aims and objectives.

Policy BN5 stipulates that heritage assets will be protected.

Policy BN7 states that development proposals will comply with flood risk assessment and management requirements.

Policy N1 supports the regeneration of Northampton with a focus on development in the central area which provides high quality urban design and public realm and which protects heritage assets.

Policy N2 makes provision for major office, leisure and cultural development within the central area.

#### 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:

Strategic Objective 1 seeks to regenerate the town centre by expanding town centre facilities and employment opportunities.

Strategic Objective 2 aims to achieve a well-designed town centre.

Policy 1: Promoting Design Excellence - seeks to promote design excellence which positively contributes to the character of the area and preserves and enhances the character, appearance and setting of the central area's heritage assets.

Policy 5: Flood Risk and Drainage requires development to have no adverse impact in terms of flood risk.

Policy 21: Angel Street – promotes the site for the provision of office development, with Nos. 34-38 Guildhall Road accommodating small scale creative businesses.

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

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004

Derngate Conservation Area Appraisal and Management Plan

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

Comments received are summarised as follows:

6.1 **NBC Conservation** – no objection. The variation will not result in loss of historic interest or harm to the character of the Grade II listed building and is justified as a means of securing a viable conversion and re-use of the premises.

6.2 **Town Centre Advisory Committee** – no objections, if the variations assist the development, and the advice of the Conservation Officer is taken into account.

- 6.3 **Historic England** – no comments. Determine in accordance with Conservation Officer advice.
- 6.4 **Environment Agency** – no objection.
- 6.5 **NBC Public Protection** – no objection.
- 6.6 **Anglian Water** – no objection.
- 6.7 Site Notice posted and neighbouring properties notified – no comments.

## **7. APPRAISAL**

- 7.1 The main issues to consider are as to whether the proposed variations of conditions would allow the Local Planning Authority to still consider the submission of the relevant details in a timely manner and ensure development remains appropriate, and to ensure that that the historic interest and integrity of the Grade II listed building is preserved as intended by the original consents.
- 7.2 The proposed variations would allow an element of enabling works to commence on site and assist in bringing the development forward, whilst still requiring the submission of details relevant to the individual conditions concerned prior to any works being carried out in respect of that particular element. For instance, surface water drainage details would be submitted for approval prior to any works being carried out in relation to surface water drainage.
- 7.3 The variations as proposed would not result in the loss of historic interest or harm to the character of the Grade II listed building, and are justified as a means of securing a viable conversion and re-use of the premises.

## **8. CONCLUSION**

- 8.1 The variation to conditions as proposed on both the planning permission and listed building consent are considered acceptable for the reasons outlined above, and the applications are therefore recommended for approval.

## **9. CONDITIONS**

### **9.1 N/2016/1193 (Planning)**

(1) The development hereby permitted shall be begun before 11<sup>th</sup> May 2018.

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: 130 B, 131 A, 132 A, 135 B, 136 A, 205 B, 206 B, 207 B, 209 A, 211 C, 212, 215, 216, 217 A, 225, 226, 14187/210 B, 14187/230 C, 14187/240 B, 14187-260 & 14187-265.

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

(3) Details of all proposed external facing materials, including all new 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 E20 of the Northampton Local Plan.



(4) No occupation of the development hereby permitted shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site.

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

(5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, 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 E20 of the Northampton Local Plan.

(6) All existing windows and external doors shall be retained in situ unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the completed development to accord with Policy E20 of the Northampton Local Plan

(7) No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of archaeological research in accordance with the advice contained in the National Planning Policy Framework. This is a pre-commencement condition as any archaeological work needs to be undertaken before development commences and any features of potential archaeological interest are lost.

(8) No alteration or demolition shall take place until a programme of building recording has been compiled and submitted to and approved in writing by the Local Planning Authority in accordance with the recording brief issued by the Local Planning Authority.

Reason: In the interests of archaeological research in accordance with the advice contained in the National Planning Policy Framework. This is a pre-commencement condition as any building recording needs to be undertaken before development commences and any features of potential historic interest are lost.

(9) Prior to any works commencing on the north wall of the Vulcan Works/south wall of the new building, a detailed methodology for the treatment both walls shall first be submitted to and approved in writing by the Local Planning Authority. The submitted scheme should include details of the extent of any demolition and the justification for this as well as details of any new wall. The development shall only be carried out in accordance with the approved scheme.

Reason: To ensure that the works to this wall can be fully considered in the interests of the historic environment in accordance with the National Planning Policy Framework.

(10) Prior to any works being carried out in respect of the roof repairs/replacement, a detailed methodology in respect of these works shall be submitted to and approved in writing by the Local

Planning Authority. The development shall only be carried out in accordance with the approved scheme.

Reason: To ensure that the works to the roof can be fully considered in the interests of the historic environment in accordance with the National Planning Policy Framework.

(11) Prior to any works being carried out to the glazed 'courtyard' roof, further details of this element shall be submitted to and approved in writing by the Local Planning Authority including a full specification and method of fixing. Development shall be carried out in accordance with the approved details.

Reason: To allow for detailed consideration of this feature in the interests of the appearance of the completed development to accord with Policy E20 of the Northampton Local Plan.

(12) Prior to any works being carried out in relation to surface water drainage, 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, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- Full detailed surface water calculations and drawings to ensure adequate surface water drainage facilities on site all events up to and including 0.5% (1 in 200 AEP) plus climate change.
- Confirmation of the sites surface water discharge point and rate. If discharging surface water to Anglian Water Sewers evidence that the rate and location is acceptable.
- Details of how the scheme shall be maintained and managed after completion for the lifetime of the development.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with the requirements of the National Planning Policy Framework.

(13) 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. This is a pre-commencement condition as the issue of ground contamination needs to be addressed in the preliminary stages of development.

(14) Full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(15) Before the first occupation of the development hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on the site whether from fixed plant or equipment or noise generated within the building and the provisions to be made for its control and the approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To safeguard the amenity of nearby residents in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

(16) Before the first occupation of the development hereby permitted a scheme for the control of cooking odours, including the on-going maintenance of any equipment, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To safeguard the amenity of nearby residents in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

(17) Before the first occupation of the development hereby permitted a scheme for the control of fats, oils and grease arising from cooking, including the on-going maintenance of any equipment, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To safeguard the environment of the area in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

(18) Before the first occupation of the development hereby permitted a management plan for the operation of the development hereby permitted, including details of hours of opening and timing of deliveries, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the development operates in a way which minimises the impact on the amenity of nearby residents and businesses to accord with Policy S10 of the West Northamptonshire Joint Core Strategy.

(19) Before the first occupation of the development hereby permitted details of the provision for the storage and collection of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To safeguard the environment of the area in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

(20) No development shall commence until a scheme to provide a programme of construction training opportunities has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed programme.

Reason: To ensure the development provides training opportunities in accordance with the Council's SPD on Planning Obligations. This is a pre-commencement condition to ensure that the training opportunities can be maximised for the full development programme.

(21) Notwithstanding the submitted details, before the development hereby permitted is first brought into use a Travel Plan, incorporating a timetable for implementation and a monitoring/management strategy, shall be submitted to and approved in writing by the Local

Planning Authority. The approved Travel Plan shall be fully implemented thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that measures are taken to limit the impact of the development on the local road network and to encourage sustainable transport in accordance with the advice contained in the National Planning Policy Framework.

## 9.2 **N/2016/1196 (Listed Building Consent)**

(1) The works hereby permitted shall be begun before the 11<sup>th</sup> May 2018.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

(2) The works hereby permitted shall be carried out in accordance with the following approved plans: 130 B, 131 A, 132A, 135 B, 136 A, 205 B, 206 B, 207 B, 209 A, 211 C, 212, 215, 216, 217 A, 225, 226, 14187/210 B, 14187/230 C, 14187/240 B, 14187-260 & 14187-265.

Reason: For the avoidance of doubt and to accord with the terms of the listed building consent.

(3) Details of all proposed external facing materials, including all new 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 E20 of the Northampton Local Plan.

(4) All existing windows and external doors shall be retained in situ unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the completed development to accord with Policy E20 of the Northampton Local Plan

(5) No alteration or demolition shall take place until a programme of building recording has been compiled and submitted to and approved in writing by the Local Planning Authority. The submitted scheme should include details of the extent of any demolition and the justification for this as well as details of any new wall. The development shall only be carried out in accordance with the approved scheme.

Reason: In the interests of archaeological research in accordance with the advice contained in the National Planning Policy Framework. This is a pre-commencement condition as any building recording needs to be undertaken before development commences and any features of potential historic interest are lost.

(6) Prior to any works commencing on the north wall of the Vulcan Works/south wall of the new building, a detailed methodology for the treatment both walls shall first be submitted to and approved in writing by the Local Planning Authority. The submitted scheme should include details of the extent of any demolition and the justification for this as well as details of any new wall. The development shall only be carried out in accordance with the approved scheme.

Reason: To ensure that the works to this wall can be fully considered in the interests of the historic environment in accordance with the National Planning Policy Framework.

(7) Prior to any works being carried out in respect of the roof repairs/replacement, a detailed methodology in respect of these works shall be submitted to and approved in writing by the Local

Planning Authority. The development shall only be carried out in accordance with the approved scheme.

Reason: To ensure that the works to the roof can be fully considered in the interests of the historic environment in accordance with the National Planning Policy Framework.

**10. BACKGROUND PAPERS**

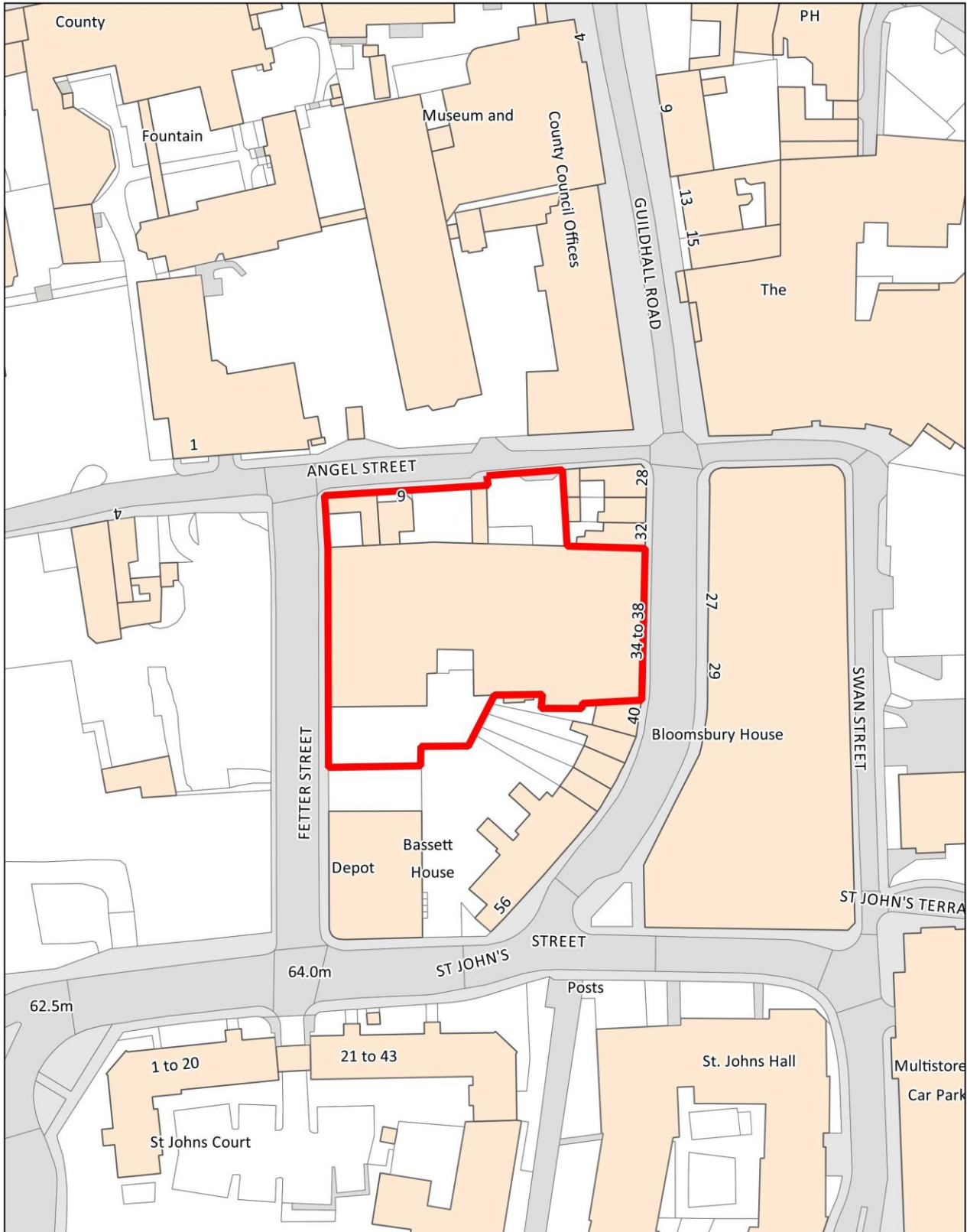
10.1 N/2016/1193 & N/2016/1196

**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: **Vulcan Works, Guildhall Road**

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Date: 14-11-2016

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## Addendum to Agenda Items Tuesday 22<sup>nd</sup> November 2016

### 5. MATTERS OF URGENCY

5a

N/2016/1416

Variation of conditions 2 (Reserved Matters) 3 (Plans) 6 (Development Height) 8 (Landscape Phasing Plans) 10 (b) Styleway Access) of Planning permission(S/2015/1798/EIA Variation of condition 3 (plans) S/2014/1603/EIA Extension of Pineham Business Park. (Application accompanied by an Environmental Statement) Minor amendments to facilitate suitable layout for plot 1 at Rothersthorpe Road/Style Way Kislingbury). To allow minor adjustment to redline site boundary, style way access arrangement and minor increase in maximum apex and haunch height on plot 2 (SNC Consultation)

Rothersthorpe Road/Style Way Kislingbury

See report enclosed.

### 9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

9a

N/2016/1193 AND N/2016/1196

Variation of Conditions 3, 9, 10 11, 12 and 14 of Planning Permission N/2014/1328 - Change of use to provide a community arts hub including 57 workshops, meeting spaces and associated amenities including alterations and refurbishment of existing buildings, erection of three storey building and demolition of existing structures and associated external works to change conditions from 'pre-commencement' to 'pre-commencement' on that part of works.

Variation of Conditions 3, 6 and 7 of N/2014/1329 - Listed Building application for change of use to provide a community arts hub including 57 workshops, meeting spaces and associated amenities including alterations and refurbishment of existing buildings, erection of three storey building and demolition of existing structures and associated external works - to change conditions from 'pre-commencement' to 'pre-commencement on that part of the works'.

34 Guildhall Road (Vulcan Works)

No update.

### 10. ITEMS FOR DETERMINATION

10a

N/2012/0909

Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout  
Land off Lancaster Way, Towcester Road

**20 letters of objection** and an objection from the Buckingham Fields Community Action Group have been received. Comments can be summarised as:

- Questions are raised regarding the use of land that has been excluded from the application.
- The applicant does not control the entire site and areas of land are unregistered.



- Towcester Road is a heavily trafficked road and the proposed development would place a great pressure upon the highway system, including junctions and roundabouts.
- The roundabout in Lancaster Way is unnecessary.
- The proposed access from would be a potential safety hazard and the layout of the development would have an adverse impact on highway safety.
- The security of the development should be addressed.
- More detail regarding boundary treatments.
- A pedestrian crossing in Towcester Road should be provided.
- Increased walking would impact upon surrounding residential streets.
- The development would result in the loss of green space and would have an adverse impact on wildlife.
- More detail is required in respect of boundary treatments and construction management.
- The development would lead to a loss of green space.
- Concerns regarding the potential for land contamination are raised.

Comments have been received from the **Highway Authority** confirming that there are no objections to the layout and that previous issues have been resolved. If the application is approved, it is requested that it be subject to obligations within the legal agreement to secure improvements to the road network and public transport. Conditions are also requested in respect of a travel plan, a construction management plan, road maintenance, the provision of a pedestrian crossing and the provision of access.

**Officer response:**

The requests from the Highway Authority have been noted and the requested mitigation would be secured through either conditions or the legal agreement. It is also noted that no objections have been received from the Highway Authority to the layout of the development. These measures are sufficient to ensure that the proposal would have a neutral impact upon the highway system. In addition to these measures, conditions have been recommended that would ensure that details regarding boundary treatment and site levels are approved by the Council.

Whilst it is recognised that the development would result in the loss of green space in Lancaster Way, it is considered that this would be offset by the development of new spaces at the entrance to the development. The Section106 Agreement would ensure that these are available for public access and are maintained. The recommended conditions include additional mitigation in the form of landscaping and bat and bird boxes as well as the investigation and remediation of any contamination.

Following further correspondence from the **Lead Local Flood Authority**, Condition 8 has been amended and a further condition is recommended:

**8)** 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.

**26)** 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.

**10b**

**N/2016/0283**

**Hybrid application including full planning application for the erection of three dormer bungalows (plots 4, 5, 6) and outline planning application for the erection of three dwellings (plots 1, 2, 3) with access, layout and appearance to be considered. Demolition of outbuilding**

**The Leys Close , 39 Mill Lane**

Since writing the report, a public consultation exercise has commenced relating to the proposed alterations to the Kingsthorpe Conservation Area Boundary. The application site is not affected by the proposed amendments.

The stone wall on the front boundary, although referred to as iconic in some of the representations, is not in its original location and its potential for protection is limited.

In respect of impact on ecology, residents have reported sightings of bats around the site. The Bat Survey has confirmed the presence of bats, but no other ecological information was submitted with this application, although a report was submitted on an early application. Although the County Ecologist is satisfied with the Council's reasons for requesting only a Bat Survey, it is still considered appropriate to include a condition (Condition 6 in the report) relating to an Ecology Survey to be submitted.

For clarification in respect of the red oak that was located on the rear part of the site, this was the subject of an application which sought to remove the red oak some years ago. One of the reasons given was that it was growing through the summerhouse and therefore causing damage to the building.

**10c**

**N/2016/0985**

**Change of use from retail (Use Class A1) to a pub (Use Class A4)**

**45 St Giles Street**

No update.

**10d**

**N/2016/1091**

**Erection of three residential buildings comprising a total of 80 specialised supported living apartments (Use Class C3), together with associated access, parking, open space, bins and scooter stores**

**United Trades Club, Balmoral Road**

**WITHDRAWN** from the agenda.

**10e**

**N/2016/1093**

**Change of use from dwelling (Use Class C3) to a House In Multiple Occupation (Use Class C4) for 6 residents – retrospective**

**6 Stimpson Avenue**

Additional Comments from **NCC Highway** - whilst it is acknowledged that there is a good chance not all the residents of a HIMO will have a car, there is nonetheless a greater probability of a higher number of cars being associated with the property. Furthermore, as all residents will be of driving age, there is the real possibility the property could produce a demand for 6 vehicles. Any increase in demand will further exacerbate the problems, resulting in a much greater chance of dangerous parking and conflict between residents due to a lack of parking amenity.

**Officer Response:** As stated in officer report paragraphs 7.4 - 7.10, it is considered that in view of the recent appeal decisions, the Inspectors have given considerable weight to the sustainability of locations, while considering the impact on parking. As such, in view of the sustainable location of the application site, and number of occupants proposed, and that there is sufficient room within the site to require secure bicycle storage by condition, it is not considered that highway impacts would be so adverse as to recommend refusal on this basis.

**10f**

**N/2016/1145**

**Demolition of garage and dwelling and erection of three houses and three bungalows with associated works including access drive (outline application with all matters reserved except access and layout)**

**Garage Premises, 531 Harlestone Road**

No update.

**10g**

**N/2016/1212**

**Proposed re-roofing of a failed flat roof into a pitched gable roof**

**Gifford Court, Limehurst Road**

No update.

**10h**

**N/2016/1292**

**Change of use of existing dwelling to 3no. flats and demolition of existing rear outbuilding and erection of rear store - Part Retrospective**

**2 Elizabeth Walk**

**Condition 1** to be replaced with the following condition:

Within 3 months of the decision date, the rear outbuilding shall be demolished and the applicant shall provide confirmation in writing to the Local Planning Authority of the date of completion of demolition. The replacement storage building shall be erected 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 and in the interests of visual amenity to accord with Policy E20 of the Northampton Local Plan and S10 of the West Northamptonshire Joint Core Strategy.

**Additional condition to be added:**

**6)** The rear outbuilding hereby permitted shall be used solely for storage purposes ancillary to the approved flats at 2 Elizabeth Walk and shall at no time form a separate planning unit or for any other purpose.

**Reason:** In the interests of residential amenity to comply with the aims of the National Planning Policy Framework.

**10i**

**N/2016/1344**

**Change of use of part first floor to day centre (Use Class D1) to be used in conjunction with the proposed day centre on the second floor  
24 Market Square**

No update.

**10j**

**N/2016/1372**

**Change of use from shop (Use Class A1) to a drop in centre  
Kings Heath Post Office, 2 Park Square**

No update.

**10k**

**N/2016/1385**

**Change of use of two existing communal rooms within a block of flats into two one bedroom self-contained dwellings  
Dover Court, St James Road**

**NCC Highways** - have stated that the number of parking spaces are not sufficient for the existing number of apartments therefore the applicant must increase the number of parking spaces by at least 2.

**Officer response:** As stated in the report, as part of the refurbishments for the whole site, parking spaces have been increased from 21 to 28 and secure cycle parking has been provided. Amended plans have been received to confirm this (drawing No. 16/22512/12 Rev P2 replaces drawing no. 16/22512/12 Rev P1). In addition the flats are sited in a sustainable location. The proposal is therefore considered to be acceptable in highway terms.

**10l**

**N/2016/1424**

**Installation of 1 no. temporary refrigerated storage container for a period of 2 years  
Community Centre, Brunswick Place**

During the course of this application, the applicant has changed the refrigerator container to a standalone storage container. Therefore the description of the application has been amended to "Installation of 1 no. temporary storage container for a period of 2 years."

**Environmental Health** - would support the option with the non-refrigerated container with freezers installed inside them. That would essentially prevent noise problems overnight.

**Officer Response:** The applicant has confirmed that the non-refrigerated container would be installed on the site. The domestic freezers would be installed within the storage container. This would address the noise related issues raised by Environmental Health.

**Additional condition:**

**3)** The proposed timber cladding should be painted in dark green colour and retained thereafter.

**Reason:** In the interests of amenity as the Local Planning Authority consider the building is in keeping with the character of the area and in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and Policy E20 of Northampton Local Plan.



**PLANNING COMMITTEE:** 22<sup>nd</sup> November 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/1416

**LOCATION:** Rothersthorpe Road/Style Way, Kislingbury

**DESCRIPTION:** Variation of Conditions 2 (Reserved Matters), 3 (Plans), 6 (Development Height), 8 (Landscape Phasing Plans), 10(b) (Style Way Access) of Planning Permission S/2015/1798/EIA. Variation of Condition 3 (plans) of Planning Permission S/2014/1603/EIA. Extension of Pineham Business Park. (Application accompanied by an Environmental Statement) Minor amendments to facilitate suitable layout for plot 1 at Rothersthorpe Road/Style Way Kislingbury). To allow minor adjustment to redline site boundary, style way access arrangement and minor increase in maximum apex and haunch height on plot 2 (SNC Consultation)

**WARD:** N/A

**APPLICANT:** Prologis  
**AGENT:** Turley

**REFERRED BY:** Head of Planning  
**REASON:** Major Fringe Application

**DEPARTURE:** No

**APPLICATION FOR CONSULTATION BY SOUTH NORTHAMPTONSHIRE COUNCIL:**

**1. RECOMMENDATION**

1.1 That Northampton Borough Council **RAISE NO OBJECTIONS** to the proposed variation of conditions, subject to no objections from the Highway Authority and that the parking provision for the existing Sainsbury's unit remains adequate.

**2. THE PROPOSAL**

2.1 This is a consultation by South Northamptonshire Council on an application to vary a number of conditions relating to development proposals for the extension of Pineham Business Park comprising the erection of B1(c), B2 and B8 employment units and associated parking, landscaping, drainage (all matters reserved except for access and landscaping to the northern and western boundaries).

- 2.2 The outline application was approved in February 2015. This permission was subsequently varied in December 2015 following a S73 application to amend the plans condition, reference S/2015/1798/EIA, approved in December 2015.
- 2.3 The current application seeks to vary the following conditions of the most recent consent, S/2015/1798/EIA as follows:
- Condition 2 – Reserved Matters condition
  - Condition 3 – Plans condition
  - Condition 6 – Development Height
  - Condition 8 – Landscape Phasing Plans
  - Condition 10 (b) – Style Way Access
- 2.4 The variations are sought as a result of discussions with a proposed occupier already present on Pineham Business Park who wish to expand their activities to include a state of the art frozen food depot, and the culmination of subsequent design work to meet the proposed occupier's needs.

### **3. SITE DESCRIPTION**

- 3.1 The application site is located to the west of the existing Prologis Park, Pineham and comprises 39.9ha of farmland, of which 24.01ha forms the development site. The site is bound to the south by the M1 with open countryside to the north and west. Existing buildings on Prologis Park are located to the east.
- 3.2 The site lies predominantly within the South Northamptonshire Council boundary but straddles the boundary with Northampton Borough, particularly in the northern part of the site, with a lesser proportion of the southern part of the site extending into the Borough boundary. The variation of conditions as proposed predominantly affects the southern part of the site.

### **4. PLANNING HISTORY**

- 4.1 S/2014/1603/EIA (N/2014/1057) - Extension of Pineham Business Park comprising the erection of buildings B1(c), B2 and B8 employment purposes with associated parking, highways infrastructure, engineering works, drainage, landscaping and ancillary works, including the partial stopping up and diversion of existing footpath LB12. Outline application with all matters reserved except site access and landscaping to both the northern and western boundaries. (Application accompanied by an Environmental Statement). (SNC Consultation). Approved 10/02/15.
- 4.2 A variation of condition was approved on 8/12/15 by SNC (S/2015/1798/EIA) relating to layout of that part of the outline site to the north of this application.
- 4.3 Reserved matters submission pursuant to outline permission S/2015/1798/EIA comprising the erection of a B8 distribution unit (18,546sq.m GIA) with ancillary office space and gatehouse, external sprinkler tank and pumphouse, plot access, parking, internal road and landscaping together with strategic landscaping plot boundary and the creation of new access road from Style Way. This relates to an application currently under consideration by South Northamptonshire Council, the consultation on which was reported to this Committee on 27<sup>th</sup> September 2016.

### **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).

## 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:

The NPPF has an overriding presumption in favour of sustainable development.

Paragraph 18 advises on the Government's commitment to securing economic growth in order to create jobs and prosperity.

Paragraph 19 advises that the planning system should support sustainable economic growth and places significant weight on the need to support growth through the planning system.

## 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 – requires planning authorities to take a positive approach to determining development proposals.

Policy S7: Provision of Jobs – requires provision of a minimum net increase of 28,500 jobs in the period 2008-2029 within the plan area.

Policy C2: New Developments – new development, including employment, will be expected to achieve modal shift targets by maximising travel choice from non-car modes and mitigating its effects on the highway network, supported by a Transport Assessment and Travel Plan.

Policy S10: Sustainable Development Principles – requires, amongst other things, development to achieve the highest standards of sustainable design, incorporating security considerations; to protect, conserve and enhance the natural and built environment.

## 5.4 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004

Residential Extensions and Alterations Design Guide SPD

## 6. CONSULTATIONS/ REPRESENTATIONS

6.1 N/A

## 7. APPRAISAL

7.1 The principle of development has already been established through the grant of outline planning consent. The illustrative Master Plan indicated two large units, one to the north of the site, and one to the south. The revisions proposed under this variation allow for two smaller units on the southern part of the site, the unit to the east forming part of a reserved matters application currently under consideration by South Northamptonshire Council.



- 7.2 The proposed variations include minor adjustments to the red line site boundary to the south east within the Borough, into land currently use in association with the adjoining Sainsbury's unit for external parking/storage purposes. This would result in slight alteration to the existing parking arrangement in the corner of the Sainsbury's site being incorporated into the proposed application site and an increase in the overall site area from 39.91 hectares under the extant permission, to 40.50 hectares. The Highway Authority has been consulted separately and, subject to the revised parking layouts being acceptable to the Highway Authority, it is not considered that this arrangement would lead to any wider adverse impacts.
- 7.3 The revised layout also incorporates a minor alteration to the landscaping proposed between the northern and southern sections of the site to accommodate a sprinkler tank and pumphouse. These alterations are minor in nature, forming part of the internal landscaping arrangements within the site, and would not impact upon the wider area surrounding the site.
- 7.4 The revised layout also seeks to revise access arrangements from Style Way to allow access to both plots on the southern part of the site as proposed, rather than a single larger unit as previously proposed. The access and turning arrangements are a matter for consideration by the Highway Authority.
- 7.5 The current approved parameter plans allow for a maximum apex height for the units of 92.25m AOD within Plot 2 and a maximum building haunch height of 15m. Permission is sought under the current proposal to allow a maximum apex height of 92.94m AOD and a maximum haunch height of 18m within the eastern part of Plot 2, known as Plot 2a. This would lead to an increase in the overall potential building height within Plot 2a of 0.69m. Plot 2b would not be affected. The proposed increase in height is not considered significant in the context of the existing adjacent units, and in relation to the effectiveness of landscaping schemes previously approved, and is considered acceptable.

**8. CONCLUSION**

- 8.1 The proposed variations would not lead to any significant deviation from the principles set by the original and existing consent and are considered acceptable.

**9. CONDITIONS**

- 9.1 N/A

**10. BACKGROUND PAPERS**

- 10.1 N/2016/1416

**11. LEGAL IMPLICATIONS**

- 11.1 None.

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

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

**Notes:**  
 1. All structural, drainage, engineering works and surface water management are to be constructed to the standards, details and specifications.  
 2. The design is illustrative only; to be used as a guide only. It is not to be used for construction or for any other purpose without the architect's design, details and specifications.  
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**Revisions:**  
 - RS 07.08.2016  
 - A EP 13.08.2016  
 Red line adjusted to suit plot 2 works.

**Key:**  
 Planning boundary  
 45.5m (100.07m)  
 Existing Prologis UK estate  
 Legend line  
 Administrative boundary  
 Public Footpath



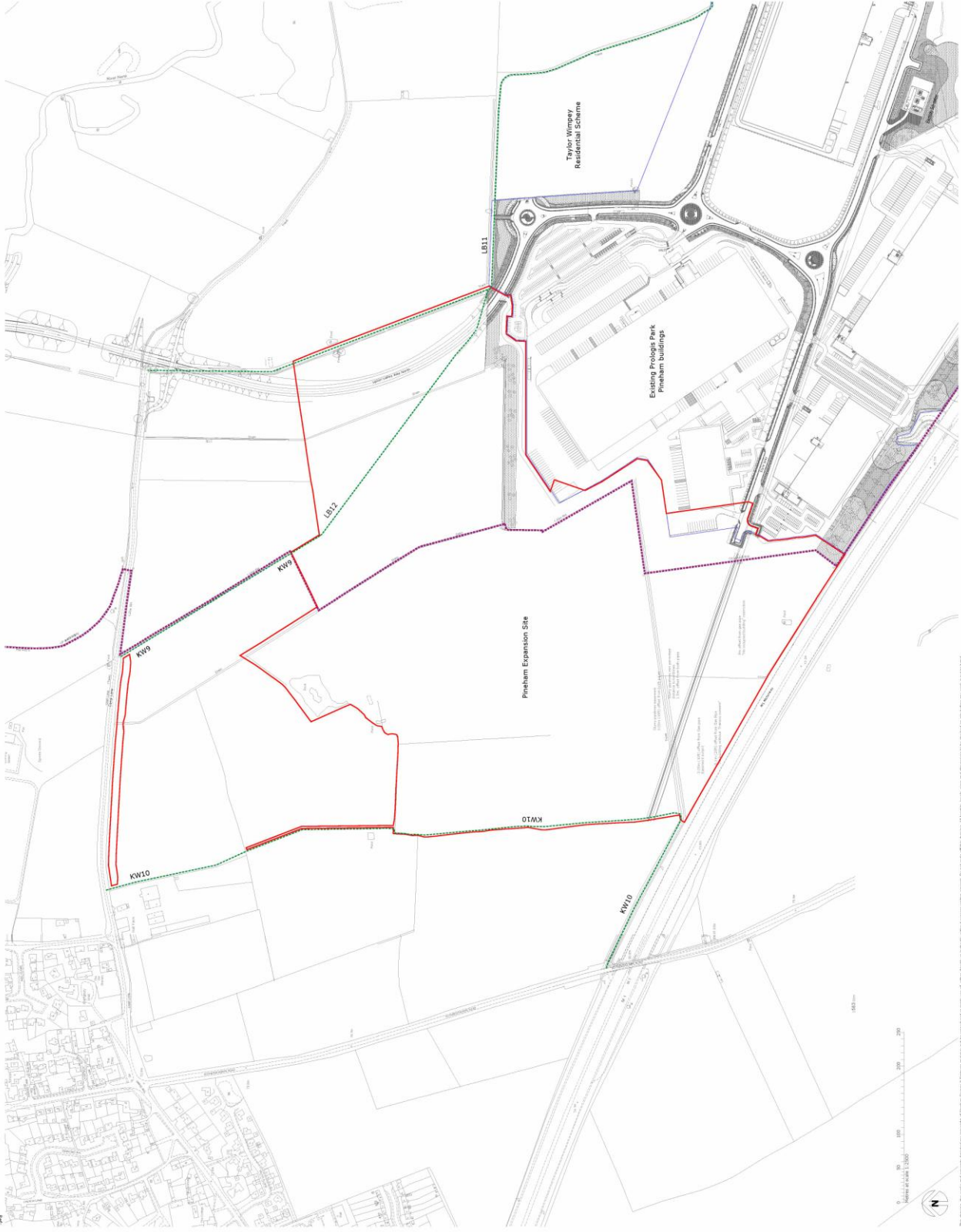
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**Northampton, Pineham  
 Expansion Land (Zone H)  
 Red Line Boundary**

Drawing status: Planning  
 File no: F134-P002  
 Client reference: JH  
 Title: JH  
 Date: 07/08/2016  
 Scale: 1:1,000

Project no: 10022  
 Date: 07/08/2016  
 Rev: A



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

**PLANNING COMMITTEE:** 22<sup>nd</sup> November 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2012/0909

**LOCATION:** Land at Lancaster Way

**DESCRIPTION:** Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout.

**WARD:** Delapre & Briar Ward

**APPLICANT:** Xcite Projects Ltd and Bovis Homes Ltd

**REFERRED BY:** Head of Planning  
**REASON:** Major Development requiring S106 and affecting Council owned land

**DEPARTURE:** No

**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

**1.1 APPROVAL IN PRINCIPLE** subject to S106 Agreement to secure:

- 1.1.1
- i) 35% on-site affordable housing;
  - ii) Primary School Education payment;
  - iii) A payment towards the increase in capacity of Queen Eleanor interchange in accordance with the A45/M1 Growth Management Scheme;
  - iv) A payment towards improvements in highway capacity;
  - v) A payment towards increasing public transport provision;
  - vi) That the on-site Public Open Space is maintained and made available for public access in perpetuity;
  - vii) That the on-site Public Open Space and allotments are maintained in accordance with a management strategy that is agreed in advance with the Council;
  - viii) Training opportunities for construction workers and associated administration costs;
  - ix) A payment towards Community Development (which can include the provision and/or enhancement of off-site open space, such as Delapre Parkland);
  - x) Place Making payment (which can include public realm improvements, public art and town/local centre improvements);
  - xi) The Council's monitoring fee subject to the Head of Planning being satisfied the monitoring fee is necessary and of an appropriate scale

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

The proposed development, 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 and BN7 of the West Northamptonshire Joint Core Strategy and Policy 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 Regeneration, Enterprise and Planning 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 applicant has applied for full planning permission to erect 139 dwellings. This comprises 42 two bedroom dwellings (including 4 apartments), 56 three bedroom dwellings and 41 four bedroom dwellings. The development also includes 341 car parking spaces, including those contained within garages.
- 2.2 The proposal includes a number of areas of public open space, including a centrally sited play area.
- 2.3 Access to the development would be via Lancaster Way, which is positioned to the south of the application site. A new roundabout is proposed which would, in part, occupy some of the existing public open space adjacent to the northern side of Lancaster Way.

## **3. SITE DESCRIPTION**

- 3.1 The application site is approximately 5ha in area and is allocated within the Northampton Local Plan for residential development (Policy H8). The application site has historically been used for the keeping of animals and as allotments, although the use of the site has been in decline and fallen into disuse in recent years. As a result of this, the site is overgrown in places. 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.
- 3.2 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 20<sup>th</sup> 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. Pedestrian access to the site is also present (albeit currently closed) by a path that 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.
- 3.3 Lancaster Way runs adjacent to the southern boundary of the site, and provides vehicular access from Towcester Road to the residential accommodation to the west. Of additional note is that there is a driveway serving 196 Towcester Road which is accessed from Lancaster Way.

## **4. PLANNING HISTORY**

4.1 07/0348/FULWNN – Residential development comprising 206 dwellings – Approved.

4.2 The current application was originally considered by the Committee in the summer of 2013, where it was ‘Approved in Principle’ subject to the prior completion of a Section 106 Agreement. At the time, a large part of the Application Site was unregistered land and as the Applicant was not able to demonstrate good title the Section 106 Agreement could not be completed and planning permission could not be issued. Accordingly a revised scheme has now been submitted for consideration and, at the time of preparing this report, the re consultation period associated with this submission has yet to conclude. Any further representations received in advance of the Committee will be reported to Members via the Addendum, which will be circulated prior to the meeting commencing. It should also be noted that due to the passage of time, revised supporting reports have been submitted for consideration.

## **5. PLANNING POLICY**

### **5.1 Statutory Duty**

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

### **5.2 National Policies**

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

Of particular note to residential proposals is that Paragraph 49 requires that proposals for housing should be encouraged within the context of promoting sustainable development. The same paragraph also states that in instances where a five year housing land supply cannot be demonstrated (which is the case in Northampton), any relevant Development Management policies cannot be considered to be up to date. Paragraph 14 requires that in instances where the development plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.

In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50).

Paragraph 17 states that planning decisions should always endeavour to secure high quality designed developments, which secure a good standard of amenity for existing and future occupiers of land and buildings. In doing this, planning should also take into account the differing roles and character of areas. The same paragraph also encourages the redevelopment of previously used sites.

Paragraph 34 requires developments that are likely to generate a significant amount of movement be located in positions where the need for travel is minimised.

Paragraph 35 states that, where practicable, developments should be designed with a safe and secure layout that reduced the potential for conflicts between pedestrians and traffic. The NPPF also requires that new developments be of a good quality design (paragraph 56).

Paragraph 103 states that when determining planning applications, care should be taken to ensure that flood risk is not increased elsewhere and that priority should be given to the use of sustainable urban drainage systems.

### 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 S10 requires that developments be of a good standard of sustainable design and incorporates safety and security considerations in order to promote a good sense of place. In addition, development should be sustainably located in order to encourage access by walking, cycling and public transport.

Policy S1 states the new development within West Northamptonshire will be concentrated primarily in and adjoining the existing urban area of Northampton. Policy S3 requires that the construction of approximately 18,870 houses within the Northampton Borough over the plan period and Policy S4 requires the provision of about 28,470 new dwellings within the Northampton Related Development Area (NRDA) between 2011 and 2029. This figure has been calculated as a result of the West Northamptonshire Objectively Housing Needs Assessment. Policy S10 requires that new developments be located in a position where services and facilities can be accessed by walking, cycling or public transport.

Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures. Policy H2 also requires that at least 35% of developments of 15 or more dwellings should be made available for occupation as affordable housing.

Policy INF2 requires that new developments will only be permitted in instances where there is a reliable mechanism in place to ensure that required mitigation can be delivered.

Policy BN7 requires new development to demonstrate there is no increased risk of flooding to existing properties, and proposed development is (or can be) safe and shall seek to improve existing flood risk management.

### 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 requires that new developments be constructed to a good design and to ensure that there would be no significant adverse impact upon the occupiers of neighbouring properties in terms of considerations such as light, outlook and privacy.

## 6. **CONSULTATIONS/REPRESENTATIONS**

6.1 As discussed in paragraph 4.2, the current proposals are a revision to a previously considered scheme. The comments below are those submitted since the submission of these revised documents.

6.2 **Anglian Water** – Request a condition relating to foul water drainage.

- 6.3 **Development Management (NCC)** – Request a Section 106 obligation to secure a financial payment towards primary school provision.
- 6.4 **Environment Agency** – Recommend conditions relating to foul water drainage and surface water management.
- 6.5 **Highway Authority (NCC)** – The layout is, in this instance, considered acceptable, and it has been demonstrated that refuse lorries can manoeuvre within the site. If approved, it is requested that a Section 106 Agreement is entered into in order to secure improvements to the highway system and public transport provision. Planning conditions are also requested in respect of access, a pedestrian crossing, a Travel Plan and a Construction Environment Management Plan.
- 6.6 **Lead Local Flood Authority (NCC)** – No objections, subject to conditions relating to drainage systems and their maintenance.
- 6.7 **Northamptonshire Police Crime Prevention Design Advisor** – Advise against a pedestrian link between the application site and Leah Bank.
- 6.8 21 letters of objection as well as representations from the Buckingham Fields Community Action Group and the Far Cotton Number 1 Allotment Association. Comments are summarised as follows:
- The development would have an adverse impact on the highway system, including impinging upon safety. There is also only one access to the site.
  - The proposed roundabout is not needed and could be replaced by a smaller junction.
  - The proposed roundabout and site access would result in a loss of green space.
  - The proposed site access is inappropriate.
  - The development would impact on existing accesses.
  - More details are required regarding site levels.
  - A link should be created through to Leah Bank.
  - The safety of the open space is questioned.
  - The applicant has not demonstrated sufficient interest to enter into a Section 106 Agreement.
  - Not all of the site is owned by the applicant.
  - The delivery of the proposed housing is questioned.
  - Further details regarding boundary treatments are required.
  - Measures should be put in place to prevent mud being dragged onto the road during construction.
  - Concerns are raised regarding drainage.
  - The development would have an adverse impact on wildlife.
  - Tree protection measures should be insisted upon.
  - Confirmation of the phasing of works should be provided.

## 7. APPRAISAL

### Principle of the development

- 7.1 As discussed previously, it is incumbent upon Local Planning Authorities to demonstrate that there is a five year housing land supply. Currently, there is no such supply in Northampton. As a consequence, bringing forward the site for residential accommodation would contribute to delivering a supply of much needed housing within the Borough. The application site is located well within the existing boundaries of the town and as a result, would assist in the creation of a more sustainable form of development. Whilst the development would result in the loss of land that has been used as allotments, the site has been allocated for housing within the Local Plan.

In addition, planning permission has previously been granted for residential development on this site. For these reasons, the principle of developing this site for housing is considered acceptable.

- 7.2 The proposed development includes a mixture of residential dwellings, comprising two, three and four bedrooms. As a result of this, the proposed development would provide a good mixture of house types that would assist in meeting the needs of various groups of society.
- 7.3 The proposed layout provides a good level of on-site open space (including a play area). This therefore ensures that residents of the development would have ready access to outdoor recreation facilities. It is proposed that an obligation be included within the Section 106 Agreement that would ensure that these open spaces are maintained and made available for public use in perpetuity. The development also includes an area of open space adjacent to the entrance. In addition to this creating an entry feature (in particular due to the retention of the protected tree), this would also offset the loss of the open space within the existing grassed area adjacent to Lancaster Way. As a consequence, existing residents would not be unduly prejudiced by the creation of the new access.

### **Design and layout**

- 7.4 The open space adjacent to the site's entrance would be framed by the buildings proposed to be located in this area which, by reason of their large footprint and overall scale, would have sufficient presence to form a visually strong entrance into the development. At key points within the development, the building designs utilised would include additional features such as varied fenestration details or different materials, which would assist in creating further interest at these points.
- 7.5 A notable feature of the development is a central area of public open space, including a play area and a retained mature tree. This space would be overlooked from the frontages of a significant number of dwellings, thereby offering good natural surveillance and activity, which is conducive to creating a safe and secure form of development. It is recommended that a condition be imposed that would secure a low level boundary treatment (such as a knee height post and rail fence), which would ensure that this area is used for its intended purpose, and does not become the venue for indiscriminate car parking. A further benefit of this would be that it provides some certainty to drivers as to where pedestrians may emerge and look to cross the highway. The roads surrounding this space would feature an alternative form of surfacing, which would serve to emphasise the importance of this area in defining the overall character of the development.
- 7.6 The proposed layout features reasonable separation distances between the various dwellings, which would ensure that that all future residents of the development have an appropriate level of light, outlook and privacy. A condition is recommended that would enable the Council to approve the boundary treatments for each plot, and to insist on this being provided prior to the first occupation. The benefit of this ensures that each plot has a good level of security, and that the boundary treatments contribute to visual amenity.
- 7.7 The proposed dwellings are of a variety of styles that are complementary towards the prevailing character, which is of importance due to the scale of the proposed development. The proposed house designs include a number of features to ensure that there is sufficient interest; these include bay windows, front gables and porches. The palette of materials shown includes a combination of bricks and render. In the event that the application is approved, it is recommended that it be subject to a condition requiring the submission of details relating to building materials in order to maintain visual amenity.
- 7.8 The proposed buildings are of limited height, being only of two storeys. This ensures that there would be a neutral impact upon the occupiers of surrounding properties in terms of matters such as light and outlook. The proposed layout and separation distances also ensure a satisfactory



level of privacy for the occupiers of nearby properties. It can be anticipated that some releveling of the site would be carried out in order to facilitate the development and, as a result of this, a pre-commencement condition is recommended which would enable the Council to consider the scope and scale of such works.

### **Highways and access**

- 7.9 The proposal includes the provision 341 off-street parking spaces, which comprises driveways, garages and small private courts. These spaces benefit from a good level of surveillance either from the proposed dwellings or public areas. As a result of this, it is considered that the car parking would be reasonably safe and secure. The number of parking spaces and the layout has been assessed by the Highway Authority and no objections have been raised. Given this situation, it is considered that the number of car parking spaces is appropriate for a development of this scale, and would reduce the risk of vehicles having to be parked, on a regular basis, either on street or outside of the development. The latter point would not be desirable due to the nature of the nearby road network.
- 7.10 Over the course of the application, the scheme has been amended to improve visibility and to ensure that large vehicles, such as refuse vehicles can adequately turn in the site. Due to recent changes to the layout for land ownership reasons, a revised plan has been submitted to the Council, which is the subject of on-going consultation, including with the Highway Authority. A further update on this matter will be provided to members, via the Addendum, which will be circulated in advance of the Planning Committee meeting commencing.
- 7.11 The proposed roundabout and alterations within Lancaster Way are sufficient to ensure that highway safety would not be compromised and that congestion would not be created. In the event that the application is approved, it is recommended that it is subject to a condition requiring that these highway works are carried out at an early stage in the development process.
- 7.12 In order to provide sufficient infrastructure to meet the needs of the development, it is recommended that any approval be subject to a Section 106 Agreement relating to the increasing highway capacity (such as within the Queen Eleanor Interchange in accordance with the A45/M1 Growth Management Scheme) and to increase public transport services, specifically bus services during evening periods and on Sundays.
- 7.13 The proposed development features pedestrian access from Lancaster Way, which would promote non-car means of travel. It is noted that, in the past, some representations have been submitted regarding the potential for a pedestrian access to be created to the north of the site into Leah Bank. It is considered that this would increase permeability and encourage more environmentally sustainable means of travel, which would outweigh any potential anti-social behaviour; however, it is noted that the section of land to the north of the application site within Leah Bank is within separate ownership and, as such, a link between the two cannot be provided at this stage. Notwithstanding this, the developer has provided a path up to the northern boundary in order to provide the potential for such a link in the future.
- 7.14 It is appreciated that the development is likely to increase pedestrian movements in the vicinity of the site. It is also appreciated that vehicle usage in Towcester Road has also increased over time. As a consequence, it is recommended that the planning permission be subject to a condition that would require the provision (by the developer) of a new pedestrian crossing in Towcester Road. This would therefore assist in the promotion of more environmentally sustainable means of travel.
- 7.15 In order to provide certainty regarding the development, an additional condition is recommended that would require the submission of a strategy for the maintenance of the development's access

roads. This therefore provides some certainty that the roads will be maintained to an appropriate level in the event that they are not adopted by the Local Highway Authority.

### **Environmental considerations**

- 7.16 In order to secure a satisfactory standard of development, conditions requiring contamination investigation and remediation, where necessary, would be appropriate. Further conditions requiring the remediation of any unsuspected contamination are also necessary.
- 7.17 In addition to this matter, conditions are necessary requiring the submission of an assessment of noise levels and any appropriate mitigation measures to protect the development against noise. In order to ensure that the amenities of the occupiers of neighbouring properties are not adversely impacted upon during the construction process, it is recommended that a Construction Management Plan is secured by condition that would cover, amongst other matters, controls over noise and dust.
- 7.18 As a result of the requirements of the NPPF, conditions requiring the submission of a drainage scheme and the means of securing foul drainage are considered necessary in order to ensure that the proposed development is not susceptible to flooding through inappropriate drainage or cause flooding elsewhere. This is consistent with the advice of the Environment Agency and the Lead Local Flood Authority.
- 7.19 Whilst it is recognised that the site is predominantly undeveloped, the relatively small buildings on the site are not considered suitable to form shelters for roosting bats, whilst the trees on the site do not offer significant potential for the formation of bat roosts. In terms of areas for foraging, the fact that the site is relatively isolated from higher value habitats and enclosed by residential developments, means that this potential is relatively low and limited to the on-site scrub. This would be replaced through new planting contained within gardens and the open space. As such, the potential impact on bats would not be significant.
- 7.20 Given that there are no suitable habitats on the site, or within 500m of the site's boundaries, it is exceedingly unlikely that the development would adversely impact upon any colony of amphibians, including Great Crested Newts.
- 7.21 The application site is likely to support some population of birds, with the most common likely to be bullfinch due to the presence of some mature fruit trees. Whilst these trees are likely to be lost through the development of the site, this can be mitigated to an appropriate degree through a replacement planting programme that would be approved by the Council prior to building works commencing.
- 7.22 The site's lack of connections with mature semi-natural woodland and the historical lack of provision of this habitat within the application site mean that dormice are unlikely to be present. The nature of the existing site (i.e. dense scrub, trees and short turf) mean it is unlikely that a population of reptiles or invertebrates could be supported.
- 7.23 The potential for badgers has also been assessed, but there is no evidence of their presence. A condition is recommended to ensure that the development is carried out in line with the recommendations of the submitted ecological assessment in respect of further attention being given to this matter as the development progresses.
- 7.24 On account of the dominance of dense scrub and very short turf, the site does not represent a suitable habitat for reptiles. In addition to this factor, the site is separated from areas of greater habitat potential by residential developments and roads, which further reduces the potential for a substantial reptile population.

- 7.25 Whilst it is accepted that a number of trees are proposed to be removed from the site, these are trees over which there are no statutory means of protection and are not of suitable quality or amenity value to justify inclusion within a Tree Preservation Order. As such, their retention could not be reasonably insisted upon. As discussed previously, a landscaping strategy would be submitted due to the recommend conditions and ensuring that appropriate trees are provided within the development

### **Legal Agreement**

- 7.26 By reason of the scale and type of development, a Section 106 Agreement is required to secure the planning obligations set out in paragraphs 1.1.1 above. The Application Site consists of a large number of former allotment plots in different ownerships and when the Application was previously considered by members in 2013 a larger part of the Site was unregistered land than now. Since then, the landowners and the Applicant have progressed registering all of the land. Whilst it has not been possible to secure the registration of all of the outstanding plots the scheme has been reduced and amended to ensure no development takes place in these areas. A condition is recommended to ensure that suitable screening is installed, within land controlled by the applicant, which would result in a suitable level of amenity for future occupiers. This particular proposal is unlikely to prejudice the future development of these areas and ensures that there is sufficient interest in the land in order to determine the planning application
- 7.27 The Community Infrastructure Levy Regulations 2010 specify three key legal tests in ascertaining whether a particular obligation can be requested. These specify that obligations should be:
- i) Necessary to make the development acceptable in planning terms;
  - ii) Directly related to the development; and
  - iii) Fairly and reasonably related in scale and kind to the development.
- 7.28 In line with the requirements of the Council's policies, 35% of the development would be secured for occupation on affordable tenures. The obligation within the legal agreement would provide certainty that a mixed development would be created that addresses the needs of a wider number of people. Furthermore, the legal agreement would ensure that the affordable housing is representative of the overall composition of the development.
- 7.29 In addition to the highway works and public transport improvements referenced previously, the legal agreement would also secure financial payments towards the provision of education, community development (which could include the provision and/or enhancement of off-site open space, such as Delapre Parkland); place making payment (which could include public realm improvements, public art and town/local centre improvements) and construction worker training opportunities.
- 7.30 A further obligation would require that the public open space is maintained in accordance with an agreed management strategy and for these spaces to be made available for public use in perpetuity.

## **8. CONCLUSION**

- 8.1 In conclusion, it is considered that the development represents an effective use of the site, which would assist in the delivery of new housing in Northampton, for which there is a great need. Subject to conditions, and the proposed Heads of Terms for inclusion within the Section 106 Agreement, it is considered that the impacts of the development can be adequately mitigated.

## **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 details of the planning application.

(3) 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.

(4) 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.

(5) 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.

(6) 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) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

(8) 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 1 in100 year critical storm 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 prevent the increased risk of flooding, both on and off the site in accordance with the National Planning Policy Framework and Policy BN7 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

(9) 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.

(10) Prior to commencement of development, a scheme, including phasing for the provision of mains foul water drainage on and off the site, 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 implemented prior to the first occupation of the dwellings hereby permitted.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy. This condition is required to ensure that such details are agreed in a timely manner.

(11) 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.

(12) No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with 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.

(13) 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 12 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 12 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 12.

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.

(14) 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.

(15) 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.

(16) 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.

(17) 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.

(18) 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.

(19) Prior to the commencement of development, a full survey and assessment of the site shall be undertaken and the details submitted to the Local Planning Authority to ascertain the existence and location of historic wells on site. If, as a result of the survey, any wells are found, a further statement shall be submitted to and approved in writing by the Local Planning Authority detailing how the wells shall be dealt with. Development shall be carried out in accordance with the approved details.

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. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

(20) 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.

(21) 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.

(22) 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.

(23) 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.

(24) 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.

(25) 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.

## **10. BACKGROUND PAPERS**

- 10.1 Item 10b from the Planning Committee held on the 2<sup>nd</sup> July 2013  
Item 7b from the Planning Committee held on the 1<sup>st</sup> October 2013

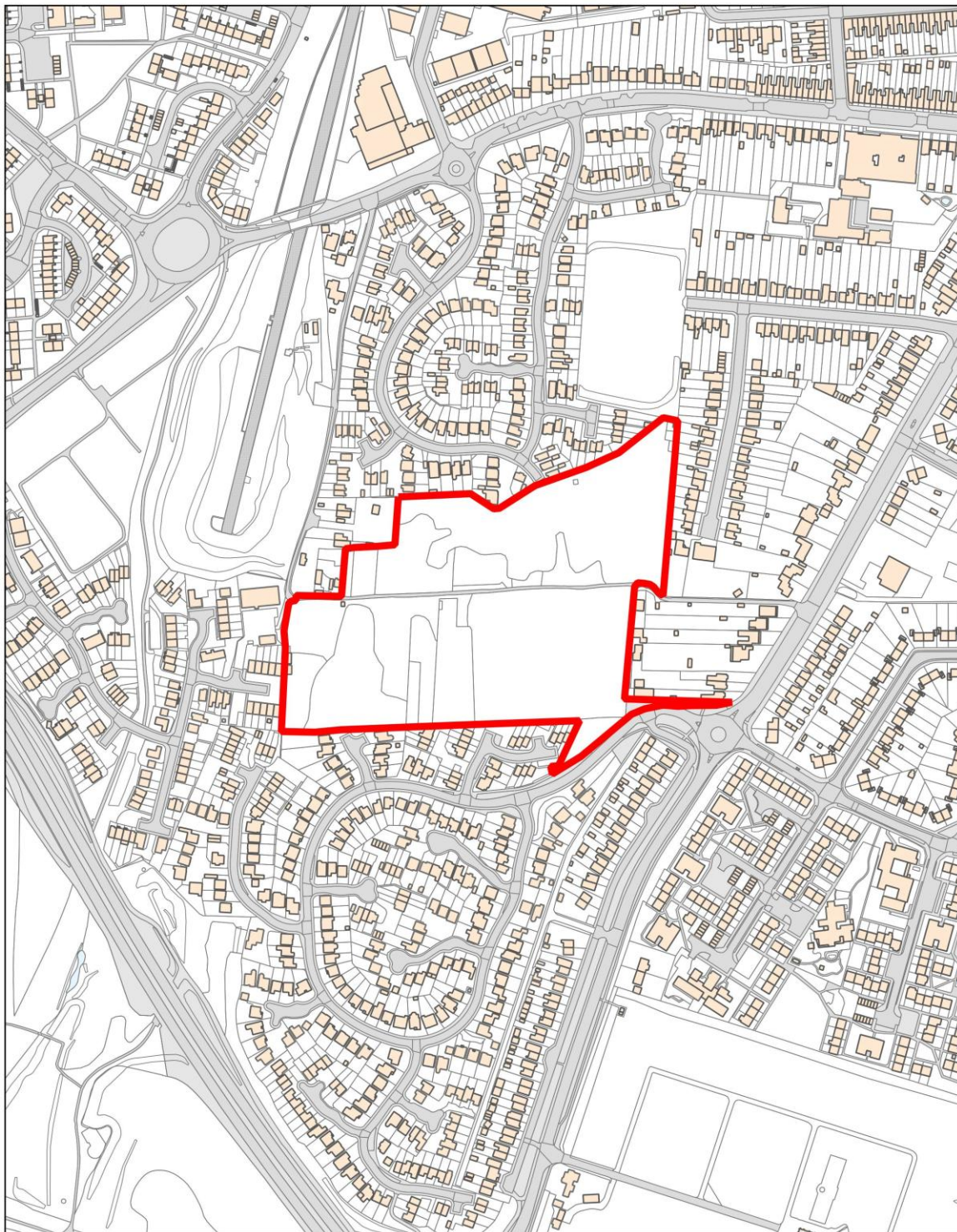
## **11. LEGAL IMPLICATIONS**

- 11.1 As set out in paragraphs 7.26 – 7.30 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: **Land off Lancaster Way, Towcester Rd**

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Date: 10-11-2016

Scale: 1:3,714

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**PLANNING COMMITTEE:** 22<sup>nd</sup> November 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/0283

**LOCATION:** The Leys Close, 39 Mill Lane, Kingsthorpe

**DESCRIPTION:** Hybrid application including full planning application for the erection of three dormer bungalows (plots 4, 5, 6) and outline planning application for the erection of three dwellings (plots 1,2,3) with access, layout, scale and appearance to be considered and demolition of outbuilding.

**WARD:** Kingsthorpe Ward

**APPLICANT:** Mr T Adams  
**AGENT:** Barry Waive Planning

**REFERRED BY:** Councillor S Beardsworth  
**REASON:** Highway and flooding impacts

**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 would contribute towards the Council's 5-year housing supply and would have a minimal impact upon the setting, character and appearance of the Kingsthorpe Conservation Area, listed buildings within the locality, neighbour amenity, flood issues, biodiversity and highway safety. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies H1, BN2, BN3, BN5 & S10 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 and E26 of the Northampton Local Plan 1997.

**2. THE PROPOSAL**

2.1 The application is a hybrid application which comprises of a full planning application for the erection of three dormer bungalows (plots 4, 5, 6) and outline planning application for the erection of three dwellings (plots 1,2,3) with access, layout, scale and appearance to be considered at this stage. Consent is also sought for the demolition of an outbuilding, which is a former summerhouse on the rear section of the site. Vehicular access is proposed from Mill Lane in respect of improvements to the existing access to 37/39 Mill Lane and an additional new access from Mill Lane.

2.2 The application is supported, in addition to the plans, by the following documents;

- Design and Access statement;
- Arboricultural Assessment;
- Heritage Statement;
- Bat Survey.

### **3. SITE DESCRIPTION**

3.1 The site measures 0.52ha and consists of two sections of garden and paddock which are associated with 39 Mill Lane. The majority of the site lies within the Kingsthorpe Conservation Area.

3.2 The section fronting Mill Lane is a paddock, currently bound by a stone wall on the Mill Lane frontage, with post and rail fence on the boundary with the access road to 39 Mill Lane, and a mature line of conifer trees to the rear, which screen both No. 39 and the land to the rear. The boundary to the south east of the site is shared with the rear gardens of Nos. 55, 57, 59 and 61 Mill Lane.

3.3 The land to the rear was previously garden land associated with 39 Mill Lane. The site has a number of mature native trees, both within the site and on the boundaries. Within the site lies a former summerhouse and swimming pool. The summerhouse is a wooden structure with red clay tiles and an ornamental ridge, and would have been a fine building in the past. This was severely damaged a few years ago when a tree collapsed onto the building, since that time, some of the ornate detailing on the building was stolen, causing further damage. The swimming pool has long since fallen into disrepair and, along with the rest of this part of the site, is very overgrown.

3.4 The rear part of the site was not previously directly accessed from the highway, but the addition of the front paddock, under the current scheme, has now given the site a potential frontage onto Mill Lane with direct access from Mill Lane, which provides a more comprehensive development.

3.5 The area varies in levels, with some of the surrounding properties at a higher ground level than others. The highest feature around this part of Kingsthorpe is the Grade I Listed Church, which is a prominent feature in the landscape and plays an important role in the setting of the village.

### **4. PLANNING HISTORY**

4.1 N/2003/1564 – Erection of four houses with garages and new garage for 67 Mill Lane. Refused 31<sup>st</sup> March 2004.

4.2 N/2004/007 – Demolition of summerhouse and in-fill pool. Refused 31 March 2004.

4.3 N/2004/942 – Erection of three new houses with garages and new garage for 67 Mill Lane. Refused 26 August 2004. This application relates to the rear section of the site (now shown as the detailed element of the application) and sought access between two properties by demolishing the garage for No. 67 Mill Lane.

4.4 N/2004/0943 – Removal of summerhouse. This application was withdrawn in October 2004 as consent was not required for the demolition of the summerhouse due to the size of the building.

4.5 N/2006/0074 – Erection of two houses. This application was withdrawn on 5<sup>th</sup> February 2008.

4.6 N/2009/0027 – Erection of 2no. detached dwellings with associated access and landscaping. Withdrawn 17<sup>th</sup> February 2009.

- 4.7 N/2013/1278 – Outline application for the erection of 3no. dwellings. All matters reserved except for access and layout. Approved 10 February 2014. N/2014/0300
- 4.8 N/2014/0959 – Outline application for the erection of 6no. dwellings. All matters reserved except access and layout. Withdrawn 12 November 2014.
- 4.9 N/2015/0773 - Hybrid application including full planning application for the erection of three dwellings (plots 4, 5 & 6) and outline planning application for the erection of three further dwellings (plots 1, 2 & 3) with access, layout and elevations to be considered: demolition of previous outbuilding. Withdrawn November 2015, following discussions with the Case Officer.
- 4.10 As noted above, there have been a significant number of planning applications on various parts of this site. It should be noted that a number of these applications (prior to 2009) proposed access between 65 and 67 Mill Lane. Since 2013, the proposals indicated access to be taken from Mill Lane (adjacent to the access for 39 Mill Lane). It will be noted from the above, the access has been established as a result of the site history.

## **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.

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:

Paragraph 7 – There are three dimensions to sustainable development. These dimensions give rise to the need for the planning system to perform a number of roles: an economic role, a social role, an environmental role.

Paragraph 14 – Central to the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 17 – sets out core land-use planning principles, which seek to secure high quality design and a good standard of amenity for existing and proposed occupiers; encouraging the effective use of brownfield sites; managing patterns of growth to make fullest use of sustainable locations.

Paragraph 35 - sustainable transport – developments should be located and designed where practicable to create safe and secure layouts which minimise conflicts between traffic and cyclists and pedestrians.

Paragraph 47 – requires Local Planning Authorities to meet objectively assessed housing needs for their area and to identify and update a supply of deliverable sites to provide 5-years' worth of housing against these requirements.

Paragraph 49 – Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 50 – To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community.

Paragraph 53 – Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

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

Paragraph 131 - Account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraphs 132 - 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.

### 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 requires the Council to take a positive approach that reflects a presumption in favour of sustainable development and that proposals should be determined in accordance with the development plan.

Policy S4: Northampton Related Development Area sets out the housing needs for the plan period for Northampton.

Policy S10: Sustainable Development Principles - Seeks to achieve the highest standards of design and to protect, conserve and enhance heritage assets and their settings.

Policy H1: Housing Density and Mix and Type of dwellings – considers the location and setting of the site, the character of an area, living conditions for future residents and amenities of occupiers of neighbouring properties. The principles of Policy H1 require that development should make most efficient use of land.

Policy BN2: Biodiversity – seeks to protect biodiversity and ensure adequate surveys are undertaken to establish habitats and species on the site.

Policy BN5: The Historic Environment and Landscape – Heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative significance.

#### 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 - requires new development to reflect the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials and be located in a manner which ensures adequate standards of privacy, daylight and sunlight.

Policy E26: Development in Conservation Areas - requires developments to preserve or enhance the character and appearance of the area, and not to demolish buildings which make a contribution to the character and appearance of the conservation area, where they are capable of an alternative use.

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

Northamptonshire Parking Standards (September 2016)  
Planning out Crime in Northamptonshire SPG 2004

#### 5.6 **Other Material Considerations**

Kingsthorpe Conservation Area Appraisal  
The Setting of Heritage Assets – Good Practice Advice Historic England.  
Managing significance in decision-taking in the historic environment – Good Practice Advice Historic England

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

Comments received are summarised as follows:

- 6.1 **NCC Highways and Access** - no objection to the access or the application in principle, subject to the appropriate relocation of the lamp column in the existing highway at the expense of the applicant and ensuring surface water cannot discharge onto the highway.
- 6.2 **NCC Local Lead Flood Authority** - referred to standing advice only in respect of surface water drainage.
- 6.3 **NBC Public Protection** - confirmed the concerns raised on earlier applications relating to noise, contaminated land and air quality. Conditions have been added in respect of noise and contaminated land. In respect of air quality, the Environmental Health Officer has also sought measures to improve air quality in this area. In this instance he is seeking low emissions boilers and electric vehicle recharging points.
- 6.4 **Northamptonshire Police** – no objections.
- 6.5 **NBC Conservation Section** - note that the current proposal has reduced the ridge height of the proposed dwellings, and the overall impact on the character and appearance of the Conservation Area and adjacent listed buildings has therefore been lessened

- 6.6 **NBC Arboriculture Officer** - no arboricultural reasons why this application should be refused. Recommend a planning condition to be imposed regarding tree protection.
- 6.7 **Kingsthorpe Amenity Preservation Group** - has submitted an extensive history of the site and reasons for strongly opposing the application. The concerns are supported by national guidance and local planning policy and raise concerns on highway safety, noise and odour, loss of trees and landscaping, the impact on listed buildings and the Conservation Area, archaeology and ground contamination.
- 6.8 **Kingsthorpe Conservation Area Committee and Friends of Kingsthorpe Village Green** - have raised concerns about traffic/cyclist/pedestrian safety, the impact on Fremeaux Terrace as a result of the height of the dormers and loss of privacy. Suggest consideration should be given to the surfacing of the access roads, avoiding gravel drives which could cause excessive noise. They have also raised concerns about the loss of the summerhouse, referring to it as an “antique treasure.”
- 6.9 **Councillor Beardsworth** has requested that the application is discussed at Planning Committee due to the following concerns:
- The exit and entry of the site is in a 40 mph speed limit on an extremely busy road.
  - It is a safer route to school for children.
  - It is a cycle route which is used by many school children and other cyclists.
  - Impact on local and widespread flooding.
- 6.10 **Natural England** - advise that they have no comments to make on the application.
- 6.11 **NCC Ecology** - are broadly satisfied with the bat survey and support the recommendation in the report to install four bat boxes to compensate for the loss of the roost. It is recommended that a condition is imposed requiring tree works to be undertaken outside the bird nesting season.
- 6.12 27 letters of objection were received from 11 individuals as a result of the public consultation. The representations are summarised as follows:
- Concern about the accuracy of the plans;
  - Loss of privacy;
  - The proposed dwellings will be visible from the objectors property;
  - The outbuilding/summerhouse, which is in the Arts and Craft style, is of significant architectural interest to the Victorian Society;
  - The summerhouse should be maintained rather than demolished;
  - Given the difference in levels between the site and the surrounding properties, the development will have an impact on the “pleasure of the gardens of Fremeaux Terrace”;
  - Over development of the plot;
  - Highway safety concerns (due to congestion at the Cock Hotel Junction and impact on the pedestrian/cycle route);
  - Impact on residential amenity by reason of exhaust fumes, general noise from residents, noise from gravel on the drives;
  - Overlooking from rear windows;
  - Out of character with the layout of the area, overdevelopment within a conservation area;
  - Development on the site has been refused on numerous occasions for good reasons;
  - A tree is indicated on the plans that is larger than the one on site;
  - The proposal adds nothing to the existing residents but seeks to further one individual's gain;
  - Loss of privacy to private garden area;
  - The drawings misrepresent the current situation suggesting that the existing properties are already overlooked;

- This part of the town is already overcrowded and the roads are gridlocked.

## **7. APPRAISAL**

- 7.1 The main issues to consider in respect of this proposal are the principal of residential development, impact on the setting and character of the conservation area, highway implications and impact on adjoining occupiers.

### **Principle**

- 7.2 The principle of residential use has been established on the paddock land to the front of the site, through the previous approval. The development of the garden land to the rear is 'backland' in that it is currently only accessible from the rear of 39 Mill Lane. In considering proposals for residential development on 'backland' sites, whilst the NPPF advises on the need to resist inappropriate development on backland sites, sufficient harm needs to be demonstrated. The site is in a sustainable location and the design of the revised scheme is not widely visible in the surrounding area.
- 7.3 The area is predominantly residential in nature and the comprehensive development of the site will contribute to the Council's five year land supply. Subject to the issues discussed below the principle of development is considered acceptable.

### **General design**

- 7.4 The dwellings to the front of the site (plots 1, 2 and 3) are in outline form only at this stage, but the application seeks approval for the access, appearance, scale and layout of this part of the site, leaving landscaping to be considered. The proposed dwellings for this part of the site would comprise of three two-storey four bedroom properties. Double attached garages are proposed for Plots 1 and 2, with an integral double garage for Plot 3.
- 7.5 The dwellings to the rear of the site are for detailed consent and comprise three three-bedroom dormer bungalows. These are located in an almost central position on the plot.
- 7.6 Proposed materials would be red brick, render and plain clay tiles, which is in keeping with the properties around the site. The access road is proposed as brindle coloured block paving, to compliment the red brick of the dwellings.
- 7.7 At the time of the previous application, the development and the design were accepted in principle, however, concern was expressed regarding the impact of plots 4, 5 and 6 in terms of the height of the dwellings and the impact on the Conservation Area.
- 7.8 The current application indicates the ridge height to have been reduced thereby reducing the impact on the setting of the Conservation Area and the Listed Buildings within it. This is considered further below.

### **Impact on Heritage Assets**

- 7.9 There are two considerations pertinent to the proposed revised development in respect of heritage assets, the impact on the character of the conservation area, and the impact on the setting of the listed buildings, in particular 17 Green End and the church.
- 7.10 The Kingsthorpe Conservation Area boundary was established in 1970 and amended in 1976. The current boundary runs through the front part of the application site, which results in the proposed plots 1 and 2 lying outside the Conservation Area, but plots 3, 4, 5 and 6 lying within the Conservation Area.



- 7.11 The Kingsthorpe Conservation Area has a very compact character and retains its 'village character'. The centre of the conservation area is dominated by the Grade I listed Parish church and its graveyard, and the open space the opposite side of Vicarage Lane. The church, the focus of the conservation area, and open space stand in an elevated position standing proud in the village context. The land then drops away steeply to the village green and then rises again to the south side of the green, the rise continuing onto Mill Lane. From the elevated position from the Church and open space, the core of the conservation area can be fully appreciated. From this vantage point, the retained village character can also be appreciated as there is a visual break in development between the properties facing the conservation area and the buildings beyond. This break reinforces the village character of the conservation area.
- 7.12 17 Green End, is a Grade II, three-storey building occupying a prominent location in the street. Its height and architectural details reinforce its position in the street and village as a building which was meant to be seen and appreciated.
- 7.13 The dwellings of Fremeaux Terrace are located to the north west of the site. The application site rises from the existing dwellings towards the south east. The revised proposal to construct three dormer style houses has reduced the height of the proposed buildings (from approximately 12.5m), but taking into account the elevated position the ridge height of the revised proposal will be approximately 1.4 metres higher than the properties in Fremeaux Terrace. Whilst the development of the site will result in the existing break in development being closed, the potential of viewing the buildings clearly from the core of the village and particularly the listed church, will be lessened and, therefore, the impact on the character of the conservation area lessened. Equally the reduction in roof height will lessen the potential for the roof line of the new buildings competing visually with the listed dwelling at No.17 Green End.
- 7.14 The designation of a conservation area, does not preclude development, however the development needs to take account of the impact that development may have on the setting and appearance of the conservation area. The comments from the Conservation Officer indicate that the main concerns have been addressed as a result of the revised proposal.
- 7.15 Representations have been made seeking the retention of the summerhouse. In its day this would have been a fine building, but following the damage caused by the falling tree and the vandalism that has taken place, many of its architectural features have been removed.
- 7.16 The size/volume of the summerhouse falls below that requiring conservation area consent for its removal and currently there is no protection which would allow the Local Planning Authority to enforce its retention. Given its current condition, it would not be worthy of listed building status, and would have been unlikely to have ever been of National Architectural Interest.
- 7.17 The County Council Archaeologist made observations on the previous application for the front part of the site. No comments have been received in respect of this application, but it is assumed that the same comments would apply. It was noted that there is the potential for archaeological remains to be present on the site and, as such, a condition is recommended to secure a written scheme of investigation.

#### **Impact on neighbouring properties**

- 7.18 The previous applications have considered the impact on the privacy and residential amenities of the surrounding properties and have not raised significant concerns.
- 7.19 The surrounding properties benefit from extensive gardens and the site is surrounded by mature trees, the majority of which will remain. The trees are protected by virtue of being located within the Conservation Area, and any trees not shown for removal as part of this scheme, would

require consent for their removal. The mature Beech tree, located outside of the conservation area, is protected by a Tree Preservation Order.

- 7.20 At the time of the site visit, the Conservation Officer and Case Officer walked the boundaries of the site and noted fences and walls on the existing boundaries which are considered to screen the site efficiently.
- 7.21 The proposed dwellings are indicated to positioned on the site with a back to back distance between the properties at Fremeaux Terrace of approximately 40m and to 35m to the properties in Mill Lane. This distance combined with the screening offered by the trees that are to be retained on the site, provides an acceptable distance in terms of privacy to the existing properties. It is considered that there would be no adverse impact on the residential amenities of the occupants of properties surrounding the proposed development on the paddock land to the front of the application site.
- 7.23 It is therefore considered that on balance the proposed dwellings do not appear to adversely impact on the residential amenities of the surrounding properties.

### **Highways and Access**

- 7.24 The principle of the access has been established through the earlier approval for 3 dwellings (N/2013/1278), although this proposal adds a further 2 dwellings which would be served by the proposed private drive. Plot 3 is to be served from the existing drive which serves 37 and 39 Mill Lane and one other property. The proposal includes improvements to the access road currently serving 37 and 39 Mill Lane.
- 7.25 Generally the Local Highway Authority would discourage more than 5 dwellings to be served from a private drive. In this instance, the applicant has overcome this issue by indicating the use of two accesses for the development. On this basis no objections to the access point and the associated access road have been raised by the Local Highway Authority.
- 7.26 The Local Highway Authority is satisfied with the indicated visibility splay, which demonstrates an acceptable pedestrian and vehicle visibility splay.
- 7.27 All the plots indicate on plot parking spaces and garages. Parking provision is considered sufficient and the Highway Authority have no objections.
- 7.28 The Highway Authority has requested a condition relating to surface water drainage and also an advisory note that a lamp column will need to be relocated at the expense of the applicant. As this will be works within the highway, an informative will be added and this matter can be resolved directly with the Local Highway Authority.
- 7.29 Whilst a number of representations have referred to the potential highway safety impact, no objections have been raised by the Local Highway Authority that cannot be otherwise covered by condition.

### **Ecology**

- 7.30 At the time of the case officers site visit the site was extremely overgrown and whilst there was no obvious evidence of regular disturbance of the area, the characteristics of the site indicated the potential for bats to be present. As a result of this the applicant agreed to carry out a Bat Survey of the site.
- 7.31 The Ecologist who carried out the survey visited the site on two occasions with a period of a month between the two survey dates. The assessment identified that a single pipistrelle bat

emerged from the summerhouse, however, by the time the second visit took place the site had been the subject of a break-in and the ridge tiles and some of the lead had been stolen, which effectively destroyed the roost. This matter has been reported to the Police as legislation relating to protected species makes it illegal to intentionally or deliberately kill, injure or capture bats, deliberately disturb bats, whether at roost or not and damage, destroy or obstruct access to bat roosts.

- 7.32 During the course of the survey Soprano pipistrelle, Common pipistrelle and Myotis bats were either seen or heard in the area.
- 7.33 The Bat Survey concludes that in terms of mitigation for the loss of the roost, four bat boxes should be accommodated within the development either on retained trees or on the gable ends of the new dwellings at a height of at least 3m from ground level and facing south/south westerly in order to have solar gain.

### **Arboricultural issues**

- 7.34 The application is accompanied by a Tree Survey which provides a condition survey of the trees on site and identifies trees for retention. Where trees are to be removed, new trees will be planted.
- 7.35 A mature Beech tree lies at the point of access and the access road circumvents the canopy of the tree. As mentioned above, the principle of this access has been established through the earlier consent. A root protection zone is indicated on the submitted drawings and the access road runs through this area. Whilst there is the potential for compaction of the surface, and therefore the roots, the level of the impact will be influenced by engineering details of the access road.
- 7.36 Whilst further information will be sought from the applicant by condition, in principle the Council's Arboriculture Officer is satisfied with the protection of the trees on the site and the planting scheme proposed.

### **Other matters**

- 7.37 The Environmental Health Officer has sought measures to mitigate the impacts of noise and air pollution and contaminated land. Conditions have been imposed to address the noise and contaminated land.
- 7.38 In terms of the air quality whilst the intentions are noted, the Councils' adopted planning policies cannot insist on such measures, particularly in small scale developments such as this. The Building Regulations will consider the type of boiler to be installed, but there is limited scope to insist on a low emission unit. An informative will be added to encourage the applicant to incorporate such measures.

## **8. CONCLUSION**

- 8.1 The outline consent for three dwellings on the site frontage has established the principle of an access onto Mill Lane. In respect of the rear part of the site, the objections raised previously in respect of the impact of the three dormer bungalows, on the setting and appearance of the conservation area, have been overcome such that it is considered there is no unacceptable adverse impact on the character and appearance of the conservation area or listed buildings within the locality referred to above. In addition the proposal would contribute to the Council's five year housing land supply.

**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) Approval of the details of the landscaping ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

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

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

(4) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan; Plot 1 (proposed elevations) 12/A56/100a; Plot 2 (proposed elevations) 12/A56/101a; Plot 3 (proposed elevations) 12/A56/102a, Plots 4, 5, 6 (North elevation) 2303/4/C, Plots 4, 5, 6 (section) 2303/5/B, Plots 4, 5, 6 (ground floor plan) 2303/6; Plots 4, 5, 6 (first floor plan) 2303/7; Plots 4, 5, 6 (elevations) 2303/8, Site plan 2303/9.

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

(5) No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

(6) Notwithstanding the details set out in the submitted Bat Survey (Cherryfield Ecology dated 26/09/2016), prior to the commencement of any construction work on site (Including demolition), a full ecological survey of the site shall be undertaken, the results of which shall be submitted to and approved in writing by the Local Planning Authority. Should any protected species be identified on the site, a scheme for the protection of these species shall be submitted to and approved in writing by the Local Planning Authority with the ecological survey, and implemented in accordance with the approved scheme and retained thereafter.

Reason: In the interests of wildlife and nature conservation in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy.

(7) Details shall be submitted to and approved in writing by the Local Planning Authority for the location of four bat boxes, as recommended in the Bat Survey (Cherryfield Ecology dated 29/09/2016). The development shall be carried out in accordance with the approved details, implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of wildlife and nature conservation in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy.

(8) Prior to the occupation of development , full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall be submitted to and

approved in writing by the Local Planning Authority, implemented prior to the first 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 S10 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan.

(9) The existing stone boundary wall fronting onto Mill Lane shall be retained apart from the section that needs to be removed to provide the sole access to the development as shown on drawing 2023/9.

Reason: In the interests of visual amenity and to safeguard the setting of the conservation area in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and E26 of the Northampton Local Plan.

(10) Full construction details of the proposed private drive within the root protection area of the retained trees including a cross section showing any change in ground levels shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details using the 'no dig' method as details in the submitted Arboricultural Report.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of amenity in accordance with Policy BN3 of the West Northamptonshire Joint Core Strategy.

(11) Prior to the commencement of development, full details of the proposed surface treatment of all roads, access and parking areas, footpaths and private drives including their gradients shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan.

(12) Prior to commencement of the development, full details of the existing and proposed ground levels and finished floor levels of the development in relation to 39 Mill Lane and Fremeaux Terrace shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out 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. The details are required pre-commencement to ensure that the details are agreed in a timely manner.

(13) Prior to the commencement of development, details 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 and E20 of the Northampton Local Plan.

(14) All trees shown to be retained in the approved plans shall be protected for the duration of the development by (a) stout fence(s) to be erected and maintained on (an) alignment(s) to be approved in writing by the Local Planning Authority before any development works shall take 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 S10 and BN3 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan.

(15) All planting, seeding or turfing comprised in the approved details of landscaping as shown on drawing number 2303/9, 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 and BN3 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan

(16) No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

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

(17) 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 16 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 16, 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 16.

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.

(18) Prior to the commencement of the development, the applicant shall assess the Noise Exposure Categories of the site due to its exposure from transportation noise. This must take into account, where appropriate, roads or railways that may not be immediately adjacent to the site and the likely growth in traffic over the next 15 years.

The applicant shall also submit to the Local Planning Authority for it to agree in writing a scheme to protect the site where its noise exposure exceeds NEC A. The scheme shall include a site plan showing the position, type and height of the noise protection measures together with the resultant NEC(s) for the site.

Where façades or floors do not fall into NEC A, a noise insulation scheme, which will require the provision of mechanical ventilation, be submitted to and agreed in writing by the Local Planning Authority and implemented prior to the dwellings hereby permitted being first occupied and retained thereafter.

Reason: To protect the amenities of future occupiers of the development in accordance with the requirements of the National Planning Policy Framework and BN9 of the West Northamptonshire Joint Core Strategy.

**10. BACKGROUND PAPERS**

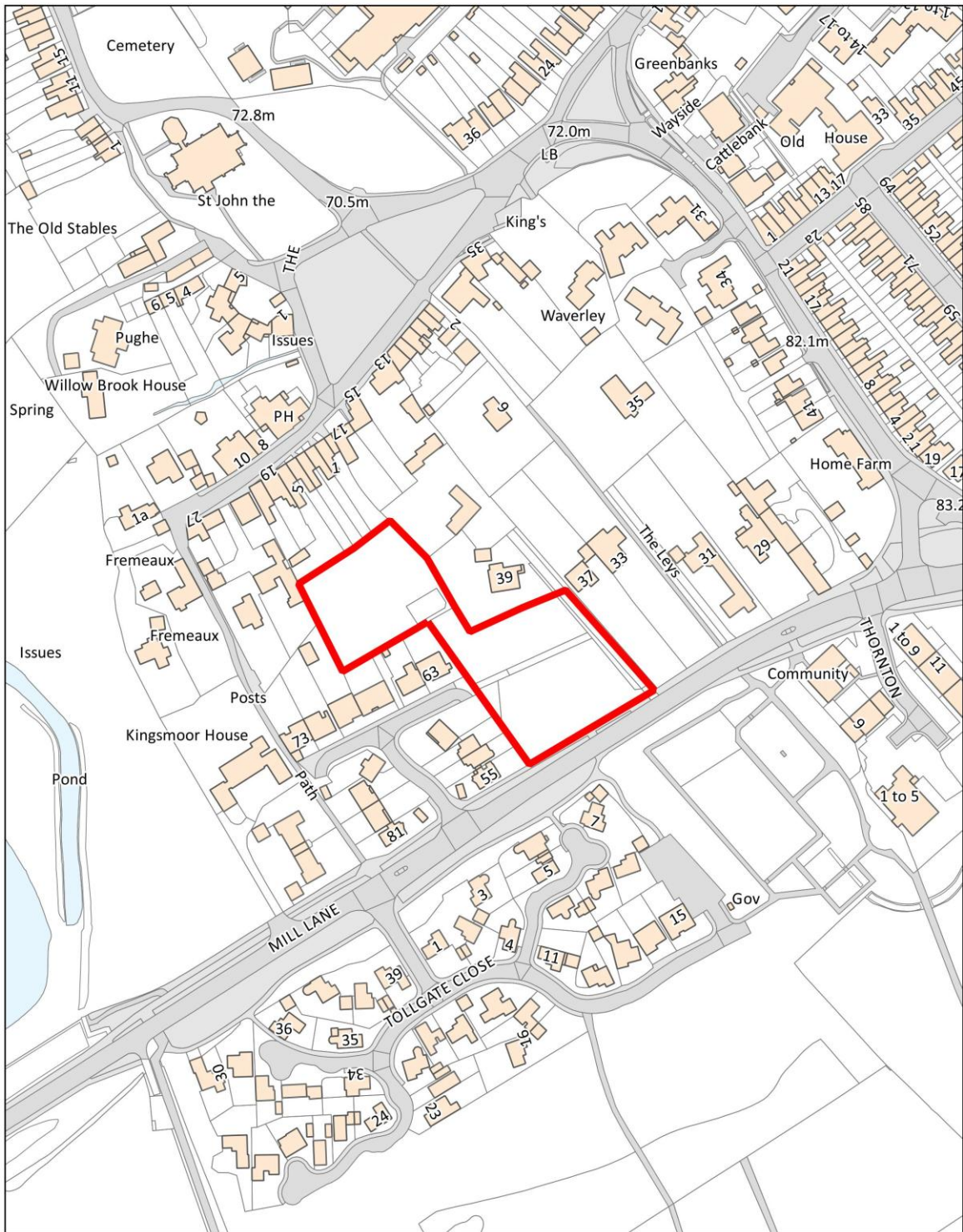
10.1 N/2016/0283

**11. LEGAL IMPLICATIONS**

11.1 The development is CIL chargeable.

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

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



**Title: Land off Mill Lane**

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**Date:** 14-11-2016

**Scale:** 1:2,000

**Drawn by:** .....





**PLANNING COMMITTEE:** 22<sup>nd</sup> November 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/0985

**LOCATION:** 45 St Giles Street

**DESCRIPTION:** Change of use from retail (Use Class A1) to pub (Use Class A4)

**WARD:** Castle Ward

**APPLICANT:** Mr Ian Tompkins

**REFERRED BY:** Head of Planning  
**REASON:** A Councillor is a trustee of the charity that owns the site

**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 change of use would not have any adverse impact on the listed building or the conservation area and would improve the vitality of the area through the introduction of an appropriate independent use in the Secondary Shopping Area. The application is therefore in accordance with the National Planning Policy Framework and Policies S9, S10 and BN5 of the West Northamptonshire Joint Core Strategy and Policies 1 and 13 of the Northampton Central Area Action Plan.

**2. THE PROPOSAL**

2.1 The application relates to the change of use of a vacant retail unit (Use Class A1) to a micro pub (Use Class A4).

**3. SITE DESCRIPTION**

3.1 The property is the end property of a group of Grade II Listed, Mid-19<sup>th</sup> Century, three storey properties (Nos. 33 to 45 St Giles Street) situated on the northern side of St Giles Street within the Derngate Conservation Area and within the Town Centre. The group are quite distinctive with their black wooden frontage shop units with gold coloured detailing and white stucco finish to the upper two floors and a slate roof.

**4. PLANNING HISTORY**

4.1 In 2000 advertisement consent was granted for a non-illuminated projecting canopy.

## **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 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:

Paragraph 131 - Account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraphs 132 - 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.

Paragraph 134 - Where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

### **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 - Seeks to achieve the highest standards of design and to protect, conserve and enhance heritage assets and their settings.

Policy BN5: The Historic Environment and Landscape – Heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative significance.

### **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 – make efficient use of land by promoting an appropriate mix of land uses in order to increase the vitality and vibrancy of an area and a wider range of choice for users.

Policy 13: Improving The Retail Offer - Within the Secondary Frontages, the change of use from retail (Class A1) will be allowed where it will not result in a significant decline in the total length of identified retail frontage below 60%, or, where this is already below 60% reduce further retail frontage.

## 5.5 Other Material Considerations

Derngate Conservation Area Appraisal – this identifies the significance of this group of buildings.

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Conservation** - No objection in principle to the change of use on conservation grounds, which will have an acceptable impact on the character and appearance of the Conservation Area. The applicant is advised that the property is a Grade II Listed Building and Listed Building Consent is likely to be required for any internal or external alterations affecting the character of the building including signs.
- 6.2 **NBC Environmental Health** – Concern expressed regarding the use of the property for A4 use, due to the structure of the building, given that it is a Listed Building. No information has been provided in respect of noise, but recommend opening hours are restricted by condition, along with a further condition restricting live or amplified music being played.
- 6.3 **Town Centre Manager** – No objections. The proposed micro-pub will bring back into use a vacant property, and enhance the independent offer in St Giles Street. The applicant needs to ensure that adequate waste/rubbish storage is provided within the property.
- 6.4 **NCC Highways** – No objections subject to no outward opening windows, fenestration or advertisement that could encroach or overhang the highway.
- 6.5 **Northamptonshire Police** – No objections. Discussions have already taken place with the applicant regarding the licence and any potential crime and disorder issues which may arise as a result of permission being granted.
- 6.6 One letter of objection has been received raising concern regarding the loss of a Class A1 unit in a high quality shopping street and concern about the number of drinking and eating places in the town centre.

## 7. APPRAISAL

- 7.1 The main issues to consider are the impact on the character, appearance and historic interest of the listed building, the setting of the conservation area and the impact on the Secondary Retail Frontage of the proposed change of use.
- 7.2 The proposal is for the change of use of the ground and lower ground floors of the premises only, with no alterations proposed to the structure or appearance of the building. The upper floors are to remain in office use, which will be associated with the business, but not part of the sales area.
- 7.3 The application form states that this is intended as a micro-pub aimed at an adult market where people can meet and enjoy cask conditioned ales, wine and local cider. No food will be served,

other than packaged snacks and crisps, although links may be made with other local food retailers encouraging joint offers to allow certain foods to be consumed on the premises.

- 7.4 The applicant does not intend to provide entertainment (recorded or live music or television) although this would be a matter for the Premises Licence rather than something that would be controlled through the planning process.
- 7.5 It is therefore considered that the proposed use would not have any detrimental impact on the character and historic interest of the building or the conservation area, whilst also ensuring a viable ongoing use for the building.
- 7.6 The site is within a Secondary Retail Frontage within the Town Centre. Policy 13 of the Central Area Action Plan seeks to retain 60% of retail uses within Secondary Retail Frontages. In this instance 62% of units on St Giles Street are currently in retail use. The proposed change of use would reduce the number of units in retail use to 56%.
- 7.7 Whilst it is acknowledged that this would fall below the policy requirement, the unit has been vacant for some time. The proposal would bring this vacant listed building, in a prime Town Centre location within the Conservation Area, back into use as an artisan type of occupier, in keeping with other niche retail outlets in St Giles Street, and would assist in improving the vitality of the area.
- 7.8 In terms of the impact on the amenities of surrounding properties the submitted details state that the micro-pub will be open from 11am to 11pm only. The site is located in a Town Centre environment, and the proposed hours are not considered inappropriate in such a location. Hours of use could be controlled by condition to ensure surrounding amenity is preserved.
- 7.9 The property has a rear access served from The Ridings which would allow for the provision of bulk refuse and recycling storage. This is considered to be acceptable bearing in mind the scale of the development.

## **8. CONCLUSION**

- 8.1 The proposed change of use would not have any adverse impact on the listed building or the conservation area and would improve the vitality of the area through the introduction of an appropriate independent use.

## **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: Location Plan, Block plan and proposed floor plans (dated 12 September 2016).

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

(3) The premises shall be open to customers between the hours of 11am to 11pm only and at no other time.

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

**10. BACKGROUND PAPERS**

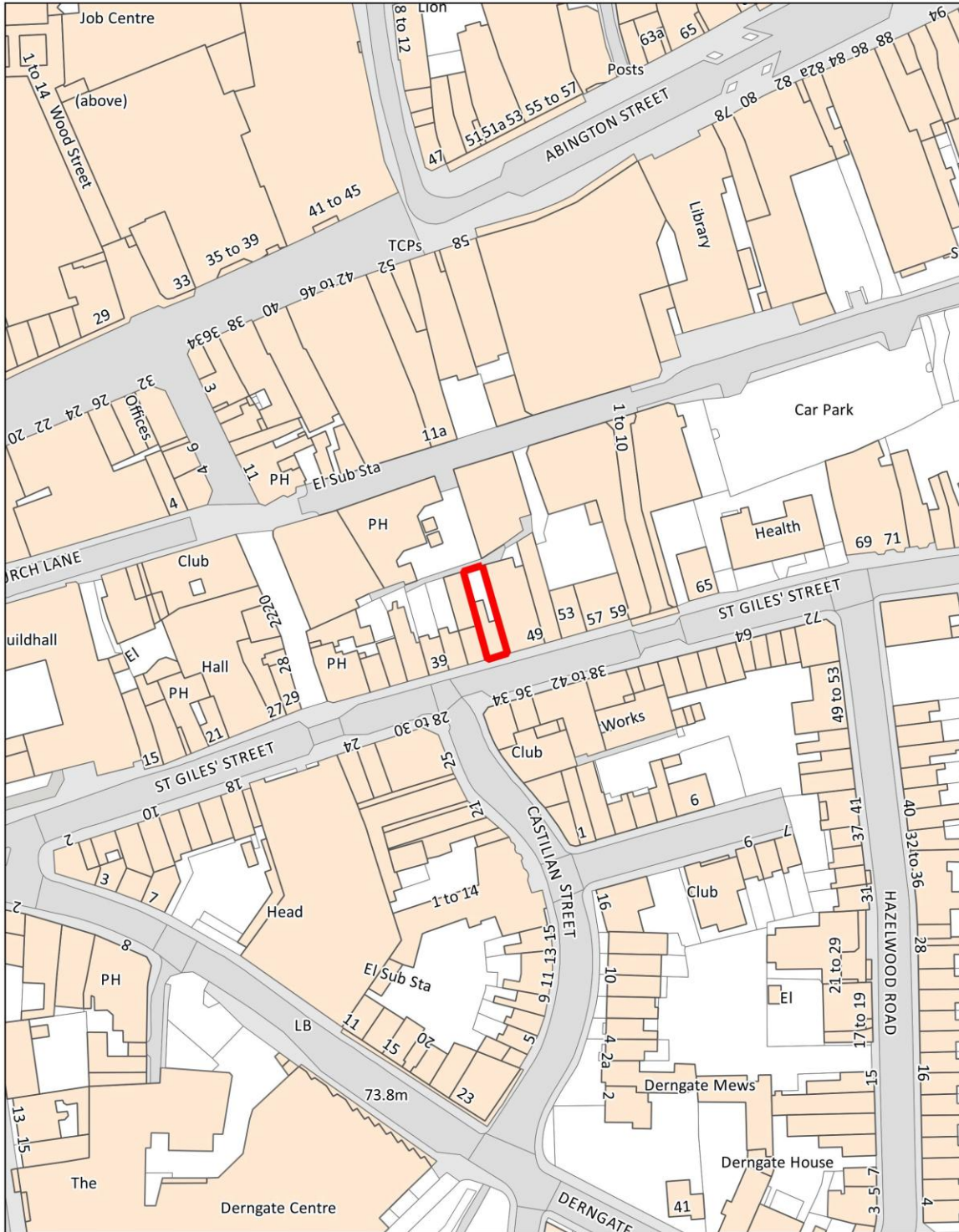
10.1 N/2016/0985

**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.



 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Title: <b>45 St Giles Street</b></p>	<p>Date: 07-11-2016</p>
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	<p>Drawn by: .....</p>	



**PLANNING COMMITTEE:** 22<sup>nd</sup> November 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/1091

**LOCATION:** United Trades Club, Balmoral Road

**DESCRIPTION:** Erection of three residential buildings comprising a total of 80 specialised supported living apartments (Use Class C3), together with associated access, parking, open space, bins and scooter stores

**WARD:** Trinity Ward

**APPLICANT:** Plexus UK (First Project) Ltd and HB Villages Developments Ltd

**AGENT:** Peter Brett Associates

**REFERRED BY:** Head of Planning  
**REASON:** Major development with a S106 Agreement

**DEPARTURE:** Yes

**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

1.1 **APPROVAL IN PRINCIPLE** subject to the prior completion of a S106 legal agreement to secure:

- 1.1.1 i) That the development be used solely for specialist supported living;
- ii) A payment towards provision and/or enhancement of open space within the vicinity of the Application Site; and
- iii) The Council's monitoring fee, subject to the Head of Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

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

The proposed development represents an appropriate land use and would have a neutral impact upon the character and appearance of the area, neighbour amenity and the highway system. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies S1, S10 and H1 of the West Northamptonshire Joint Core Strategy and Policy 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 Regeneration, Enterprise and

Planning 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 applicant seeks planning permission to redevelop the site to erect three buildings, which would form 80 units of accommodation for use as a specialist supported living. The development would feature 41 car parking spaces, including four spaces for use by those with disabilities. Access to the car parking would be via Balmoral Road.
- 2.2 The proposed buildings would be between four and five storeys in height, with the tallest being located adjacent to Kingsthorpe Road. The bulk of the building would be given over to the provision of the 80 dwellings, which would each contain one bedroom. The remainder of the buildings would feature staff areas and communal facilities.

## **3. SITE DESCRIPTION**

- 3.1 The application site consists of a disused site that has been cleared, but originally was used for various commercial purposes and a social club. The surrounding land uses are varied comprising a mixture of houses and flats, in addition to a number of contrasting commercial uses. The site is located adjacent to Balmoral Road, which is mainly residential in nature and Kingsthorpe Road (to the west), which serves as one of the main routes into the town centre. The site slopes generally downwards in a southerly direction.

## **4. PLANNING HISTORY**

- 4.1 N/2000/0090 – Outline planning permission granted for residential development and access road – Approved.  
N/2001/1456 - Full planning permission granted for redevelopment of site to provide 45 flats and construction of access road – Approved.  
N/2004/1112 – Erection of 20 flats – Approved.  
N/2007/1045 – Erection of 36 flats and associated parking, cycle and bin stores – Allowed on Appeal.  
N/2008/0261 – Demolition of existing buildings and erection of 22 flats with associated access and parking – Withdrawn.  
N/2014/0079 – Erection of 13no. dwellings consisting of 12no. 4-bed terraced houses and 1no. 4-bed detached house including 28no. parking spaces with access off Balmoral Road – Approved.

## **5. PLANNING POLICY**

### **5.1 Statutory Duty**

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

### **5.2 National Policies**

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental



roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application.

Of particular note to residential proposals is that Paragraph 49 requires that proposals for housing should be encouraged within the context of promoting sustainable development. The same paragraph also states that in instances where a five year housing land supply cannot be demonstrated (which is the case in Northampton), any relevant Development Management policies cannot be considered to be up to date. Paragraph 14 requires that in instances where the development plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.

In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50).

Paragraph 17 states that planning decisions should always endeavour to secure high quality designed developments, which secure a good standard of amenity for existing and future occupiers of land and buildings. In doing this, planning should also take into account the differing roles and character of areas. The same paragraph also encourages the redevelopment of previously used sites.

Paragraph 34 requires developments that are likely to generate a significant amount of movement be located in positions where the need for travel is minimised.

Paragraph 35 states that, where practicable, developments should be designed with a safe and secure layout that reduced the potential for conflicts between pedestrians and traffic. The NPPF also requires that new developments be of a good quality design (paragraph 56).

Paragraph 103 states that when determining planning applications, care should be taken to ensure that flood risk is not increased elsewhere and that priority should be given to the use of sustainable urban drainage systems.

### **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 S10 requires that developments be of a good standard of sustainable design and incorporates safety and security considerations in order to promote a good sense of place. In addition, development should be sustainably located in order to encourage access by walking, cycling and public transport.

Policy S1 states the new development within West Northamptonshire will be concentrated primarily in and adjoining the existing urban area of Northampton. Policy S3 requires that the construction of approximately 18,870 houses within the Northampton Borough over the plan period and Policy S4 requires the provision of about 28,470 new dwellings within the Northampton Related Development Area (NRDA) between 2011 and 2029. This figure has been calculated as a result of the West Northamptonshire Objectively Housing Needs Assessment. Policy S10 requires that new developments be located in a position where services and facilities can be accessed by walking, cycling or public transport.

Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures. Policy H2 also requires that at least 35% of developments of 15 or more dwellings should be made available for occupation as affordable housing

Policy INF2 requires that new developments will only be permitted in instances where there is a reliable mechanism in place to ensure that required mitigation can be delivered.

#### 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 requires that new developments be constructed to a good design and to ensure that there would be no significant adverse impact upon the occupiers of neighbouring properties in terms of considerations such as light, outlook and privacy

Policy B14 identifies the site as being an existing business area and requires that non-business uses are permitted in instances where employment opportunities and community benefits are created.

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

Comments received are summarised as follows:

- 6.1 **Anglian Water** – Request a condition relating to drainage provision.
- 6.2 **Environment Agency** – No objections, but request a condition in respect of foul water drainage.
- 6.3 **Highway Authority (NCC)** – Request amendments to the layout of the scheme in the interests of highway safety and for a greater amount of car parking to be provided (Officer's note: revised plans have been submitted and a further update from the Highway Authority is awaited and will be reported on the Addendum to this Agenda).
- 6.4 **Housing Strategy (NBC)** – Support the development as it would provide a type of accommodation, which is much needed. It is recommended that fire safety lifts are installed, that all residents have access to the ancillary features, and the landscaping include raised beds, to be of benefit to those with mobility issues.
- 6.5 **Lead Local Flood Authority (NCC)** – No objections, subject to conditions relating to the maintenance of the drainage works.
- 6.6 **Northamptonshire Police Crime Prevention Design Advisor** – Recommend that details relating to access controls and CCTV are secured.
- 6.7 **Queens Park Residents Association** – No objections.
- 6.8 **Kingsthorpe Medical Centre** – Object as demand for surgeries is increasing in the area.

### 7. **APPRAISAL**

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

- 7.1 It is noted that application site is allocated in the somewhat dated Local Plan as being a business area, however, planning permission has previously been granted to develop this site for residential purposes. Moreover, the application site is on the periphery of a substantial residential area. As a result of these factors, it is considered that the development of this site for residential purposes is appropriate, particularly as the site has been vacant for a significant period of time.

- 7.2 In addition, there is a significant need for new housing within the Borough, particularly as the required five year housing land supply cannot be demonstrated. This development would make a contribution towards this need by bringing forward new units. In addition, weight should also be given to the nature of the proposed residential development as the dwellings would be utilised for specialist supported living. This is an accommodation type that is also in significant need within the Borough, as advised by the Council's Housing Strategy Officer.
- 7.3 Policy B14 of the Local Plan is also applicable due to the proposal being a departure. Given that the development would generate some employment opportunities, and would offer community benefits in the form of delivering a needed housing type, it is considered that the proposal would comply with this policy in respect of providing a non Class 'B' use.
- 7.4 The proposed specialist supported living would be managed by a registered provider and would, therefore, be occupied on affordable rented tenures. This would result in the entire development being made available as affordable housing. Whilst the normal position is that 35% of developments be secured for occupation on affordable tenures, in this instance, the legal agreement would secure the entire development for occupation on this basis. This position is justified on the grounds that it would assist in delivering a significant number of dwellings of a hitherto undersupplied type.
- 7.5 The application has been reviewed by the Lead Local Flood Authority and there are no objections to the development proceeding, subject to conditions relating to the finalisation of a drainage scheme and for an on-going maintenance regime being secured. This would prevent any amenity issues arising from flooding either on the application site or elsewhere as a result of this development proceeding.

### **Design and appearance**

- 7.6 The development has been arranged in three blocks of pitched roof design. Whilst it is appreciated that the buildings (particularly the block that fronts onto Kingsthorpe Road) is taller than the dwellings in Balmoral Road, it is considered that the height does not have a significant detrimental impact upon the character of the area. The reasoning for this is that at the junction of Balmoral Road and Kingsthorpe Road there is considerable variation in building types and appearances, including two storey houses, flats and more functional industrial buildings. This means that the development would not be unduly strident within this context.
- 7.7 A number of discussions have taken place with the applicant regarding ways of breaking up the massing of the building. It is therefore proposed that the building be constructed from a brick with some variations in terms of shade, which would add some interest to the façade of the building. A condition is recommended that would ensure that the Council approves the building materials prior to buildings works commencing.
- 7.8 In addition to this matter, the blocks would feature some recessed elements of a different appearance, which would also serve in breaking up the massing of the building, and assist in creating a more interesting form of development.
- 7.9 The proposed buildings features notable entrance features, that benefit from a good level of natural surveillance. This ensures that the proposal features suitable legibility, which creates interest and is a secure form of development. In line with the advice of Northamptonshire Police's Crime Prevention Design Advisor, conditions are recommended with regards to boundary treatments, access to the undercroft car parking and CCTV.
- 7.10 The positioning of the buildings is sufficient to ensure a neutral impact upon the occupiers of existing properties in terms of considerations such as light, outlook and privacy. It is noted that the south eastern block would be closest to the flats in Balfour Court, which are three storeys in

height and approximately 23m away from the proposed development. The residential properties in Balmoral Road (which are sited on higher land) would be approximately 32m away. In order to provide certainty of the neutral impacts, a condition is recommended that would enable the Council to approve details of land levels prior to development commencing.

- 7.11 In order to secure a satisfactory standard of development and given the nature of the proposal, the scheme has been designed to provide suitable lifts, which would also serve for evacuation in the event of fire. The development would also include secure access systems in order to provide a safe form of development.
- 7.12 A condition is recommended that would ensure the submission of scheme for hard and soft landscaping to be submitted and agreed. This would ensure that parking, manoeuvring areas and pedestrian walkways are constructed from appropriate materials, but would also ensure the provision of areas of planting. It has been agreed with the applicant, the planting would also include areas of raised plant beds, which is considered necessary given the nature of the proposed development.
- 7.13 As discussed previously, the development would feature a number of ancillary features designed to promote a sense of community within the development. It has been confirmed that all residents, irrespective of which block they reside in, would have access to these facilities.

### **Highway considerations**

- 7.14 Whilst it is recognised that the proposed parking provision is less than that requested by the Highway Authority, it is also noted that the development is for specialist supporting living, where car ownership is likely to be lower than conventional dwellings falling within Class C3 of the Use Classes Order. Given that the applicant would be entering into a legal agreement, as discussed previously, which would ensure that the development is only used for this type of accommodation, there is some certainty regarding the highway implications of the proposal. Furthermore, a condition is recommended in order to ensure that the parking is provided in advance of the first occupation of the scheme.
- 7.15 In reaching this conclusion, weight has also been given to the specific context of the application site. The development is sustainably located in close proximity to Harborough Road, which contains good access to public transport links. In addition, the site is in close proximity to areas of public open space, the allocated centre of Kingsthorpe, and the town centre.
- 7.16 By reason of the scale of the development and the nature of the surrounding road network, it is considered that the proposal would not cause any undue detrimental impact on the surrounding road network in terms of congestion.
- 7.17 The applicant has revised the layout of the scheme and provided additional information in light of comments that have been received from the Highway Authority. These are the subject of on-going consultation and a further update will be provided to members via the Addendum, which will be circulated prior to the Committee meeting commencing.
- 7.18 In order to promote more sustainable means of travel, a condition is recommended that would secure the provision and retention of the cycle storage that is detailed on the submitted plans.

### **Legal agreement**

- 7.19 By reason of the scale and type of development, a Section 106 Legal Agreement is required. The Community Infrastructure Levy Regulations specify three key legal tests in ascertaining whether a particular obligation can be requested. These specify that obligations should be:
- i) Necessary to make the development acceptable in planning terms;

- ii) Directly related to the development; and
- iii) Fairly and reasonably related in scale and kind to the development

7.20 In addition to securing the use and tenure of the development as specialist supported living accommodation, it is recognised that the development would result in an increase in people living within the area. This is likely to increase pressure on existing areas of public open space and accordingly an obligation would be included within the Section 106 Agreement to secure a financial payment for the enhancement of existing open spaces within the vicinity of the site.

7.21 As an objection has been received regarding difficulties in health care provision in the vicinity, a potential financial contribution has been assessed against the above legislative requirements. Given the scale of the development and the fact that residents are already likely to be existing residents and therefore registered with doctors' surgeries, the need for such a contribution is diminished. In addition, residents of the development would also be receiving an element of care. As a result of these conclusions, combined with there not being clarity as to how such an obligation would mitigate the impacts of this development, it is considered that there is not a sufficient case to justify a financial contribution in this specific instance.

## **8. CONCLUSION**

8.1 It is considered that the proposed development represents an acceptable land use and is of an acceptable design. Subject to conditions and the proposed legal agreement, it is considered that the impacts of the proposed development can be sufficiently mitigated. The development would also provide additional new housing, which is in great need within the Borough.

## **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 details of the planning application.

(3) Full details of the method of the treatment of the all boundaries of the site 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 E20 of the Northampton Local Plan.

(4) 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 E20 of the Northampton Local Plan.

(5) 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.

(6) 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 E20 of the Northampton Local Plan. This condition is required in order to ensure that such details are agreed in a timely manner.

(7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

(8) 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. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

(9) Prior to commencement of development, a scheme, including phasing for the provision of mains foul water drainage on and off the site has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and implemented prior to the first occupation of the dwellings hereby permitted.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy. This condition is required to ensure that such details are agreed in a timely manner.

(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 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 the advice contained in the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy.

(11) No development shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment (Located within Flood Risk Assessment – Revision A for proposed residential development at Balmoral road, Northampton, prepared by Abington consulting Engineers dated 08th July 2016), have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. 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. Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
- 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 prevent the increased 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 and Policy BN7 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement in order to ensure that these details are agreed in a timely manner.

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

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

(13) No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details hereby approved. No building shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the requirements of the National Planning Policy Framework. This condition is required pre-commencement in order to agree such details in a timely manner.

(14) 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 National Planning Policy Framework. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

(15) 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 to ensure that such details are agreed in a timely manner.

(16) Notwithstanding the details submitted, full details of external CCTV and entrance control systems to the buildings and undercroft car parking 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 retained thereafter.

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

(17) The car parking, cycle storage and refuse storage as shown on drawing 15259 (FL) 400 G shall 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 form of development in accordance with the requirements of the National Planning Policy Framework.

## **10. BACKGROUND PAPERS**

10.1 N/2016/1191

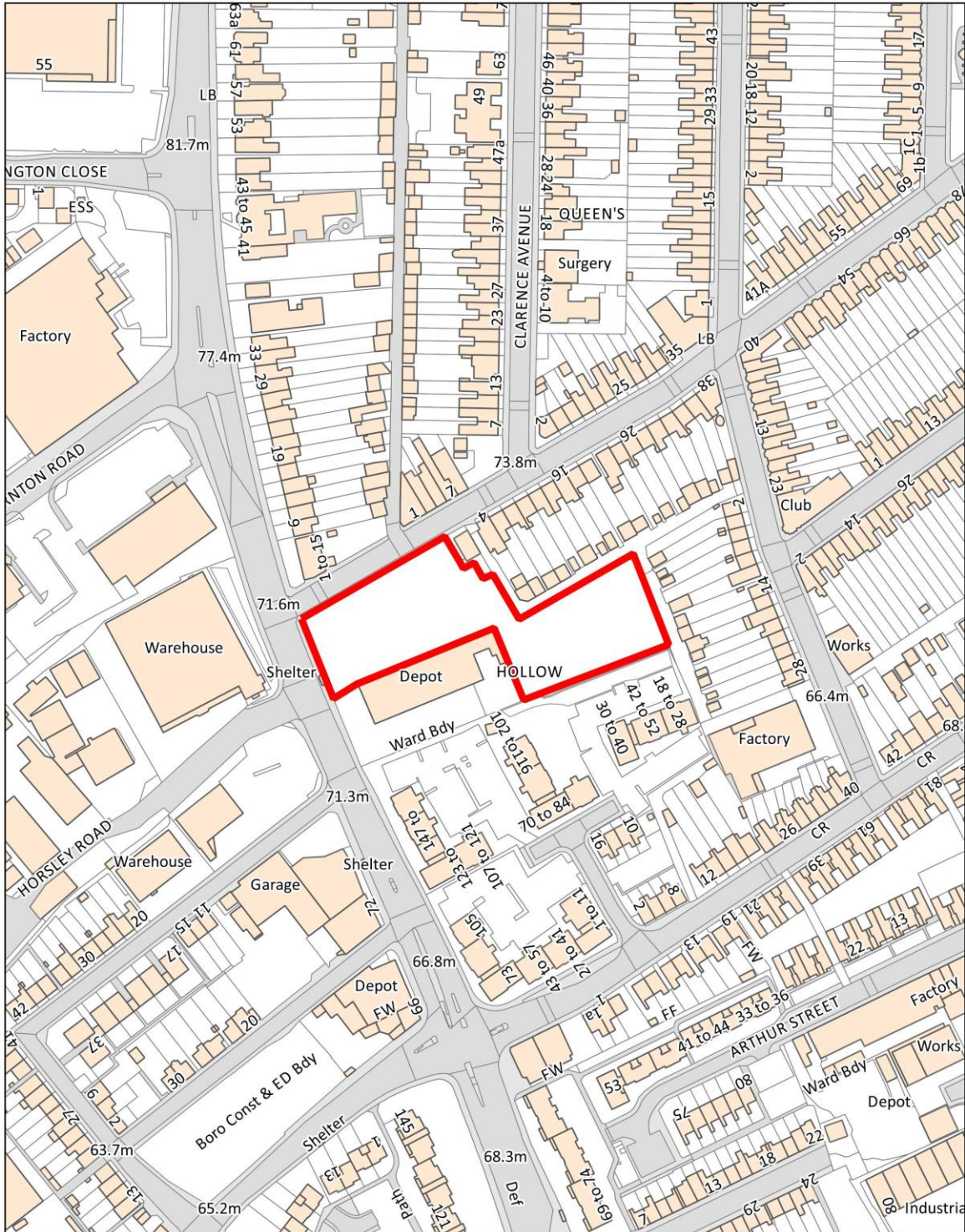
## **11. LEGAL IMPLICATIONS**


11.1 None

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

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





 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Title: <b>United Trades Club, Balmoral Road</b></p>	<p>Date: 10-11-2016</p>
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**PLANNING COMMITTEE:** 22<sup>nd</sup> November 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/1093

**LOCATION:** 6 Stimpson Avenue

**DESCRIPTION:** Change of use from dwelling (Use Class C3) to a House In Multiple Occupation (Use Class C4) for 6 residents - retrospective

**WARD:** Abington Ward

**APPLICANT:** Mr Jonathan Curtis  
**AGENT:** Mr Jonathan Curtis

**REFERRED BY:** Councillor Z Smith  
**REASON:** Parking difficulties in the area

**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 for change of use from a C3 dwelling to a house in multiple occupation (HIMO) would not lead to an unacceptable concentration of HIMOs within the locality that would adversely impact upon the character of the street scene, nor would the development have significant adverse impacts on neighbouring amenity or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed and is in accordance with the requirements of Policies H1, H5, 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 Interim Planning Policy Statement' and the aims and objectives of the National Planning Policy Framework.

**2. THE PROPOSAL**

2.1 Permission is sought for a change of use from a residential dwelling (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 6 people. No external alterations are proposed to the property. Parking would be on-street.

2.2 The site lies within the Article 4 Direction area which removes permitted development rights for change of use from a dwelling to a HIMO.

### **3. SITE DESCRIPTION**

- 3.1 The application site comprises a two storey, mid-terraced, six-bedroom property on Stimpson Avenue, located in a residential area with similar terraced properties on both sides of the street.
- 3.2 The property has a kitchen/dining, lounge and one bedroom on the ground floor, three bedrooms and a bathroom on the first floor, and a bedroom in the basement and converted loft.
- 3.3 The property is currently in use as an unauthorised HIMO for four occupants.

### **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.

#### **5.2 National Policies**

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

- 5.3 Paragraph 17 seeks to secure high quality design and good standard of amenity for existing and proposed occupiers.
- 5.4 Paragraph 49 requires that housing applications are considered with presumption in favour of sustainable development.
- 5.5 Paragraph 50 states that planning should deliver a wide choice of high quality homes; widen opportunities for home ownership and create sustainable, inclusive, and mixed communities; should plan for a mix of housing based on current and future demographic trends, market trends, and the needs of different groups in the community.

Paragraph 56 - Good design is a key aspect of sustainable development.

#### **5.6 West Northamptonshire Joint Core Strategy (2014)**

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

- 5.7 Policy H1 - Housing Density & Mix & Type of Dwellings - States that development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs. Housing developments will be expected to make the most efficient use of land having regard to the location and setting of the site, the existing character and density of the local area, accessibility to

services and facilities, proximity to public transport routes, the implications of density for affordability and viability, the living conditions provided for future residents, and the impact on the amenities of occupiers of neighbouring properties.

- 5.8 Policy H5 – Managing the existing housing stock - seeks to manage and safeguard existing housing stock, including through HIMOs, where they would not adversely impact upon the character and amenity of residential areas.
- 5.9 Policy S10 – Sustainable Development Principles - requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings

#### 5.10 **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:

- 5.11 Policy E20 – new development should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.
- 5.12 Policy H30 – requires HIMOs to be of sufficient size to accommodate the proposed use and not result in an over concentration to the detriment of the character and amenity of the area or result in a substantial demand for on street parking in areas judged to be experiencing difficulties.
- 5.13 **Supplementary Planning Documents**  
Northamptonshire Parking Standards (September 2016)  
Planning out Crime in Northamptonshire SPG 2004

#### 5.14 **Other Material Considerations**

Houses in Multiple Occupation (HIMO) Interim Planning Policy Statement (IPPS) (November 2014)

Proposals for HIMOs should:

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

## 6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NCC Highways** – advise that previous parking surveys have demonstrated that there is no residual parking capacity for vehicles in the area. Therefore, it can be reasonably assumed that the potential increase in parking demand generated by this development is likely to result in increased parking on double yellow lines, across dropped kerbs, on the corners of junctions and double parking. This will result in a greater risk to both motorists and pedestrians and, for this

reason, the LHA must object to the proposed development on the grounds of highway safety. The increase in parking demand will have a negative amenity impact on neighbouring residents.

After consulting with Northamptonshire Highways parking enforcement department, it was confirmed that this is an area of high ticketing, reflecting that there is a lack of parking spaces, resulting in vehicles being parked on double yellow lines. It should also be noted that this is an area where the LHA receives a high level of complaints from residents with regards to the lack of parking for residents.

6.2 **Private Sector Housing** - The property has a current HMO licence valid from 27 July 2016 to 26 July 2021, for 6 occupants in 6 households.

6.3 **Councillor Zoe Smith** – raises concerns regarding impacts on existing parking difficulties in the area and the recent changes to Highway Authority parking standards requiring that new or altered properties must provide one parking space per individual resident/couple.

## 7. APPRAISAL

### Principle of the development

7.1 The conversion of an existing dwelling to a HIMO is considered to be in accordance 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 they would not adversely affect the character and residential amenity of an area. In principle, houses in multiple occupation are considered to be acceptable in a residential area.

### Size of property

7.2 The submitted plans show provision of six letting bedrooms, with a lounge, kitchen, shower room and toilet on the ground floor and a bathroom on the first floor. The response from Private Sector Housing indicates that the property is licensed and can accommodate up to 6 people satisfactorily.

### Area concentration

7.3 Council records evidence that there are no other confirmed HIMOs within a 50m radius of the application site and, therefore, no over-concentration exists. The use of this property as a HIMO would equate to less than 2% concentration in the area. This would clearly fall within the 15% recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs.

### Parking

7.4 Parking within the vicinity of the site is on-street. The nearest bus routes are within 200m of the property, located on Wellingborough Road.

7.5 The Local Highway Authority (LHA) has objected on the potential additional on-street parking that may arise from the proposed use and potential adverse highway impacts, in an area where it has been demonstrated by previous parking surveys carried out within the vicinity of the site, that there is no residual parking capacity for vehicles in the area.

7.6 The property is currently a six bedroom property with on-street parking. Whilst the Highway Authority's concerns are noted, the existing property is a six bedroom property with no provision for on-site parking. Furthermore, the property is in a sustainable location within close proximity to facilities on Wellingborough Road and public transport. Given the potential number of occupants arising from the existing use and the sustainable location of the property, it is not considered that

a refusal on highway grounds could be upheld at appeal. This view has been upheld by recent appeal decisions which are a material consideration.

- 7.7 An appeal decision to form an additional apartment to comprise of a total of 5 apartments at 133 Colwyn Road (N/2016/0112), refused due to lack of parking, was allowed at appeal. The Inspector concluded that the appeal site was located in a sustainable location within easy walking distance of local services and facilities and public transport services. The Inspector considered that with no off-site parking provision, the development was more likely to be more attractive for occupation by people who do not use cars than those who do. Consequently, in view of the scale of development and, on the basis of the evidence, the Planning Inspector concluded that extra demand for on-street parking generated by the development is relatively small in the context of the overall supply and availability of parking in the area.
- 7.8 In appeal decision APP/V2825/W/16/3152553, at 26 Burns Street for a change of use to a HIMO for up to 4 people, the appeal was dismissed on the basis of over concentration, however the Inspector emphasized and concluded that the sustainable location of the HIMO cannot be disregarded.
- 7.9 In another appeal decision, APP/V2825/W/16/3154685 at 343 Wellingborough Road, for a change of use from office to a house in multiple occupation for 5 occupants, refused due to parking concerns, the Inspector allowed the appeal on the same conclusion that the appeal site is located in a sustainable location, within easy walking distance of the local services and facilities and public transport services.
- 7.10 It is considered that in view of the recent appeal decisions, the Inspectors have given considerable weight to the sustainability of locations, while considering the impact on parking. As such, in view of the sustainable location of the application site, and number of occupants proposed, and that there is sufficient room within the site to require secure bicycle storage by condition, it is not considered that highway impacts would be so adverse as to recommend refusal on this basis.

#### **Refuse storage**

- 7.11 No details have been submitted for the storage of refuse and materials for recycling. However, owing to the size of the rear garden, it is considered that the bin storage can be provided on site. A condition should be attached to any planning permission to submit the details for bin storage.

#### **7.12 Amenity**

The proposed use falls within Use Class C4 of the Use Classes Order, which in effect categorises this as a residential use which would not generate amenity impacts such as noise or anti-social behaviour on local residents over and above those created by a more conventional C3 dwelling. Indeed, without the Article 4 Direction, planning permission would not be required for the change of use. Consequently, it is not considered that any refusal of planning permission or the imposition of conditions, in relation to amenity issues would be reasonable or sustainable at appeal.

### **8. CONCLUSION**

- 8.1 The proposed change of use to an HIMO would not lead to an over concentration of HIMOs within the locality or lead to any unacceptable significant impact on the character and amenity of the surrounding area or existing parking conditions. The property is of sufficient size to accommodate the level of accommodation as proposed, and hence would not conflict with national and local planning policy and guidance and is therefore recommended for approval.

## **9. CONDITIONS**

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

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

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Basement, First Floor Plan, Second Floor Plan, Third Floor Plan.

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

(3) Within the 1 month of this approval, full details for the provision of storage for refuse and materials for recycling 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 Policy S10 of the West Northamptonshire Joint Core Strategy

(4) Within the 1 month of the date of this approval, full details for the provision of secure storage for 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, 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 Policy S10 of the West Northamptonshire Joint Core Strategy.

## **10. BACKGROUND PAPERS**

10.1 N/2016/1093

## **11. LEGAL IMPLICATIONS**

11.1 The development is CIL liable but not chargeable.

## **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.



 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Title: <b>6 Stimpson Avenue</b></p>	<p>Date: 07-11-2016</p>
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		<p>Drawn by: .....</p>





**PLANNING COMMITTEE:** 22<sup>nd</sup> November 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/1145

**LOCATION:** Garage Premises , 531 Harlestone Road

**DESCRIPTION:** Demolition of garage and dwelling and erection of three houses and three bungalows with associated works including access drive (outline application with all matters reserved except access and layout)

**WARD:** New Duston Ward

**APPLICANT:** Mr Richard Brown  
**AGENT:** Wilbraham Associates

**REFERRED BY:** Councillor M Golby  
**REASON:** Overdevelopment, parking, Neighbourhood Plan

**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, on balance, would have no significant detrimental impact on the amenities of neighbouring occupiers and would not be out of keeping with the character of the area. It would represent an appropriate use of the site and would provide for the housing needs of the area. The proposed development would therefore comply with Policies S1, S3, S10 and H1 of the West Northamptonshire Joint Core Strategy, Policies E20, H10 and H11 of the Northampton Local Plan, Policies OP1, H1, H3 and BE1 of the Duston Neighbourhood Plan and the National Planning Policy Framework.

**2. THE PROPOSAL**

2.1 Outline planning permission is sought for the demolition of the existing garage and dwelling and for the erection of six dwellings. All matters are reserved apart from access and layout. A plan has been submitted showing the layout and indicative plan showing how the dwellings may appear in the street scene.

**3. SITE DESCRIPTION**

- 3.1 The existing site is located on the south west side of the A428 Harlestone Road. It comprises a commercial garage, together with a dwelling (no. 531 Harlestone Road), and garden to the rear. The garage consists of a brick built building with workshops, a reception area and first floor offices. To the front of the garage is a forecourt with a canopy above which originally covered the fuel pumps which occupied the site. This area has more recently been used for customer parking. To the rear of the site is the residential dwelling and garden. To the north west and south east of the site are residential properties fronting onto Harlestone Road. To the south and south west of the application site is a recreation ground known as Grafton Park. The site is currently unoccupied and 'for sale'.

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

- 4.1 N/2016/0346 – Demolition of garage and dwelling and erection of three houses and three bungalows with associated works including access drive (outline application with all matters reserved except access and layout) – Refused 7/07/16 due to insufficient parking layout.
- 4.2 N/2015/1088 – Removal of existing forecourt canopy, insertion of first floor windows to front. Demolish existing bungalow and change of use of part of land from bungalow and garden to car parking for 12no.vehicles to serve the commercial garage (re-submission of planning application N/2015/0675) – Approved.
- 4.3 N/2015/0675 – Removal of existing forecourt canopy and erection of a single storey workshop extension to existing garage, new windows to first floor front, demolish existing bungalow and provision of car parking spaces to rear - Withdrawn.
- 4.4 N/2015/0367 – Prior notification for a proposed demolition of bungalow – Prior Approval not required.
- 4.5 PA/2014/0300 – Enquiry regarding demolition of bungalow and erection of workshop.
- 4.6 N/2006/113 – Erection of extension to garage workshop – 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), Northampton Local Plan (1997) saved policies, and emerging Neighbourhood Development Plans where relevant.

##### **5.2 National Policies**

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

Paragraph 7 – There are three dimensions to sustainable development. These dimensions give rise to the need for the planning system to perform a number of roles: an economic role, a social role, an environmental role.

Paragraph 14 – Central to the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 17 – sets out core land-use planning principles, which seek to secure high quality design and a good standard of amenity for existing and proposed occupiers ; encouraging the effective use of brownfield sites; managing patterns of growth to make fullest use of sustainable locations.

Paragraph 35 - sustainable transport – developments should be located and designed where practicable to create safe and secure layouts which minimise conflicts between traffic and cyclists and pedestrians.

Paragraph 47 – requires Local Planning Authorities to meet objectively assessed housing needs for their area and to identify and update a supply of deliverable sites to provide 5-years' worth of housing against these requirements.

Paragraph 49 – Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 50 – To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community.

Paragraph 53 – Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

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

Paragraph 58 – Planning decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

Paragraph 109 – The planning system should contribute to and enhance the natural and local environment.

Paragraph 203 - Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

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

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

Policy H1: Housing Density & Mix & Type of Dwellings – States that development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs. Housing developments will be expected to make the most efficient use of land having regard to the

location and setting of the site, the existing character and density of the local area, accessibility to services and facilities, proximity to public transport routes, the implications of density for affordability and viability, the living conditions provided for future residents, the impact on the amenities of occupiers of neighbouring properties.

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

Policy S3: Scale and Distribution of Housing Development – requires the construction of approximately 18,870 dwellings in Northampton Borough over the plan period.

Policy S10: Sustainable Development Principles – requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

Policy BN2: Biodiversity – Development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported.

Policy BN9: Planning for Pollution Control – development that is likely to cause pollution, either individually or cumulatively, will only be permitted if measures can be implemented to minimise pollution to a level which provides a high standard of protection for health and environmental quality.

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

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

E20: New Development - will be granted subject to the development being designed, located and used in a manner that ensures adequate standards of privacy, daylight and sunlight.

H10: Backland development - Planning permission for the development of residential backland will not be granted unless it can be shown that the siting and layout of the development will not be detrimental to the character and amenity of the locality and will not cause disturbance to or adversely affect the privacy of adjoining dwellings. This includes existing dwellings within whose curtilage the development is proposed.

H11: Commercial property in primarily residential areas – planning permission will be granted in primarily residential areas for the development of existing commercial property for residential development, either by conversion or redevelopment, so long as the overall effect would be to maintain or improve the appearance and character of the area.

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

Northamptonshire Parking Standards (September 2016)  
Planning out Crime in Northamptonshire SPG 2004

#### 5.6 **Other Material Considerations**

Duston Neighbourhood Plan

At Full Council on 14<sup>th</sup> December 2015 Northampton Borough Council made the Duston Neighbourhood Plan. It now forms part of the Development Plan for Northampton. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The following policies are relevant to the determination of this proposal:

OP1: Sustainable Development Principles – Development should have regard to the vision and objectives set out in the neighbourhood plan and be located to ensure that it does not adversely affect:

1. The amenity of nearby residents;
2. The character and appearance of the local area in which it is located;
3. The social, built, historic, cultural and natural heritage assets of the Parish.

Policy H1: Proposals for the development of existing industrial premises and other sites for residential use will be supported provided that:

- It is demonstrated that retention or improvement of the existing employment land and buildings is not viable;
- Any existing adverse impact on residential amenity is removed and mitigated;
- There are no significant adverse impacts on the transport network.

Policy H3: Meeting the needs of all sectors of the population - Housing developments will be supported where they include a range of house types, including two and three bedroom dwellings. They will also be expected to include an element of single level dwellings to meet the needs of the elderly and people with disabilities.

Policy H4: Smaller infill sites - Development will be supported on sites of up to 5 dwellings on previously developed land and large gardens, subject to adequate amenity, direct frontage access, conservation area requirements being met and provision of natural landscaping.

Policy BE1: Local character areas - New development will be required to respect and relate to the character and context of the area in which it is proposed. Proposals should maintain and, where possible, enhance or improve the character of the area.

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NCC Highways** – State that vehicle to pedestrian visibility splays are required as illustrated in the standing advice and features within these must not exceed 0.6m above footway level.
- 6.2 **NBC Public Protection** – no objections. Suggest conditions regarding transportation noise and contamination. With regard to air quality seeks that the developer provides electric vehicle charging points.
- 6.3 **Councillor Golby** – requests that the application is called in to be considered by Committee for the following reasons:
  - Overdevelopment of the site, contrary to policy E20 of the Local Plan and NPPF
  - Duston Neighbourhood Plan - the plan should be considered in all aspects of this application

- 6 proposed houses would be overdevelopment of this site, there is insufficient parking for 6 proposed dwellings and would encourage reduction to 5 or less. In the case of reduction to 5 dwellings or less please refer to policy H4 of the neighbourhood plan.
- Development of this site would require the appropriate removal and cleaning of the brownfield tanks, please refer to policy H1 of the Neighbourhood Plan. Policy H1 would also cover other concerns the committee have regarding the adverse impact on the residential amenity and transport network.
- Concerns over increased traffic movement now that a care/residential home is to be built opposite this site.

6.4 **Duston Parish Council** comments are summarised as follows:

- Refer to Policy H4 of the Neighbourhood Plan
- Consider 6 houses would be an overdevelopment of the site as there is insufficient parking and would encourage a reduction to 5 or less dwellings.
- Refer to Policy H1 of the Neighbourhood Plan and state that development would require removal and cleaning of the tanks on site. This policy also covers other concerns the committee have regarding the adverse impact on residential amenity and the transport network.
- Concerned about increased traffic now that a care home is to be built opposite the site.

6.5 **Site Notice and consultation of neighbouring properties** – comments received from 3 addresses as follows:

**529 Harlestone Road** – No objections.

**533 Harlestone Road** – objects due to loss of light and outlook from bedroom windows and loss of amenity in rear garden and visual impact due to proposed 3 bungalows. Also concerned about additional traffic hazard that development will create in addition to the recently approved 80 bedroomed nursing home opposite. Requests that planning guidelines and Duston Local Plan are followed and that application is rejected.

**1 Upton Close** – objects to the application referring to policies OP1, H1 and H4 of the Duston Local Plan. States that the plans submitted fail all of Duston's Neighbourhood Plan requirements. Considers the proposal will detrimentally impact no. 533 Harlestone Road with the proposed 3 bungalows directly affecting their visual amenity. States that Duston Local Plan supports 5 units only on a plot and that the housing minister stated that garden development should be resisted.

## 7. APPRAISAL

### Principle of Residential Use

- 7.1 The NPPF has a presumption in favour of sustainable residential development and encourages the use of brownfield sites and the re-use of commercial buildings for residential use, where there is an identified need for additional housing in the area and no strong economic reasons as to why development would be inappropriate.
- 7.2 The application site is allocated as being within a Primarily Residential Area in the Local Plan, and is within an area which consists primarily of residential accommodation, within which the former use as a vehicle repair workshop represents a non-conforming commercial use.

- 7.3 The proposal would remove this non-conforming use, and would replace it with residential development. The residential use is considered to be acceptable in principle given the policy allocation. Furthermore, the site is considered to be in a sustainable location with good access to public transport and local facilities. The development of the site for residential use would also contribute towards the Council's 5-year housing supply, and enable the re-development of what has now become a vacant site which would enhance the character and appearance of the area.

### **Layout**

- 7.4 It is intended to build a terrace of three 2 ½ storey houses to the front of the site and three bungalows to the rear, albeit scale is a reserved matter. The houses to the front will be staggered to mirror the building line of the housing to the south-east. This will mean that the street scene will be continued. An indicative plan has been submitted to show what the street scene might look like. Appearance is a matter reserved for subsequent approval and detailed design proposals would be considered at that stage, however the plan indicates that a terrace of three dwellings could sit comfortably in the street scene with an improvement over the appearance of the existing garage.
- 7.5 Towards the rear of the site a terrace of three bungalows is proposed. Bungalows are proposed to ensure that there is no direct overlooking of neighbouring properties. Furthermore, the separation distance between the existing and proposed dwellings is acceptable to ensure there will be no significant impacts of overlooking or overshadowing. It should also be noted that the existing dwelling forms backland development, and is in closer proximity to the neighbouring property at No. 533 Harlestone Road than the proposed bungalows. The applicant would be expected to submit suitable details at reserved matters stage to demonstrate that there is no detrimental impact on neighbouring amenity.

### **Highways, Access and Parking**

- 7.6 Matters relating to access are for determination as part of this application. The existing access arrangement to the site comprises an 'in and out' arrangement with the accesses located at either side of the frontage to Harlestone Road. This serves parking on the garage forecourt and also a driveway located adjacent to the north-western boundary, providing access to the dwelling at the rear, and also to the rear of the garage and a parking area located between the house and the rear of the garage.  
The intention is to close the northern access and to reduce the width of the southern access to 4.5 metres. This access will lead to 13 parking spaces located to the rear of the two storey dwellings and to the front of the bungalows.
- 7.7 The previous application for the development of the site was refused on highway grounds as the parking layout, which included tandem parking at the front of the site, was considered to be unacceptable. The parking scheme now proposed allows for two additional parking spaces with tandem parking omitted. Although the spaces now proposed will be located to the rear of the site, they will be overlooked by future residents. Furthermore, the parking spaces do not dominate the scheme, and overcome previous highway safety issues. The Local Highway Authority has no objections to the proposal subject to suitable visibility splays being provided and kept clear of obstruction. A condition is recommended to secure this element.

### **Contamination and noise**

- 7.8 The site is located on the busy A428 Harlestone Road and dwellings to the front of the site are likely to be impacted by road traffic noise. Environmental Health Officers have assessed the proposal and have raised no objection to the application in relation to noise, subject to noise mitigation measures being carried out. They also suggest conditions to deal with land

contamination given the previous use of the site. In the circumstances these are considered to be necessary to protect residential amenity.

### **Residential Amenity**

- 7.9 It is noted that the rear gardens to the properties will be between 9.5 and 12 metres in depth which will provide an acceptable level of amenity for future occupiers. Furthermore there will be a separation distance of between 29 and 31 metres between the dwellings so there will be no issues in terms of overlooking or overshadowing.
- 7.10 With regard to the impact on the amenities of adjoining and nearby occupiers, objections have been received from the occupier of the adjacent property and his representatives with regard to visual and overbearing impact, loss of light and privacy and over development of the site. Given the scale and dimensions of the existing buildings on the site, the existing authorised use and proposed separation distances it is considered that the proposal will not unduly impact on neighbouring residential amenity.

In addition it should be noted that various issues raised would be considered and controlled through an application for reserved matters.

## **8. Other matters**

### **Duston Neighbourhood Plan**

- 8.1 Objections have been received stating that the proposal is not in accordance with the Duston Neighbourhood Plan. This plan generally supports development of previously developed land where it would not have any adverse impact on the character and appearance of the area, and where residential amenity is not adversely affected. Policy H4 relates to smaller infill sites. It states that development will be supported on sites of up to 5 dwellings on previously developed land, and large gardens subject to certain criteria. The proposal is for 6 dwellings on a site 0.16 hectares in area, which represents a density of 37.5 dwellings per hectare. Whilst the number of houses proposed would be more than the 5 dwellings referred to in this policy, the proposal is not overly dense, and it is considered that the layout plan demonstrates that 6 dwellings can be satisfactorily accommodated on the site without undue detriment to neighbouring amenity or highway safety.

### **Parking**

- 8.2 Councillor Golby refers to the Neighbourhood Plan, and states that there is insufficient parking on the site. The proposal is for 6 dwellings, although the number of bedrooms per dwelling is unknown at this stage. The proposal allows for two parking spaces per dwelling with one additional parking space. Given the nature of the development (bungalows and comparatively small terraced housing), and as no objections have been received from the Highway Authority, it is considered that this level of provision is acceptable in this instance. A condition is recommended that would ensure the reserved matters application includes this number of spaces, also specifying the size of space in order to provide certainty that the highway impacts of the scheme will be mitigated.

### **Increase in traffic**

- 8.3 Concerns have been raised about the traffic hazard the proposal will cause now that an 80 bed residential care home has been approved opposite the site (N/2016/0118 refers). It should be noted that currently the application site is lawfully a vehicle mechanic's garage, and this use could continue without planning permission. This would result in a large number of vehicle movements, especially during business hours, accessing and egressing the site. It is not



considered that six dwellings will increase the number of vehicle movements to a point where an objection could be raised on highway safety grounds. The Highway Authority has no objections to the proposal, nor did they object to the proposed development of the care home on the opposite side of the road.

## **9. CONCLUSION**

- 9.1 It is considered that the principle of the land use is acceptable and would remove a non-conforming use in a residential area. The layout plans submitted with the application demonstrate that the proposal would not have a significant impact upon the character of the area, highway safety and the amenities of surrounding properties.

## **10. CONDITIONS**

(1) Approval of the details of the appearance, landscaping and scale ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

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

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

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

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

(4) 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 required in order to ensure that these details are agreed in a timely manner.

(5) No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy

BN9 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement in order to agree these details in a timely manner.

(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. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and 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.

(7) The development hereby permitted shall include a minimum of 13 on-site car parking spaces, which shall have minimum dimensions of 2.5m x 5m. The car parking shall be provided prior to the first occupation of the development hereby permitted and retained thereafter.

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

(8) Vehicle to pedestrian visibility splays of 2m x 2m shall be achieved prior to occupation and any feature within the visibility splay area must not exceed 0.6 metres in height above footway level and must be secured at all times.

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

(9) Before the commencement of the development hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority for protecting the dwellings from traffic noise. The approved scheme shall be implemented concurrently with the development completed before the first occupation or use of the development and thereafter retained.

Reason: To protect the enjoyment of future occupiers of their dwellings amenity in accordance with Policy BN9 of the Northamptonshire Joint Core Strategy.

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

Reason: To prevent overdevelopment of the site in accordance with Policy S10 & H1 of the West Northamptonshire Joint Core Strategy.

(11) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plans and drawing no. SK.1319/01D.

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

## **10. BACKGROUND PAPERS**

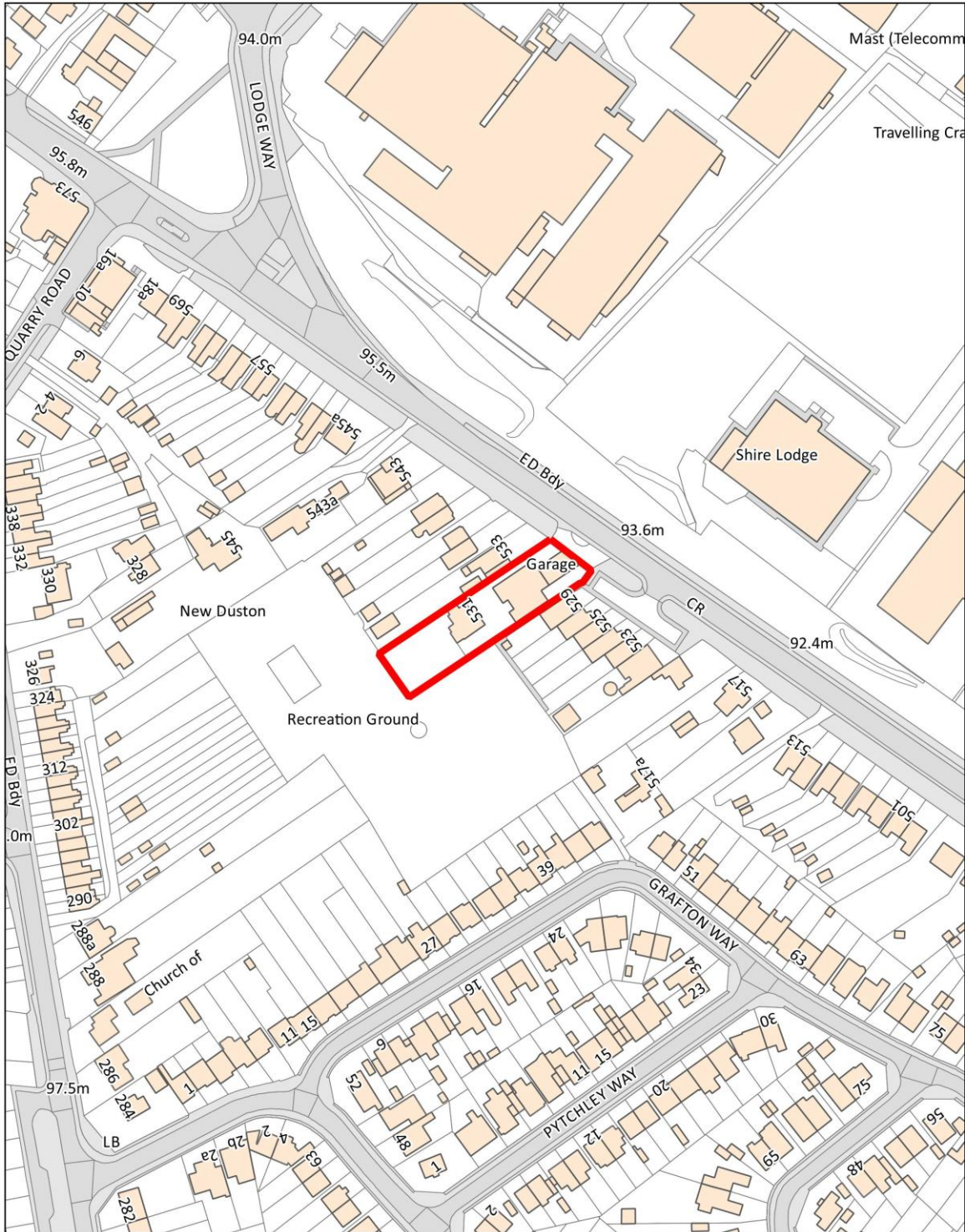
10.1 N/2016/0346

## **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.



 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Title: <b>Garage premises, 531 Harlestone Road</b></p>	<p>Date: 07-11-2016</p>
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**PLANNING COMMITTEE:** 22<sup>nd</sup> November 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/1212

**LOCATION:** Gifford Court, Limehurst Road

**DESCRIPTION:** Proposed re-roofing of a failed flat roof into a pitched gable roof

**WARD:** Old Duston Ward

**APPLICANT:** Northampton Partnership Homes  
**AGENT:** David Smith Associates

**REFERRED BY:** Head of Planning  
**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 proposed development would have a neutral impact upon the character and appearance of the surrounding area and neighbour amenity. It is therefore in conformity with the requirements of the National Planning Policy Framework, Policy S10 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan and Policy OP1 of the Duston Neighbourhood Plan.

**2. THE PROPOSAL**

2.1 The applicant seeks planning permission to replace an existing flat roof, which has experienced some maintenance difficulties and has reached the end of its lifespan, with a new pitched roof.

**3. SITE DESCRIPTION**

3.1 The application site consists of an existing flat roofed block of flats located in a predominantly residential area. The surrounding area mainly contains houses and the site is in close proximity to a small centre containing a variety of commercial activities. As a consequence, the environs of the site contain a number of different building types.

#### **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 and Neighbourhood Development Plans where relevant.

##### **5.2 National Policies**

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

5.3 Paragraph 17 of the NPPF requires that developments be of a good design that enhances the character and appearance of the surrounding area.

##### **5.4 West Northamptonshire Joint Core Strategy (2014)**

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

5.5 Policy S10 requires that new developments be of a good standard of design that maintains the amenities of surrounding properties.

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

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

5.7 Policy E20 requires that developments be of an appropriate design and have a neutral impact upon neighbour amenity.

##### **5.8 Other Material Considerations**

###### Duston Neighbourhood Plan

At Full Council on 14<sup>th</sup> December 2015 Northampton Borough Council made the Duston Neighbourhood Plan. It now forms part of the Development Plan for Northampton.

5.9 Policy OP1 requires that development decisions contribute towards creating a high quality environment.

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

6.1 None.

## **7. APPRAISAL**

- 7.1 The proposed alterations would increase the height of the building by up to approximately 2.6m, but the new roof would slope away from all adjacent properties. This therefore reduces the impacts on the occupiers of neighbouring properties. This factor, when combined with the separation distances that exist between the application site and the surrounding residential buildings, is considered sufficient to ensure that there would be a suitable level of light, outlook and privacy for the occupiers of neighbouring properties.
- 7.2 In addition, the application site can be characterised by a stark and unembellished form of architecture. The introduction of a pitched roof would serve to soften the impacts of the building, and creates a more domestic appearance. As a result, it is considered that the building works would improve the appearance of the building.
- 7.3 In order to provide some certainty of these impacts, a condition is recommended that would enable the Council to approve details of the appearance of the proposed materials. This would also ensure that the new roof harmonises with its surroundings.
- 7.4 It is also understood that the current roof design has created a number of issues in the maintenance of the building, particularly with regards to water ingress. As a consequence, the proposed development has some benefit in improving the quality of the existing building which would enhance the amenity of existing occupiers.

## **8. CONCLUSION**

- 8.1 It is considered that the proposed development would improve the appearance of the building and, by extension, the surrounding area. In addition, it would improve the quality of the residential accommodation, and would have a neutral impact upon the amenities of surrounding properties.

## **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: 15 20606/01 Rev. P2; 15 20606/02 Rev. P2; and 15/20606/03 Rev. P2.

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

(3) Full details 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 E20 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

- 10.1 N/2016/1212

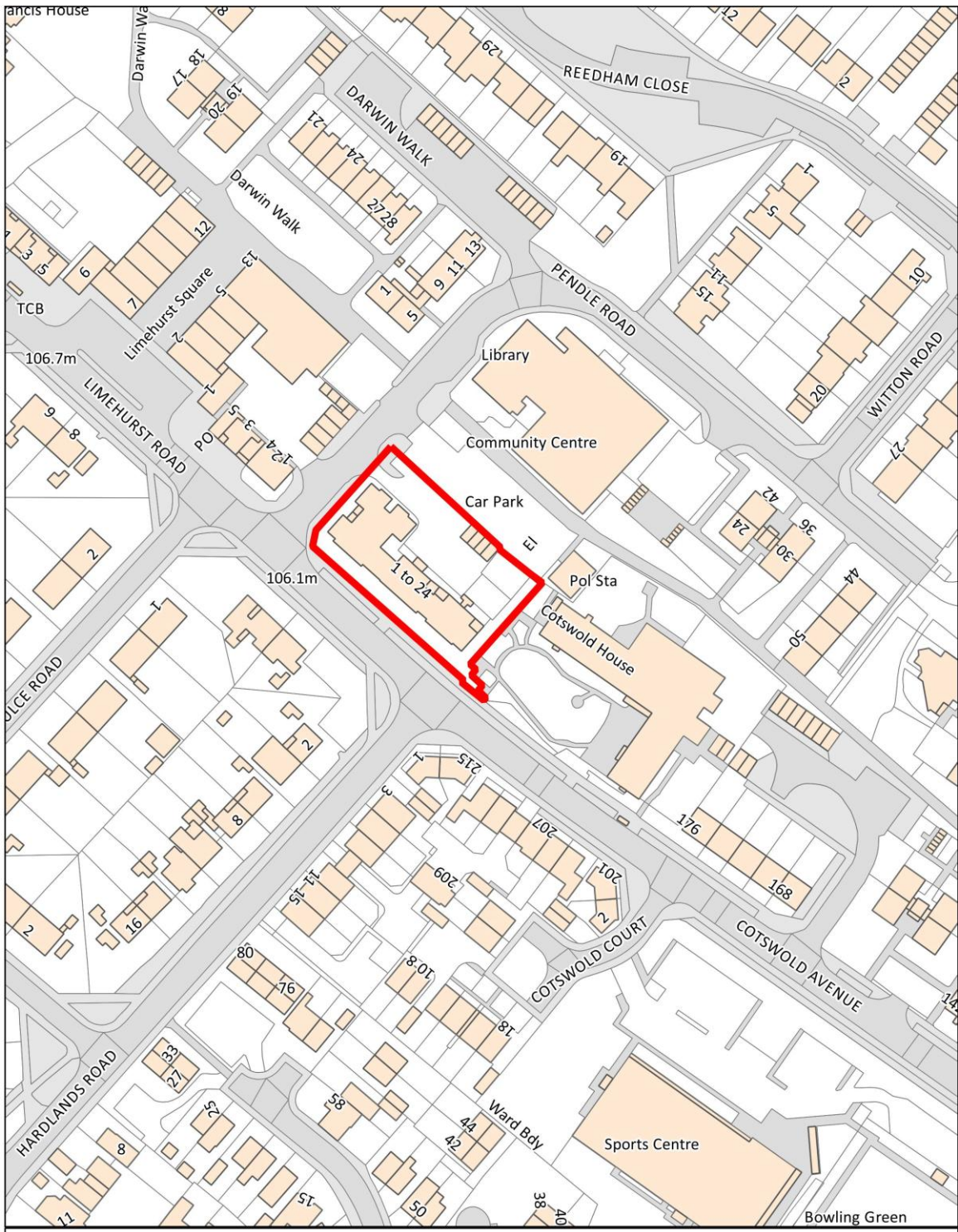
## **11. LEGAL IMPLICATIONS**


- 11.1 None

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

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





 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Title: <b>Gifford Court</b></p>	<p>Date: 10-11-2016</p>
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	<p>Drawn by: .....</p>	



**PLANNING COMMITTEE:** 22<sup>nd</sup> November 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/1292

**LOCATION:** 2 Elizabeth Walk

**DESCRIPTION:** Change of use of existing dwelling to 3no. flats and demolition of existing rear outbuilding and erection of rear store - Part Retrospective

**WARD:** Abington Ward

**APPLICANT:** Mr T Rahman  
**AGENT:** Design Board-Architectural Services

**REFERRED BY:** Councillor Z Smith  
**REASON:** Parking & refuse issues

**DEPARTURE:** No

**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

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

The conversion of the property to three flats and the erection of associated storage building are considered acceptable in principle being within an established residential area and would contribute towards the Council's 5 Year Housing Land Supply. The proposal would due to its siting, scale and design not have an undue detrimental impact on residential amenity or highway safety and complies with Policies E20, H21 and H23 of the Northampton Local Plan, S10 and H1 of the West Northamptonshire Joint Core Strategy and aims of the National Planning Policy Framework.

**2. THE PROPOSAL**

2.1 Planning permission is sought for the conversion of a former dwelling house into three self-contained flats, together with the demolition of the existing rear outbuilding and re-building to provide an ancillary store. The existing outbuilding is currently constructed in breeze block, with a flat roof to a height of 2.4 metres. In terms of the store, this is to be demolished and replaced with a smaller structure to a height of 2.3 metres. As the conversion to flats has already taken place, the application is described as "part retrospective".

### **3. SITE DESCRIPTION**

- 3.1 The site consists of a modern three storey end of terrace residential property located within a residential area. The site is close to the Wellingborough Road Local Shopping Centre, and has a small front and private rear garden, the latter being approximately 46 sq. m in area. The site is not in a Conservation Area.

### **4. PLANNING HISTORY**

- 4.1 No recent applications.

### **5. PLANNING POLICY**

#### **5.1 Statutory Duty**

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

Paragraph 49 requires that proposals for housing should be encouraged within the context of promoting sustainable development. In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50).

Paragraph 35 states that, where practicable, developments should be designed with a safe and secure layout that reduces the potential for conflicts between pedestrians and traffic.

Paragraph 56 requires that new developments be of a good quality design.

#### **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:

**H1 Housing Density and Design** - New housing development will be expected to make the most efficient use of land, having regard to the existing character and density of the local area, accessibility to services, proximity to public transport routes, living conditions of future residents and impact on neighbour amenity.

**S10 Sustainable Development Principles** - Development will achieve a strong sense of place and be of high quality.

#### 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 new development:** encourages good design in terms of layout, materials, scale, and with respect to the effect on neighbouring amenity in terms of light and privacy.

**Policy H21 – Conversion to flats:** subject to compliance with other policies of the Local Plan, permission will not be granted for the conversion of a house into flats where it is considered that the introduction of or increase in the number of conversions would prejudice the character or amenity of a particular locality, irrespective of whether or not the house is suitable for conversion.

**Policy H23 – Conversion to flats:** subject to compliance with other policies of the Local Plan, planning permission will not be granted for the conversion to flats of a dwelling with a combined ground and first floor area (measured internally) of 100 square metres or less and with a frontage (measured internally) of less than 4.7 metres.

#### 5.5 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)

#### 5.6 Other Material Considerations

None.

### 6. CONSULTATIONS/ REPRESENTATIONS

6.1 **NCC Highways** - No comments.

6.2 **Councillor Zoe Smith** - raises concerns regarding impacts on existing parking problems, concerns on the use of the rear store and increase in refuse.

6.3 Objections received from numbers 14 Elizabeth Walk, 2 West Street, 3 and 47 Vernon Walk are summarised as follows:

- Impacts on existing parking problems
- Fly-tipping
- Over concentration of flats
- Rear building is an eye sore
- Increase in litter, noise pollution, anti-social behaviour, street drinking
- Concern that site has been used as HIMO in past

### 7. APPRAISAL

#### Main issues

7.1 The principal issues to consider are the impact on appearance and character of the area, living conditions of adjoining occupiers and parking/highway safety.

#### Principle of development

7.2 By reason of the site's allocation for residential use in the Local Plan, it is considered that the development of this site for residential purposes is acceptable and compatible with the character of the surrounding area. If permitted the proposal would contribute to the Council's 5 Year

Housing Land Supply creating an additional two units, beyond the use as a single dwelling house.

### **Impact on neighbours amenity and residential amenity**

- 7.3 Given that the flats are each only one bedroom, it is considered that the associated comings and goings/ noise would not be significantly greater than that of a family dwelling. All habitable rooms would be served by adequate light and outlook either to the front or back.
- 7.4 The proposed rear outbuilding is to be used as a store and, due to its height, scale and mass in relation to the rear windows on number 4 Elizabeth Walk, would not result in a significant loss of amenity in terms of overbearing, loss of outlook and light to this neighbouring property. The applicant has also indicated that they would provide bin storage in the rear garden which could be secured by condition.

### **Design and appearance**

- 7.5 Given that the existing rear outbuilding is to be replaced by a smaller structure, the visual impact would be reduced compared to the current situation. Any approval would be subject to a condition for materials to be approved prior to commencement of development. This will ensure a satisfactory impact on the appearance of the area.

### **Parking and Highways**

- 7.6 No off-street parking is provided. Whilst the concerns regarding impacts on parking are noted, the Highway Authority has raised no objection to the lack of off-street parking provision, on the basis that the potential parking demand for three flats would not exceed the maximum demand generated by the existing use as a single dwelling.
- 7.7 Other material considerations are, the site's sustainable location (close to the Wellingborough Road Local Centre and bus routes), the provision of space for bicycle storage for each flat as shown on the submitted plans, and on-street parking within the vicinity of the site is unrestricted. It is considered that this adequately mitigates for the lack of off-street parking provision.

### **Other issues**

- 7.8 Although it is apparent that the area consists of a mix of dwellings and residential flats, it is considered that the proposal would not result in a significant overconcentration in the area.
- 7.9 The concern on fly-tipping is a matter outside the control of Planning, and adequate provision for bin storage for the development proposed would be secured by condition.
- 7.10 There is no evidence to suggest that the proposal would result in higher levels of anti-social behaviour, litter and noise pollution.

## **8. CONCLUSION**

- 8.1 While it is acknowledged that the conversion would result in a more intensive use of the property, the site is located within a residential area in a sustainable location, and would not have an undue adverse impact on parking or highway safety. In terms of amenity, the conversion and associated storage building would have an acceptable impact on residential amenity and the appearance and character of the area.

## **9. CONDITIONS**

(1) The development hereby permitted, in relation to the proposed storage building, 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: A510-1.

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

(3) Within one month of the date of approval of the development hereby permitted and notwithstanding the details on the submitted plans, 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 one month of the date of approval of the submitted details.

Reason: To ensure the provision of adequate facilities in accordance with Policy E20 of the Northampton Local Plan and S10 of the West Northamptonshire Joint Core Strategy.

(4) Within one month of the date of approval of the development hereby permitted and notwithstanding the details on the submitted plans, full details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented within one month of the date of approval of the submitted details.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan and S10 of the West Northamptonshire Joint Core Strategy.

(5) Prior to the commencement of construction of the outbuilding hereby permitted, details of all proposed external facing materials of the rear outbuilding 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 E20 of the Northampton Local Plan. Pre-commencement condition to ensure that details are agreed in a timely manner.

## **10. BACKGROUND PAPERS**

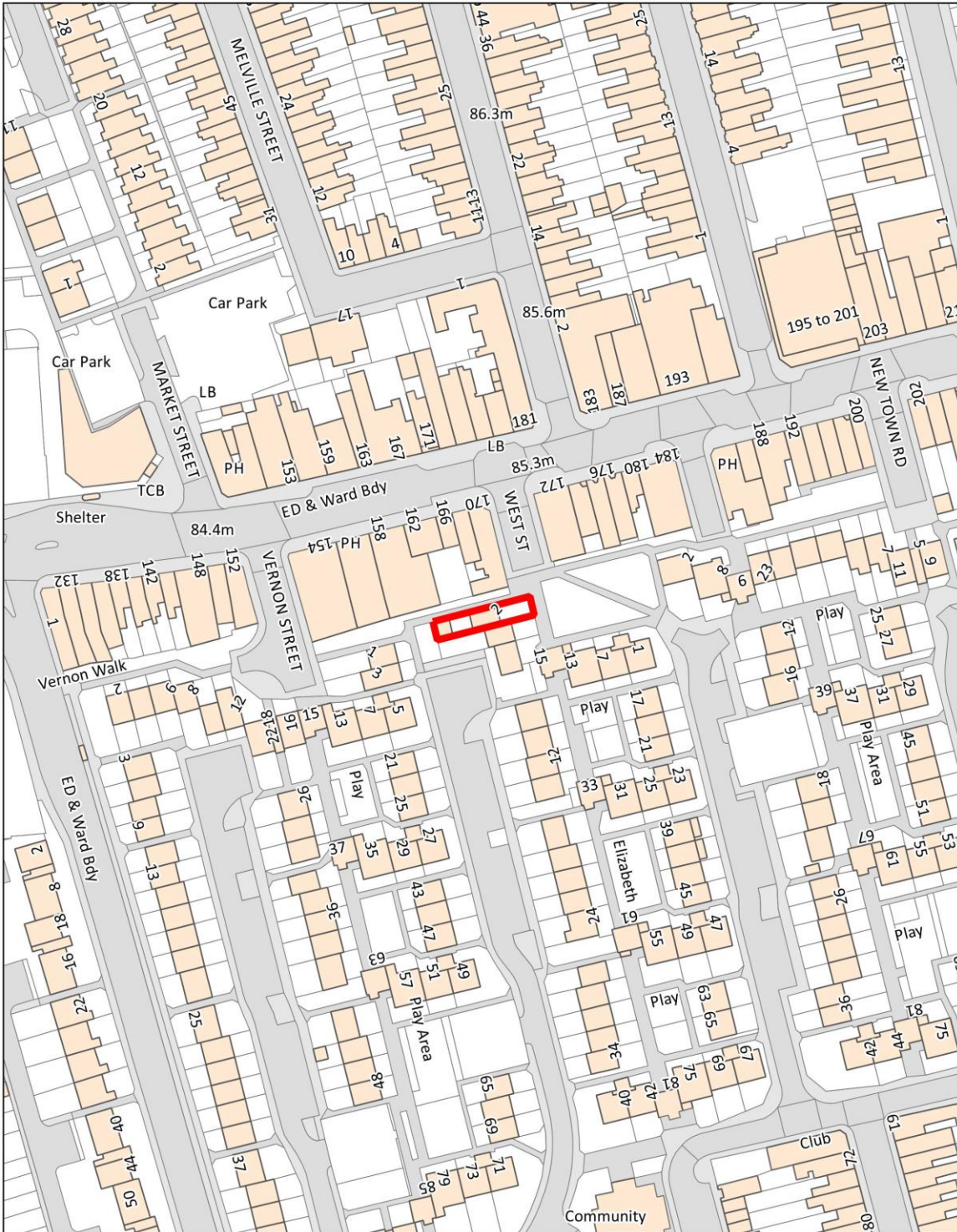
10.1 N/2016/1292

## **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: **2 Elizabeth Walk**

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Date: 07-11-2016

Scale: 1:1,250

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<b>PLANNING COMMITTEE:</b>	22 <sup>nd</sup> November 2016
<b>DIRECTORATE:</b>	Regeneration, Enterprise and Planning
<b>HEAD OF PLANNING:</b>	Peter Baguley
<b>APPLICATION REF:</b>	N/2016/1344
<b>LOCATION:</b>	24 Market Square
<b>DESCRIPTION:</b>	Change of use of part first floor to day centre (Use Class D1) to be used in conjunction with the proposed day centre on the second floor
<b>WARD:</b>	Castle Ward
<b>APPLICANT:</b>	Mr Choudray
<b>AGENT:</b>	CS2 Chartered Surveyors
<b>REFERRED BY:</b>	Head of Planning
<b>REASON:</b>	Applicant is a relative of a Council Member
<b>DEPARTURE:</b>	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 would have a neutral impact upon visual amenity, the character and setting of the All Saints Conservation and the adjoining Grade II Listed Building and neighbour amenity. In addition, the development would contribute to the ongoing viability and vitality of the Market Square. As a consequence, the development is in conformity with the requirements of the National Planning Policy Framework; Policies BN5 and S10 of the West Northamptonshire Joint Core Strategy; and Policies 1 and 31 of the Northampton Central Area Action Plan.

### 2. THE PROPOSAL

2.1 The applicant seeks planning permission to change the use of part of the first floor to a day centre. This would operate as part of the previously approved day centre on the upper floors of the building, but would be separate from the cafeteria that operates in the lower section of the building. The proposed change of use would not require any external alterations.

### 3. SITE DESCRIPTION

3.1 The application site consists of a substantial building located on the eastern side of the Market Square. The building is currently occupied by a café. Planning permission was granted earlier in 2016 to operate a day centre on the upper floor of the building. The building is located adjacent to



the southern entrance to the Market Square and, therefore, occupies a prominent position. The site also forms part of the All Saints Conservation Area. The adjacent building (22 Market Square) is a Grade II Listed Building.

- 3.2 The building is located within an area allocated by the Central Area Action Plan (CAAP) as being a primary retail frontage and as a consequence of this allocation, the majority of the eastern side of the Market Square is utilised for retail purposes; however, other uses are common.

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

- 4.1 N/2012/0250 – Change of use of ground floor from shop to restaurant – Refused and dismissed on appeal.
- 4.2 N/2015/0750 – Change of use from retail to a café/restaurant including outdoor seating area and redecoration of shop front – Approved.
- 4.3 N/2016/0214 – Change of use of 2nd floor from shop (Use Class A1) to a day centre (Use Class D1) including disabled access throughout and the creation of a roof garden to the rear – 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.

Paragraph 17 states that planning should take into account the various characters of differing areas and work to promote the vitality of urban areas.

Paragraph 23 is of particular relevance. This recognises the importance of town centres as the heart of a community and, as a consequence, there should be a significant proportion of retailing (meeting a diverse set of demands) available.

In achieving this, there should be a variety of retail units (in terms of sites) to meet this requirement. Notwithstanding this, the same paragraph recognises that there is a need to create a number of different markets within town centres in order to promote vitality.

Paragraphs 131 and 132 encourage the consideration of the impact on the significance of heritage assets and their settings.

### **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 N2 sets out the requirement that the predominant function of the town centre will be retailing; however, the Central Area should also include suitable levels of leisure developments should be provided. Policy S10 states that the developments should promote a strong sense of place. Policy BN5 requires that heritage assets are conserved and enhanced in line with their significance.

### **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.

Policy 31 of the CAAP seeks to establish leisure uses within the Market Square. In addition to these factors, Policy 1 requires that new developments positively contribute towards the character of an area; that streets should be lined with active buildings and frontages; that developments pay suitable regards to the Central Area's Conservation Areas; and that a mix of land uses is promoted in order increase vitality and vibrancy of an area and to increase choice for visitors.

## **6. CONSULTATIONS/REPRESENTATIONS**

6.1 **Conservation (NBC)** – No objections.

6.2 **Highway Authority (NCC)** – No objections.

## **7. APPRAISAL**

7.1 The proposed development does not involve any external alterations and as a result of this, there would be a neutral impact upon the character and appearance of the surrounding area, including the All Saints Conservation Area, in addition to neighbour amenity. The development would operate in conjunction with the previously approved day centre, and as such, the scheme would not cause any undue pressure on existing refuse storage or the highway system.

7.2 By reason of the nature of the predominantly commercial buildings within the vicinity, it is considered that the proposed development would have a neutral impact upon the amenities of surrounding properties in terms of matters, such as noise and disturbance.

7.3 In addition to these factors, it is considered that a day centre of increased size is likely to attract a greater number of people to the Market Square and, by extension, the Town Centre. This will support the viability and vitality of the Town Centre. In addition, it is considered that a more intensive use of the application site would assist in creating a long term viable use for the building. This is of particular importance due to its prominence within a key area of the Town Centre.

7.4 The lack of external alterations means that there would be a neutral impact upon the character and setting of the adjoining Listed Buildings as required by the National Planning Policy Framework.

## **8. CONCLUSION**

8.1 It is considered that the principle of the development is acceptable, and would assist in creating a viable use for this large and prominent building, whilst supporting activity within the Market Square. As a result, the development is considered to be in conformity 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: Site Location and Block Plan; 001; and 004 Rev. D.

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

## **10. BACKGROUND PAPERS**

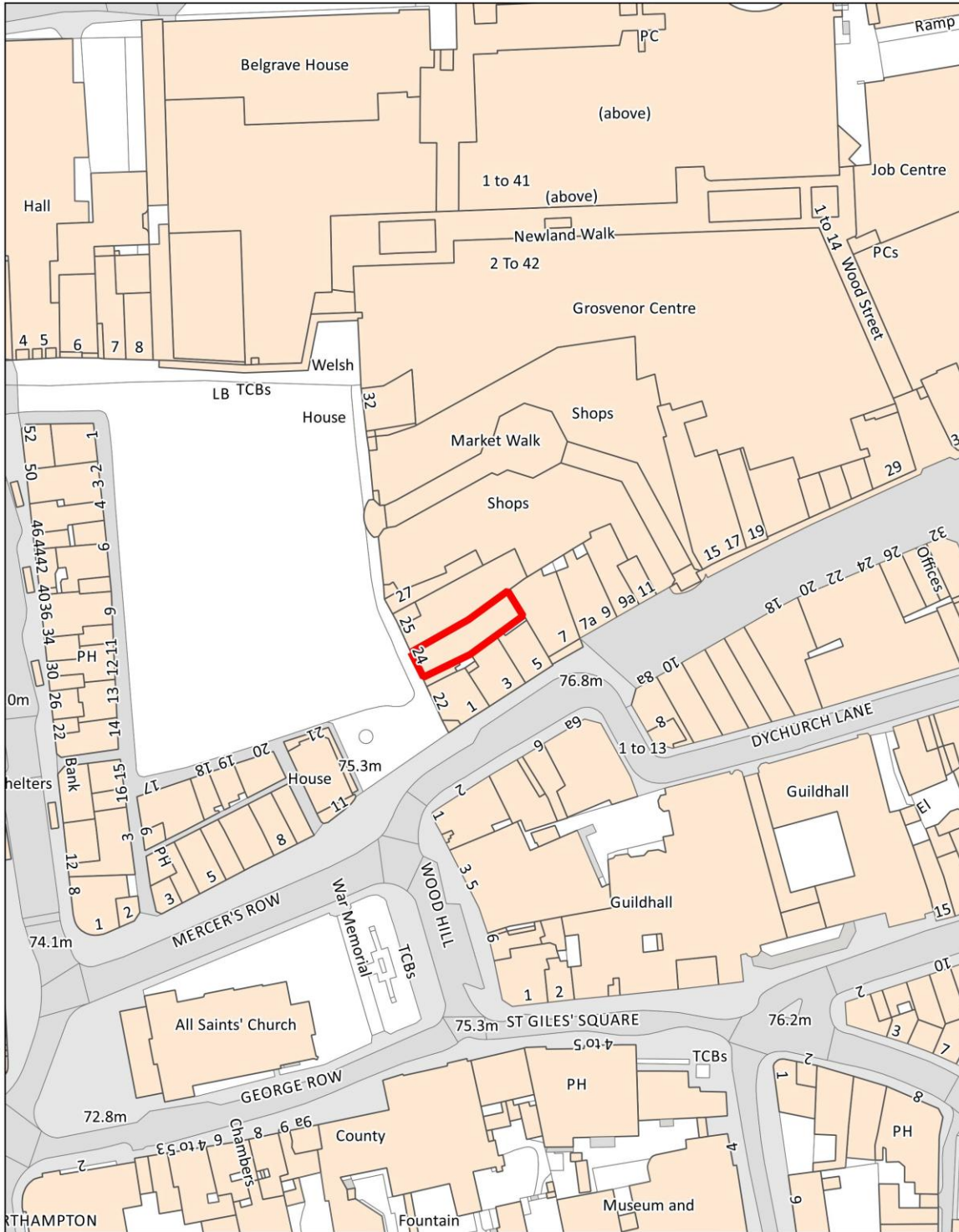
10.1 N/2016/1344


## **11. LEGAL IMPLICATIONS**

11.1 None

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

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



 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Title: <b>24 Market Square</b></p>	<p>Date: 10-11-2016</p>
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**PLANNING COMMITTEE:** 22<sup>nd</sup> November 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/1372

**LOCATION:** Kings Heath Post Office , 2 Park Square

**DESCRIPTION:** Change of use from shop (Use Class A1) to a Drop-in Centre

**WARD:** Kings Heath Ward

**APPLICANT:** Mrs Lucie Brown, Church on the Heath

**REFERRED BY:** Head of Planning  
**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:
- 1.2 The proposed change of use, subject to conditions, would not lead to any significant impacts on the character and appearance of the area or the amenities of nearby residents, and would introduce a use of community benefit. The proposal is considered to be in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy, Policies E20 and R9 of the Northampton Local Plan and the National Planning Policy Framework.

**2. THE PROPOSAL**

- 2.1 This application is for a change of use from a shop (Class A1) to a drop-in centre for the local community run by church members.

**3. SITE DESCRIPTION**

- 3.1 The application site consists of a retail unit located in a parade of local retail and commercial units within Kings Heath. The surrounding land uses consist of a betting office, a pharmacy, a hairdresser, a toy library, a Sure Start Centre and two other retail shops. Two further units within the centre are vacant. There is a third empty unit which has recently been granted consent for change of use to a restaurant/café. The wider area consists of residential accommodation including flats above the shop units.

**4. PLANNING HISTORY**

4.1 N/2002/96 – Installation of ATM cash machine – Approved.

## **5. PLANNING POLICY**

### **5.1 Statutory Duty**

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

### **5.2 National Policies**

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

Paragraph 17 sets out core land use planning principles which seek to secure high quality design and a good standard of amenity for existing and proposed occupiers.

Paragraph 109 advises that the planning system should contribute to and enhance the natural and local 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:

S10: Sustainable Development Principles– encourages development which achieves high standards of design and a strong sense of place; protects, conserves and enhances the natural built environment; minimises pollution from noise, air and run off.

RC1: Delivering Community Regeneration – seeks to ensure the provision of improved services and community facilities.

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

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

E20: New Development – seeks to secure development which has an acceptable design, layout and achieves acceptable levels of amenity.

R9: Change of use from shop use in District and Local Centres – permission will not be granted where it would lead to unacceptable traffic problems, adversely affect the amenity of neighbouring properties, be detrimental to the shopping character by an unacceptable increase in non-shop use.

### **5.5 Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)

## **6. CONSULTATIONS/ REPRESENTATIONS**

- 6.1 **NBC Public Protection** – requests clarification of the use to consider if there is any potential for noise to transfer to residential buildings located above. Following the receipt of further clarification on the proposed use, no further comments have been received.
- 6.2 **NCC Highways** – no observations to make.

## **7. APPRAISAL**

- 7.1 The premises until recently has been used by members of Kings Heath Church (Church on the Heath) as a shop selling second hand items and as a food bank. Approximately one month ago, the second hand sales stopped. The food bank use has continued and the premises are open on Wednesdays from 11am until 1pm. Prior to this, the premises were also open on a Saturday. The proposal now is to initially open on Wednesdays between 10.30am and 1pm and occasionally on Saturdays.
- 7.2 The proposal seeks to now use the premises as a drop in centre. The applicant states that their aim is to have a friendly place on the Square, “a place where church members (who will make up the majority of the volunteers) are able to make connections with the local community and offer friendship and neighbourly support where appropriate”. It is proposed that the food bank use will continue, and it will also be a base for the Parish Nurse to offer training and discussion around holistic health.
- 7.3 Whilst the proposal would result in the loss of a retail unit, in an area which maintains the characteristics of a local centre, the proposed change of use will serve the local community and provide a valuable service.
- 7.4 No external alterations to the appearance of the premises are proposed, and maintaining the building in active use is considered important to enhance the area. It is considered that, subject to a condition to control the opening hours of the premises to protect neighbouring amenity, the proposal is acceptable.
- 7.5 The proposal would enhance the vitality and viability of Park Square and contribute to the provision of community facilities within the area in accordance with Policy R9 of the Northampton Local Plan and Policy RC1 of the West Northamptonshire Joint Core Strategy.

## **8. CONCLUSION**

- 8.1 The proposal would result in providing a community service to the neighbourhood and would retain the unit in active use contributing to the vitality and viability of the local centre. The proposal therefore accords with the Development Plan Policy and is acceptable.

## **9. CONDITIONS**

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

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

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Floor Plan dated 10<sup>th</sup> October 2016.

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

(3) The drop in centre hereby approved shall only be open between the hours of 9am and 5pm on Monday to Saturday and at no time on Sundays or Public and Bank Holidays.

Reason: in the interests of the amenities of the occupiers of nearby properties in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

**10. BACKGROUND PAPERS**

10.1 N/2016/1372

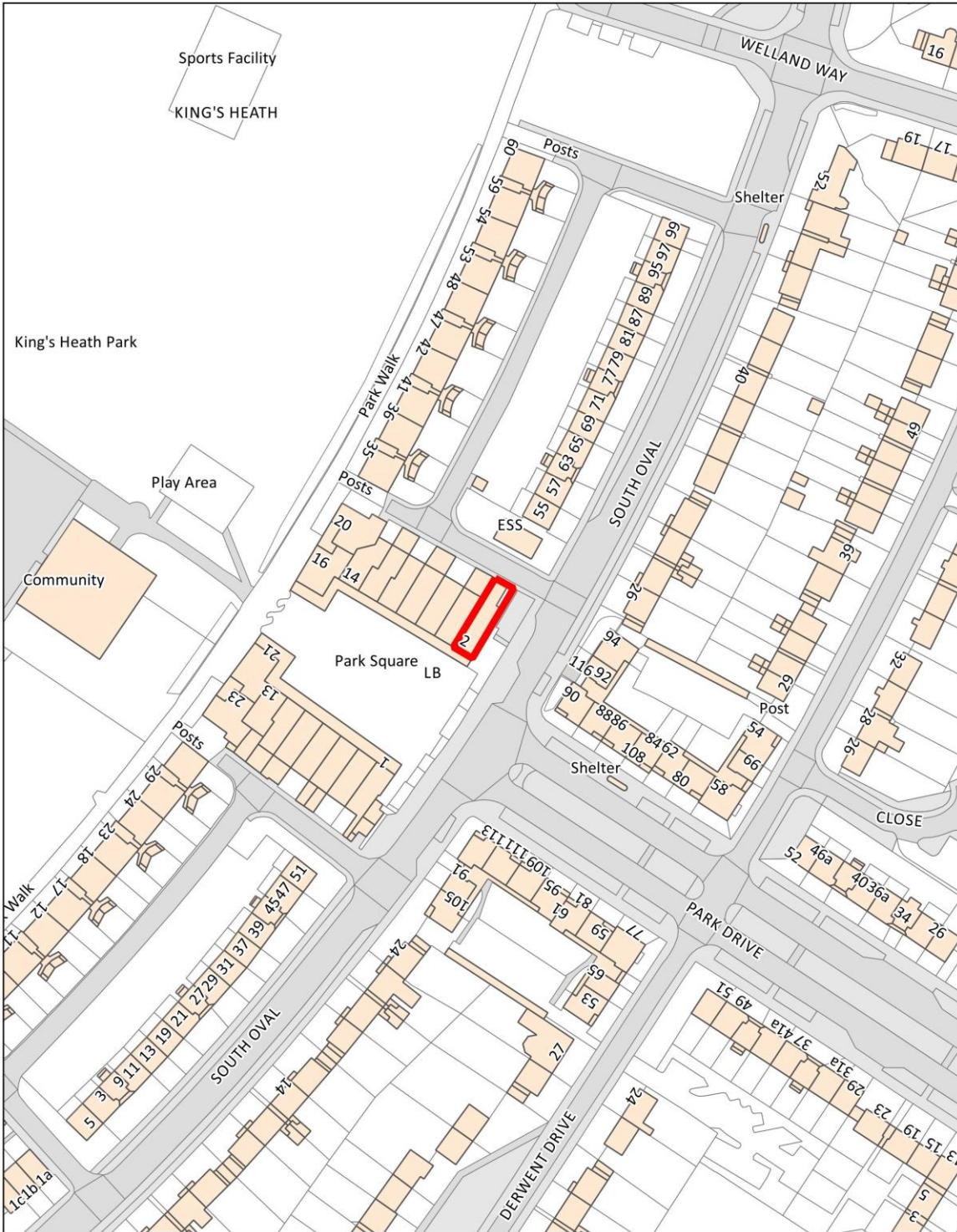
**11. LEGAL IMPLICATIONS**

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.





 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Title: <b>Kings Heath Post Office, 2 Park Square</b></p>	<p>Date: 07-11-2016</p>
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**PLANNING COMMITTEE:** 22<sup>nd</sup> November 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/1385

**LOCATION:** Dover Court , St James Road

**DESCRIPTION:** Change of use of two existing communal rooms within a block of flats into two one bedroom self-contained dwellings

**WARD:** St James Ward

**APPLICANT:** Northampton Partnership Homes  
**AGENT:** David Smith Associates

**REFERRED BY:** Head of Planning  
**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 proposed development represents an acceptable use of accommodation and is complementary to the surrounding land uses. It is considered that a satisfactory standard of development would be created with a neutral impact on the amenities of surrounding properties. The development is therefore in conformity with the requirements of the National Planning Policy Framework; Policies S10 and H1 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

**2. THE PROPOSAL**

**2.1** Permission is sought to change the use of two communal rooms within the existing block of flats to provide two one bedroomed self-contained flats.

**3. SITE DESCRIPTION**

**3.1** The application site consists of a three storey block of flats located on the north side of St James Road, immediately to the west of the River Nene, and close to the railway station and shops on St. James Road. Pedestrian access to the flats is from St James Road, with vehicular access from Byfield Road to the north. The site is served by a car park with parking for 28 cars, secure cycle parking and bin storage.

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

##### **5.2 National Policies**

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

Paragraph 49 advises that proposals for housing should be encouraged within the context of promoting sustainable development; where a five year housing land supply cannot be demonstrated, any relevant development management policies cannot be considered to be up to date.

Paragraph 14 requires that in instances where the development plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.

Paragraph 50 advises that in terms of providing additional housing, planning proposals should provide a variety of housing types in order to meet the wide range of differing needs for housing.

Paragraph 17 requires that planning decisions should proactively support sustainable development, mitigating impacts on amenity and facilitating mixed uses.

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

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

Policy S1: The Distribution of Development - states that new developments will be concentrated primarily in and adjoining the existing principal urban area of Northampton.

Policy S3: Scale and Distribution of Housing Development - requires the construction of approximately 18,870 houses within Northampton Borough over the plan period.

Policy S10: Sustainable Development Principles - requires that new developments be located where services and facilities can be accessed by walking, cycling or public transport.

Policy H1: Housing Density and Mix and Type of Dwellings - requires that a mixture of house types are provided, which should be of varying sizes, types and tenures.

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

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

E20: New development – seeks to ensure new development reflects the character of the surrounding area and provides adequate standards of privacy, daylight and sunlight.

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

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004

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

Comments received are summarised as follows:

#### 6.1 **NCC Highways** – no comments received

#### 6.2 **NBC Public Protection** – recommend that the flat facing out towards St James Road is subject to a noise condition in relation to road traffic noise.

### 7. **APPRAISAL**

#### **Principle of development**

7.1 Dover Court consists of 49 flats with two communal rooms on the ground floor, originally allocated for use as a laundry room and as a general communal room. These rooms have become surplus to requirements and it is proposed to convert each room to a self-contained one bedroom flat. Each flat will consist of a hallway, kitchen, lounge, bedroom and bathroom. The flats are commensurate in size to the existing ground floor flats and will, therefore, provide a satisfactory standard of accommodation. The redevelopment of the rooms for residential use is complementary to the surrounding units and is therefore acceptable. In addition the development would contribute (albeit on a small scale) to meeting the established need for housing in the Borough.

#### **Design and Appearance**

7.2 External alterations to the building to accommodate the proposal will consist of the replacement of a single high level window with two windows in the elevation facing the river and adjacent footpath, and the replacement of a door with a window in the elevation facing the car park. The windows will match the size of windows to existing flats on these elevations, and will be UPVC to match. It is not considered the proposal will detrimentally impact on the character or appearance of the building or the surrounding area.

#### **Parking and Refuse**

7.3 Dover Court has recently been subject to improvements, which have included the resurfacing and laying out of the car park, with the provision of a secure cycle shed and an area for bin storage. There are currently 28 car parking spaces (recently increased from 21). Due to this provision, the siting of a lockable cycle shed and the site's location in a sustainable area, it is considered the addition of two flats is acceptable and will not unduly impact on neighbouring amenity or existing parking conditions.

## **Other matters**

- 7.4 The Public Protection Officer has recommended that the flat facing out towards St James Road is subject to a noise condition in relation to road traffic noise. As the existing property is all in residential use without this requirement, it is considered unreasonable to apply this condition in this instance.

## **8. CONCLUSION**

- 8.1 Taking the above into account it is considered that the conversion of two unused rooms within the existing block of flats to self-contained units is in compliance with policy requirements and is therefore recommended for approval.

## **9. CONDITIONS**

(1) The development hereby permitted shall be begun either 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: 16/22512/SK100, 16/22512/01 Rev P5, 16/22512/02 Rev P5, 16/22512/12 Rev P1, 16/22512/51 Rev P2.

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

## **10. BACKGROUND PAPERS**

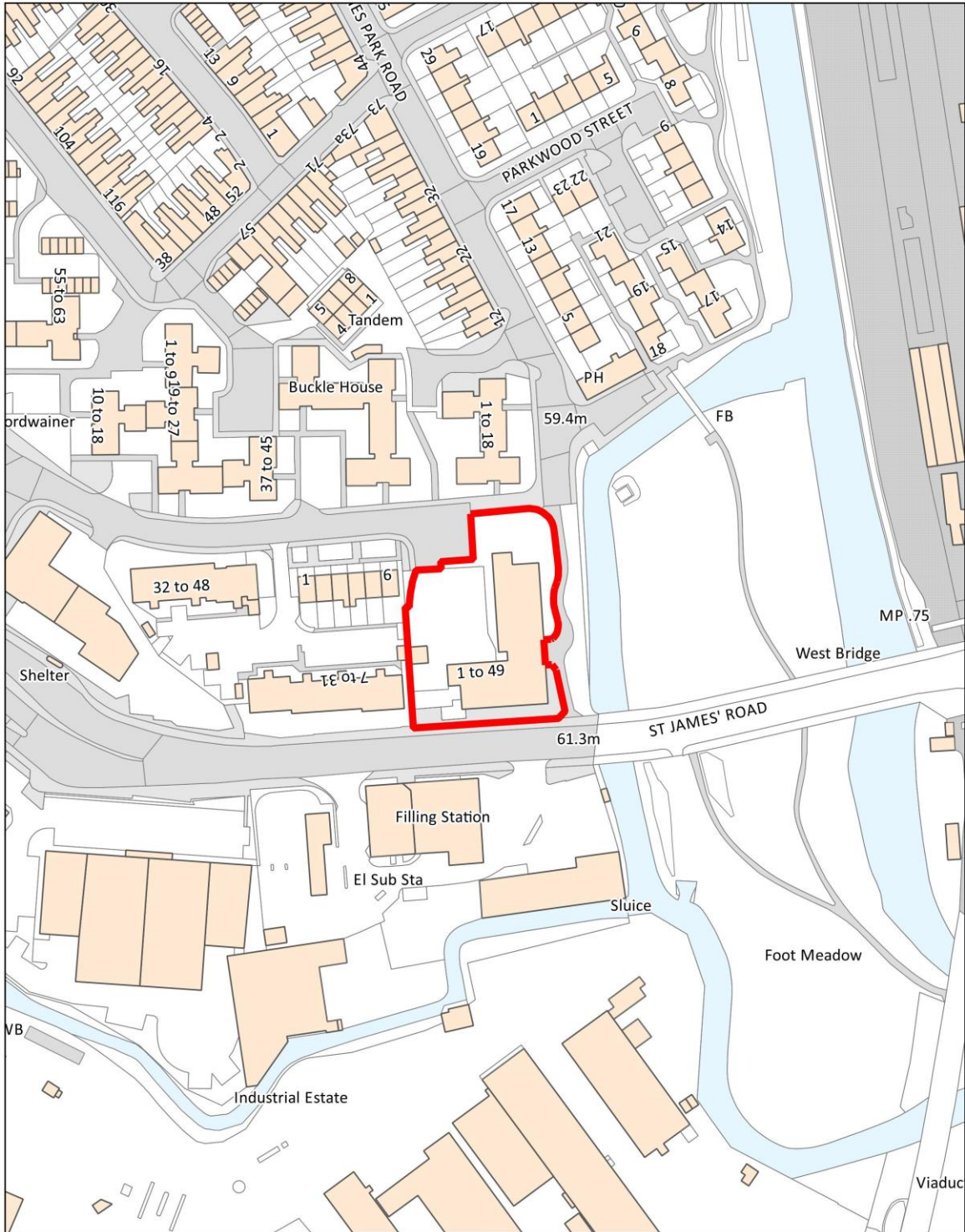
- 10.1 N/2016/1385


## **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.



 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Title: <b>Dover Court, St James Road</b></p>	<p>Date: 07-11-2016</p>
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**PLANNING COMMITTEE:** 22<sup>nd</sup> November 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/1424

**LOCATION:** Community Centre , Brunswick Place

**DESCRIPTION:** Installation of 1 no. temporary refrigerated storage container for a period of 2 years

**WARD:** Castle Ward

**APPLICANT:** Northamptonshire Partnership Homes

**REFERRED BY:** Head of Planning  
**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 proposed development, as a temporary storage unit, would not have an adverse impact upon the character and appearance of the local area or neighbouring amenity. The proposed development would accord with the saved Policy E20 of the Northampton Local Plan, Policies S10 and RC1 of the West Northamptonshire Joint Core Strategy and advice contained within the National Planning Policy Framework.

**2. THE PROPOSAL**

2.1 The current application seeks planning permission to install a refrigerated storage container for a temporary period of two years. The proposed container would be located to the side of the community centre and would be visible from Brunswick Place and Exeter Place. The container would be 2.6m high and 2.4m wide and 6.1m long and would be clad with wooden panelling.

2.2 The container is required to provide storage for food rescued from local businesses and supermarkets to be used by Elsie's Café, a project aimed to create enhanced community benefits such as volunteering, potential jobs and increased use of the café as a social meeting place, which Northamptonshire Partnership Homes are looking to relocate to the Market Street Community Hub, to be run alongside current community groups in the centre.

### **3. SITE DESCRIPTION**

- 3.1 The existing community centre is a brick built building with a play area to the rear of the site and bordered on three sides, by Brunswick Place, Market Street and Exeter Place. Residential properties on Brunswick Walk are located on the opposing side of the building. The surrounding area predominantly comprises residential flats.

### **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.

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

Paragraph 17 – planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

#### **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 – development will achieve the highest standards of sustainable design, incorporating safety and security considerations and a strong sense of place.

Policy RC1: Delivering Community Regeneration – seeks to promote the provision of improved community facilities and services.

#### **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 – 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.



## **6. CONSULTATIONS/ REPRESENTATIONS**

- 6.1 **NBC Environmental Health** – further information has been requested in relation to potential noise generated from the refrigeration units. Further comments will be reported on the Addendum to this agenda.

## **7. APPRAISAL**

- 7.1 The main issues to consider are the impact on the character of the area and neighbour amenity.
- 7.2 The proposed temporary building would be single storey refrigerated storage container located on the south east side of the community centre, visible from the surrounding roads. It is proposed to clad the outside of the container with wooden panelling to reduce the impact on the character of the surrounding area.
- 7.3 Whilst it is accepted that the proposed container would be located in a prominent location at the side of the site, owing to the scale and design and the public benefits generated from the proposed use, and that permission is sought on a temporary basis, on balance, it is considered that the development would not unduly impact upon the visual amenity of the locality. The proposed development would provide equipment required in association with a community facility which seeks to improve community facilities within the locality, in accordance with the requirements of Policy RC1 of the West Northamptonshire Joint Core Strategy.
- 7.4 The storage container would be situated on the opposing side of the road from the nearest residential properties. Whilst further clarification is sought regarding the potential noise that would be generated from the proposed refrigeration unit, in view of the distance from the nearest residential properties, it is not considered that impacts on adjacent residential amenity would be of such significance to warrant refusal on this basis.

## **8. CONCLUSION**

- 8.1 The proposed storage container would not have an adverse impact upon the character and appearance of the local area or neighbouring amenity and would accord with the saved Policy E20 of the Northampton Local Plan, Policies S10 & RC1 of the West Northamptonshire Joint Core Strategy and advice contained within the National Planning Policy Framework.

## **9. CONDITIONS**

- (1) The building hereby permitted shall be removed and the land restored to its former condition within two years from the date of this permission.

Reason: In the interests of amenity as the Local Planning Authority consider the building is only acceptable as a temporary expedient in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and Policy E20 of Northampton Local Plan.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Location Plan Received on 27.10.2016 and Container Details.

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

## **10. BACKGROUND PAPERS**

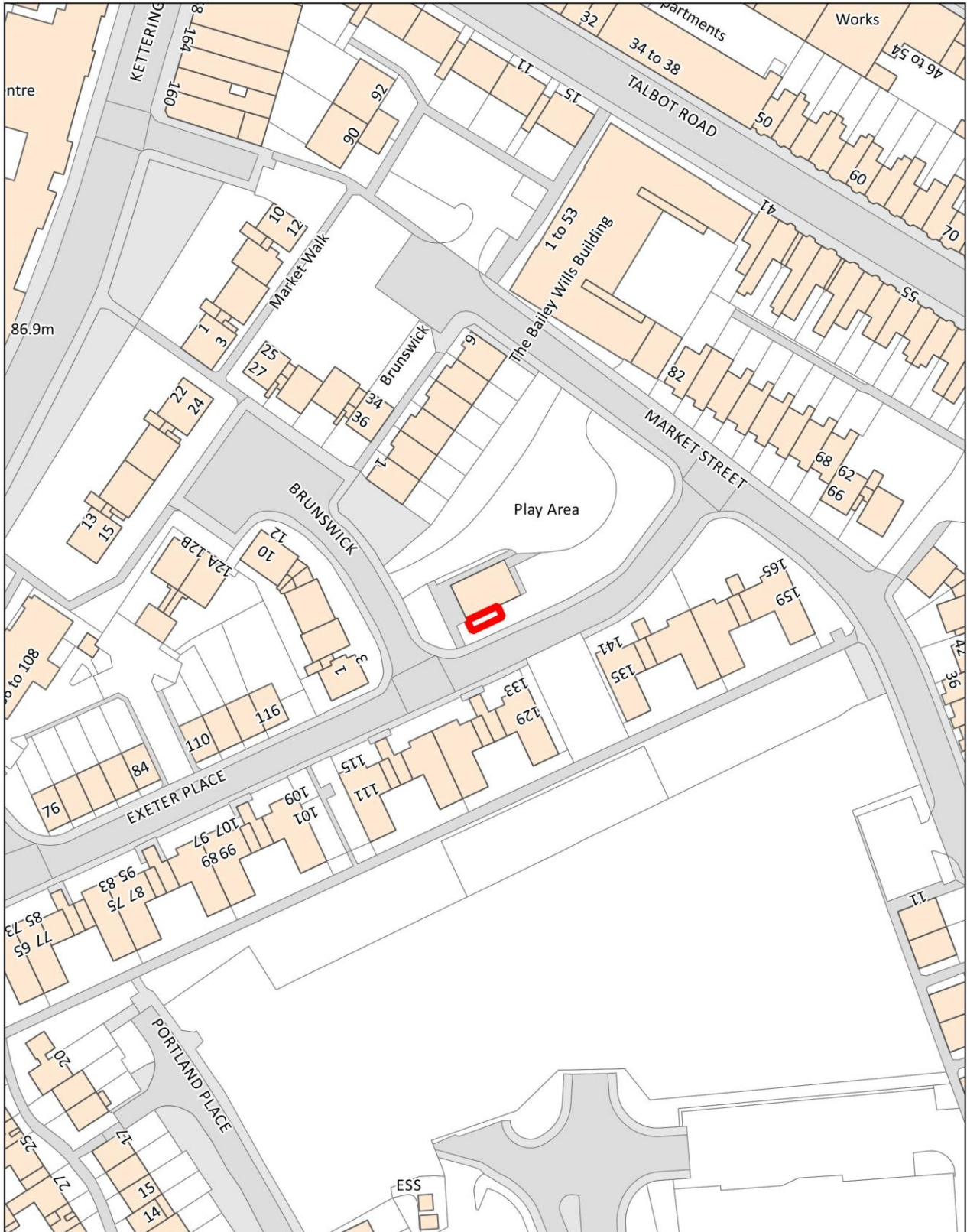
- 10.1 N/2016/1424

## **11. LEGAL IMPLICATIONS**

11.1 The development is CIL liable but not chargeable.

## **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.



 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Title: <b>Community Centre, Bruswick Place</b></p>	<p>Date: 14-11-2016</p>
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