



PLANNING AGENDA

Tuesday, 20 December 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 or 01604 837722

PLANNING COMMITTEE

AGENDA

Meetings of the Planning Committee will take place at 6.00pm on 20th December 2016 and the 17th January, 14th February, 14th March, 11th April, 9th May and the 8th 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

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, 20 December 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**
- 8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**
- 9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**
(A) N/2016/1566 - CERTIFICATE OF LAWFULNESS APPLICATION TO USE PREVIOUSLY APPROVED NURSERY SCHOOL FOR GENERAL EDUCATIONAL PURPOSE WITHIN THE NEW COMMUNITY CENTRE BUILDING, ST CRISPIN COMMUNITY CENTRE, ST CRISPIN DRIVE
(Copy Herewith)
- 10. ITEMS FOR DETERMINATION**
(ADDENDUM ATTACHED)
(A) N/2016/0856 - CONVERSION AND EXTENSION OF FORMER COUNCIL OFFICE BUILDING TO RESTAURANT AND HOT FOOD TAKEAWAY, RETAIL UNIT AND 24 NEW STUDENT UNITS AND THREE SELF-CONTAINED LIVING ACCOMMODATION UNITS, REMOVAL OF EXTERNAL STAIRCASE; ERECTION OF ENTRANCE CANOPY AND AWNING; CHANGE OF USE OF FOOTWAY TO INTRODUCE OUTDOOR SEATING AREA ON FISH STREET 14 FISH STREET
(Copy Herewith)

(B) N/2016/1007 - FULL PLANNING APPLICATION FOR 82 RESIDENTIAL DWELLINGS INCLUDING PARKING AND OPEN SPACE WITH ACCESS FROM BECTIVE ROAD FORMER GREEN OAKS PRIMARY SCHOOL , BECTIVE ROAD

(Copy Herewith)

(C) N/2016/1009 - PRIOR NOTIFICATION TO CHANGE OF USE OF EXISTING RETAIL SHOP (USE CLASS A1) TO RESTAURANT/CAFÉ (USE CLASS A3) 44 ST GILES STREET

(Copy Herewith)

(D) N/2016/1073 - OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED EXCEPT ACCESS FOR RESIDENTIAL DEVELOPMENT OF UP TO 30 RESIDENTIAL DWELLINGS WITH ASSOCIATED OPEN SPACE, CAR PARKING AND VEHICULAR ACCESS FROM BOOTH RISE AND DEMOLITION OF 58 AND 62 BOOTH RISE LAND REAR OF 62 BOOTH RISE

(Copy Herewith)

(E) 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)

(F) N/2016/1111 - NEW HOUSE WITH DETACHED GARAGE INCLUDING DEMOLITION OF SINGLE STOREY SIDE BAY TO EXISTING HOUSE ON ADJACENT SITE LAND ADJACENT TO 41 PARK AVENUE NORTH

(Copy Herewith)

(G) N/2016/1136 - FIRST FLOOR EXTENSION TO BUNGALOW TO BECOME A TWO-STOREY DWELLING AND GROUND FLOOR EXTENSION TO SIDE/REAR 16 SWALLOW CLOSE

(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/2016/1264 & 1387 - VARIATION OF CONDITION 1 OF PLANNING PERMISSION N/2000/0981 TO ALLOW USE OF BUILDING AS A FREE SCHOOL
INSTALLATION OF NEW DOORS, WINDOWS, INFILL CLADDING PANELS, GATES AND RAMPS WITH HANDRAILS NBC DEPOT, STATION ROAD**

(Copy Herewith)

(J) N/2016/1348 - CHANGE OF USE FROM DWELLING (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 5 RESIDENTS 100 BOSTOCK AVENUE

(Copy Herewith)

11. ENFORCEMENT MATTERS
12. ITEMS FOR CONSULTATION
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:-**

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 22 November 2016

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

OFFICERS Peter Baguley (Head of Planning), Rita Bovey (Development
Manager), Nicky Toon (Developmental Management Team Leader),
Wendy Rousell (Senior Planning Officer), Theresa Boyd (Planning
Solicitor), Dan Kalley (Democratic Services Officer)

1. APOLOGIES

There were no apologies.

2. MINUTES

The minutes of the meeting held on 25 October 2016 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

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

N/2012/0909

Cllr Graham Walker
John Beswick
Cllr Brendan Glynane
William Main

N/2016/0283

Phill Rodgers
Ian Taylor
Barry Waine

N/2016/1093

Cllr Zoe Smith
Jonathan Curtis

N/2016/1145

Cllr Matt Golby
John Woolacott
Anthony Watts
Sinead Turnbull
Tim Hadland

N/2016/1292
Cllr Zoe Smith
Lisa Bradshaw

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Mary Markham declared a personal and disclosable pecuniary interest in item 10a and also in items 10g, 10k and 10l as a Director on the Northamptonshire Partnership Homes Board.

Councillor Kilbride declared a personal and disclosable pecuniary interest in item 10a and also in items 10g, 10k and 10l as a Director on the Northamptonshire Partnership Homes Board.

Councillor Davenport declared a personal interest in item 10a by virtue of being a Ward Councillor.

Councillor Golby declared a personal non-pecuniary interest in item 10f.

Councillor Walker declared a personal non-pecuniary interest in item 10a by virtue of being a Ward Councillor.

Councillor B Markham declared a personal non-pecuniary interest in item 10i as he knew Councillor Choudary who is related to the applicant.

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

The Chair confirmed that item 10g on the agenda would be heard before item 10k and 10l, as these all related to Northampton Partnerships Homes applications.

The Development Management Team Leader submitted a report on behalf of the Head of Planning and elaborated thereon. The consultation by South Northamptonshire Council sought to vary a number of planning conditions relating to the development for the extension of Pineham Business Park. The variations allowed for two smaller units on the southern part of the site, minor adjustments to the red line site boundary to the south extending into the Borough and into land currently used in association with adjoining Sainsbury's external parking. In addition the application sought to revise access arrangements from Style Way to allow access to both plots on the southern part of the site and a minor increase in building height.

RESOLVED:

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.

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Development Manager submitted a List of Current Appeals and Inquiries and elaborated thereon. The application relating to 26 Burns Street was dismissed by the Inspector, in agreement with the delegated decision by the Development Manager. However, the committee were informed that the Inspector only dismissed this application by virtue of the fact that the area was above the 15% concentration of HIMO's and raised no concern regarding parking issue as the site is in a sustainable location. With regards to the application of 343 Wellingborough 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 Agency, he was of the view that the location was sustainable, including close links to local buses.

The Committee were informed that there was to be a Public Inquiry into the development of Land at Milton Ham, Towcester Road. The Inquiry will commence on 29 November in the Jeffery Room, Guildhall, St Giles Street. It was anticipated that this would last three days.

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

(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.

The Development Management Team Leader submitted a report on behalf of the Head of Planning and elaborated thereon. The Committee were advised that the application sought to vary pre-commencement conditions attached to existing planning permission and listed building consent, granted in 2013. The conditions sought to be varied related to details with regards to materials, window and door details, methodology for the treatment of a wall, roof repairs, glazed courtyard roof, surface water drainage and external lighting. The variation of conditions were necessary to allow certain enabling works to commence on site.

RESOLVED:

N/2016/1193 – Planning Application

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

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.

N/2016/1196 Listed Building Consent Application

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

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.

10. ITEMS FOR DETERMINATION

(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

6.15pm Councillors Kilbride and Mary Markham left the meeting.

The Development Management Team Leader submitted a report on behalf of the Head of Planning and elaborated thereon. The Committee were informed that the application had originally been approved in principle for 142 dwellings by Committee in 2013, subject to the prior completion of a S106 Agreement. However, at that time the applicant was unable to demonstrate good title for large parts of the land and, therefore, the S106 Agreement could not be completed.

The Development Management Team Leader stated that the site had historically been used for keeping animals and as allotments, however this site had been in decline over the years and was largely unused. The revised proposal was for the construction of 139 dwellings, comprising of 42 two bedroom dwellings, 56 three bedroom dwellings and 41 four bedroom dwellings. In addition there was provision for 341 parking spaces.

The development included a number of public open spaces and a central play area. Access to the development was to be via Lancaster Way, to the south of the site, via a new roundabout. It was stated that a number of trees would be removed for the application, however a Tree Preservation Order (TPO) was in place to protect a mature tree adjacent to Lancaster Way.

Members were informed that this application made provision for 35% affordable housing, a payment for primary school education and would improve the Council's five year housing scheme. In addition there would be payments made towards highway improvements and increased public transport provision.

Councillor Walker addressed the Committee and spoke against the application. He outlined a number of issues including concerns around highway safety, namely that the application had made provision for only one entrance and exit, which in his opinion would increase traffic levels, especially with Aldi and ASDA nearby. In addition he commented that flooding would, in his view, be an issue for residents, and would affect residents as far away as Far Cotton.

Councillor Walker then left the meeting at 18:25 following his address to the Committee.

John Beswick addressed the Committee on behalf of the Delapre Allotment Association and stated that the allotment owners had made several approaches to the applicant with regard to providing land to for a pedestrian link to Leah Bank, however the developer had ignored their proposals. In addition if no access were granted it would make a more hazardous place for residents.

In response to from questions from Members, it was stated that the allotment owners had not been consulted on the development recently.

Cllr Brendan Glynane addressed the Committee and commented that the Police did not want to open up the boundary by Leah Bank, as currently this area was virtually crime free. The track running through the middle of the site was still unregistered land. There was no S106 Agreement in place to ensure that the roads being constructed within the development would be adopted. In regards to flooding, there were no flooding attenuation schemes in place, particularly for the north-east corner of the site. In addition he commented that the developers were given twelve weeks to respond to concerns, however it had taken three years for the application to come back to the Committee. In response to questions from Members he confirmed that he had not been consulted recently on the development.

William Main, on behalf of the applicants, addressed the Committee and stated that recent appraisals of the development had been deemed acceptable to the Planning Department. With regards to the delays due to site being in multi ownership, this was in part down to the fact that it was time consuming to get all the title deeds in relation to a number of allotments on site. In terms of the adoption of the roads, The access road follows the line of the unregistered track and could be adopted under section 228 of the Highways Act 1980 or be subject to a management agreement. Applicant had recently submitted additional title information and nearly reached agreement on the Section 106 Agreement.

In response to questions from members William Main made a number of comments including:

- The developers were aware of access to the north of the site, however due to the cost involved had instead provided a footpath to the site boundary
- With regards to the adoption of roads, the developer explained the adoption process as he understood it
- There had been no objections from the Highways Authority and any previous objections had been resolved.
- There had been a number of consultations taken over the past three years, in order to ascertain the views of local residents.

The Development Management Team Leader stated that a number of objections had been addressed in the Addendum to the report. In terms of flooding, Conditions 8 and 9 within the report sought to clarify that no development would take place until a Surface Water Drainage Scheme and maintenance scheme had been submitted and approved by the Local Planning Authority.

With regards to the consultations, the Development Management Team Leader confirmed that a number of consultations had taken place including September 2012, January 2013, May 2013, February 2016 and a smaller consultation on minor aspects in November 2016.

In terms of the public transport provision, this was a matter that would need finalising with the Highways Authority.

Members of the Committee were informed that the developers would give a commitment to maintain the open spaces and allotments on the unregistered land in so far as they are able.

Members of the Committee welcomed the report and the comments made by members of the public and from planning officers. They stated that they were happy with amendments made, as outlined in the Addendum, however there were still concerns around the impact this development would have on traffic.

RESOLVED:

That the application is **APPROVED IN PRINCIPLE** subject to the S106 Agreement to secure:

- 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.

and the conditions as set out in the report, along with the conditions set out in the Addendum and for the following reasons:

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.

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.

7.02pm Councillors Kilbride, Walker and Mary Markham returned to the meeting.

Councillor Davenport left the meeting at this point due to illness.

(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

The Senior Planning Officer submitted a report on behalf of the Head of Planning and elaborated thereon. Committee members were informed that the application was a hybrid including full application for the erection of three dormer bungalows and outline planning application for the erection of three dwellings. It was explained that the land fronting Mill Lane was partly within the Kingsthorpe Conservation Area. Vehicular access was proposed from Mill Lane, including an existing access for one of the dwellings, and a new access round a TPO tree for the other 5 dwellings. The current proposals indicated a reduction in the height of the proposed dwellings, thereby reducing the impact on the setting of the Conservation Area. A recent Bat Survey had indicated that there was a presence of bats in the summer house, however this had fallen into disrepair and was due to be demolished. Public consultations had been carried out with regards to the boundary of the Conservation Area.

Phill Rodgers addressed the Committee and stated that in his opinion six large dwellings did not address the Council's five year housing strategy. Residents of the village had come together to lobby the developer, as in their opinion, this development was not a wise use of space. A number of residents would lose their right to privacy, due to the dwellings overlooking their properties. In addition the air quality rating in Kingsthorpe was dangerously low and bringing in more vehicles would damage the air quality further. He commented that there had also been a number of accidents on that stretch of road and more development would increase this.

Ian Taylor on behalf of the Kingsthorpe Amenity Preservation Group addressed the Committee and stated that this development was harming the environment. The demolition of the swimming pool and summer house went against the principles of the Conservation Area policies. Visibility onto Mill Lane from the development would be limited, increasing the risk of injury to pedestrians. In addition the residents had not been consulted on the development.

Barry Waine on behalf of the developer stated that this was not a large scale development. The dormer bungalows were more suited to the area and in keeping with houses nearby. No objections had been raised by the Highways Authority and conditions set out by the Local Planning Authority would be adhered to.

Members welcomed the report and comments made by members of the public. In response to questions from the Committee the Senior Planning Officer confirmed:

- That the back of the properties were 40m from the boundary of neighbouring properties, this was in excess of standard practice.
- In terms of the summer house the Local Planning Authority were persuaded that the building had fallen into disrepair and could not be saved.
- Neighbours to the proposed development had been adequately consulted.
- Northamptonshire County Council was satisfied with the access points as outlined on the plan.

Members made a number of comments, including concerns around the privacy of neighbours and the access points of the site. However, it was felt that the development was in keeping with the local area.

The Development Manager stated that a condition could be added, ensuring no dormer windows or extensions were to be added to any dwellings at the rear, should they expand.

RESOLVED:

That the application be **APPROVED** subject to the conditions as set out in the report and additional condition outlined below, along with further conditions as set out in the addendum.

19. 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 other form of enlargement including dormers to Plots 4, 5 and 6 hereby permitted (as shown on the approved plans) shall take place.

Reason: In the interests of residential amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan

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.

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

The Senior Planning Officer submitted a report on behalf of the Head of Planning and elaborated thereon. It was stated that this application was for a change in use from a vacant retail unit to a micro pub. Members of the Committee were informed that the pub aimed at an adult market, selling cask conditioned ales, wine and local cider and would be in keeping with the niche market on St Giles Street.

RESOLVED:

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

(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

This item was withdrawn from the Agenda.

(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

The Development Manager submitted a report on behalf of the Head of Planning and elaborated thereon. Members of the Committee were informed that the application sought to change the use from a residential dwelling to a house in multiple occupation (HIMO) for six people. The property comprised six bedrooms with a bedroom in the basement and a converted loft.

The Development Manager confirmed that this property would equate to less than 2% concentration of HIMO's in the area. In addition Members were directed to paragraph 7.7 to 7.9 of the report which stated that the Inspector had overturned decisions made by the Local Planning Authority on similarly located properties due to the fact that those properties were located in a sustainable area.

Councillor Zoe Smith addressed the Committee and stated that she had a number of concerns with this application. It was her opinion that having six people in the property was too many. In addition she commented that the Highways Authority had picked up that there was a lack of parking in the locality and that this would lead to increased parking on double yellow lines.

In response to questions from the Committee, Councillor Zoe Smith commented that having four people in the house was better than six. In addition it was more likely that residents from the area would receive parking fines for parking illegally.

Jonathan Curtis, owner of the property, addressed the Committee and stated that there were a number of people working in close proximity to the property and needed somewhere to live. Of the current tenants living in the property only one had a

driver's licence. The building had historically contained a cellar and loft, which had been converted for dwelling use.

Members welcomed the report and made a number of comments including:

- The basement conversion had been carried out well and there was a lot of natural light flooding into the room.
- The development was one of the best HIMO applications that had come to the Committee.
- It was a shame to lose a family home, which were needed.

The Development Manager commented that within one month of the approval being granted, full details for the provision for storage of refuse must be submitted to and approved by the Local Planning Authority.

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 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.

(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

The Development Manager submitted a report on behalf of the Head of Planning and elaborated thereon. Outline planning permission was sought for the demolition of the existing garage and bungalow at the rear of the property. The site was adjoined by residential dwellings on either side. The detailed design proposals would be considered at a later date. Members of the Committee were informed that the access road would be on the southern side of the development and there was provision for 13 parking spaces.

The Development Manager commented that Policy H4 of the Duston Neighbourhood Plan stated that development would be supported on sites of up to five dwellings, however as this was a large site there was no planning reason to not allow six dwellings. In addition, Members were made aware that the garage could be brought back into use on the site and operate 24 hours a day.

Councillor Matt Golby (Ward Councillor) addressed the Committee and stated that this was an over development of the land and contravened Policy H4 of the Duston Neighbourhood Plan, which had been adopted by the Council. It was his view that going against the Neighbourhood Plan was sending out the wrong message to Parish Councils working on behalf of their residents.

8.12pm Councillor Golby left the meeting.

John Woolacott, resident at 533 Harlestone Road, addressed Members and commented that this application was not in keeping with the local area. He stated that the construction of the bungalow dwellings would lead to his property being overlooked, in addition the creation of the two storey dwellings to the front of the property would lead to him only being able to see a house from his windows to the side of the property. With the construction of the nursing home adjacent to the site, there would be an unacceptable build-up of traffic on the main road. In addition he commented that all previous applications for this site had been refused.

In response to a question from the Committee, John Woolacott confirmed that he had resided in 533 Harlestone Road for 35 years and that the garage had always been there.

Anthony Watts addressed the Committee and stated that planning officers had ignored all local and national policies and that the Local Planning Authority had no right to disregard these policies. The proposal formed a cramped development. He advised, that if Members were minded to permit, it should be for 5 dwellings with the driveway adjacent to No. 533. He urged the Committee to re-study the plans and ask that plans be re-submitted to the Committee.

Parish Councillor Mike Ingram stated that the Committee should support the Duston Neighbourhood Plan. He commented that the electorate with Duston had voted for the plan. 6 dwellings was overdevelopment with insufficient parking and the development should be reduced to 5. As a further point he informed Members that this development went against policy H1 of the Duston Neighbourhood Plan, as this development would require the removal and cleaning of old petrol tanks from the site.

In response to a question from the Committee, Parish Councillor Mike Ingram confirmed that the maximum of five dwellings on a site had been taken from advice of a Town Planning Consultant.

Sinead Turnbull on behalf of the applicant stated that the application had been deemed acceptable by planning officers. Parking spaces had been created over and above what was required for the site. The construction of these dwellings would remove a non-conforming use and prevent a garage opening on the site and causing a noise disturbance to local residents. The applicants had relocated and expanded their business contributing to employment levels within the local area.

In response to questions from the Committee Sinead Turnbull commented that it was possible to move the entrance to the development, however this might have caused a further nuisance to the residents at 533 Harlestone Road. In addition there was no evidence to suggest that the site could not support six dwellings.

Mr Tim Hadland addressed the Committee and commented that he had known the applicants for 30 years and had admired the contribution they had made to the local community by creating jobs. The application was not overly intrusive and was not, in his opinion, an overdevelopment on the site. In addition this development supported the Council's five year housing supply programme.

In response to questions from the Committee, the Development Manager stated:

- There was sufficient space at the entrance of the development to support two passing vehicles.
- The front three dwellings were not able to change the front garden into parking space, as this was a classified road.
- There would be less intrusion into neighbouring properties, as the three bungalows at the back were to be built further down the site from the existing bungalow.
- The properties would be 1.5m nearer to 533 Harlestone Road as compared with the existing garage buildings once complete.

Members made a number of comments with regards to the development and stated that the application would essentially improve the street scene of the area.

RESOLVED:

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

9.01pm Councillor Golby returned to the meeting.

(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

The Development Management Team Leader submitted a report on behalf of the Head of Planning and elaborated thereon. Members of the Committee were informed that this was a part-retrospective application, for the conversion of a former dwelling house into three self-contained flats. In addition the proposal sought to demolish the existing rear outbuilding and replaced with an ancillary store.

Lisa Bradshaw addressed the Committee and stated that the property was originally built for a large family. She commented that there was an excess of fly-tipping and rubbish by the out-building, along with an increase in anti-social behaviour. It was her opinion that the property was no longer in good order, putting the lives of tenants and local residents at risk. In addition there was increased pressure on parking spaces, due to the hospital and number of schools in the area.

Councillor Zoe Smith, Ward Councillor, addressed the Committee and commented that there was a lack of social housing for those in need. In addition the out-building needed to be demolished as a matter of urgency. She echoed previous statements with regards to issues around parking in the area.

Members of the Committee were informed that the Highways Authority had made no objections to the application in regards to parking.

The Development Management Team Leader confirmed that the application was retrospective in relation to all three self-contained units. There were some internal changes to the property, namely making the ground floor flat open plan and making minor amendments to the top floor unit.

Members of the Committee raised concerns in relation to the size of the units and to the hazardous out-building.

The recommendation was not proposed by any Member of the Committee.

The Head of Planning commented that the Committee might be minded to defer the application to the next meeting, in order to allow officers to ascertain if there were any grounds for refusal in the national guidelines.

RESOLVED:

That the application be **DEFERRED** to allow officers to review national policy guidelines and any other material considerations.

(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

The Development Manager submitted a report on behalf of the Head of Planning and elaborated thereon. Members of the Committee were informed that the application sought to change the use of part of the first floor to a day centre, operating as part of the previously approved day centre on the upper floor.

It was confirmed that there were no restrictions on the opening hours of the day centre.

RESOLVED:

That the application is **APPROVED** subject to the conditions as set out in the report 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.

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

The Development Management Team Leader submitted a report on behalf of the Head of Planning and elaborated thereon. The application sought a change in use from a shop to a drop-in centre for the local community.

RESOLVED:

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

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.

9.28pm Councillor Kilbride and Mary Markham left the meeting.

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

The Senior Planning Officer submitted a report on behalf of the Head of Planning and elaborated thereon. Members of the Committee were informed that the existing flat roof was to be replaced with a new pitched roof.

RESOLVED:

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

(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

The Senior Planning Officer submitted a report on behalf of the Head of Planning and elaborated thereon. Members of the Committee were informed that the number of parking spaces had been increased, following a concern raised by NCC Highways.

RESOLVED:

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

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

The Development Manager submitted a report on behalf of the Head of Planning and elaborated thereon. The application sought to install a refrigerated storage container for a temporary period of two years, located to the side of the community centre.

In response to a question from the Committee, the Development Manager confirmed that the electricity connection would be via a power source located within the community centre.

RESOLVED:

The application be **APPROVED** subject to the conditions as set out in the report, the addendum 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.

11. ENFORCEMENT MATTERS

There were none.

12. ITEMS FOR CONSULTATION

There were none.

13. EXCLUSION OF PUBLIC AND PRESS

Not required.

The meeting concluded at 9:40 pm

Directorate: Regeneration, Enterprise and Planning

Head of Planning: Peter Baguley



List of Appeals and Determinations – 20th December 2016

Written Reps Procedure

Application No.	DEL/PC	Description	Decision
N/2015/1285 APP/V2825/W/16/3152716	DEL	Outline planning permission for the erection of a dwelling at Land Rear of 1 Thornton Road	DISMISSED
N/2015/1370 APP/V2825/W/16/3160711	DEL	Variation of Condition 2 of Planning Permission N/2013/1024 to extend deliveries and collections hours to 7.00am to 8.00pm on Mondays to Saturdays and Bank Holidays and Public Holidays and 9.00am to 4.00pm on Sundays at Aldi Foodstore Ltd, Wellingborough Road	AWAITED
N/2015/1393 APP/V2825/W/16/3160378	DEL	Variation of Condition 1 of Planning Permission N/2012/0282 (Extension of opening hours) to amend the opening hours to Monday to Saturday 8am to 10pm and Sundays 10am to 4pm at Aldi Foodstore Ltd, Wellingborough Road	AWAITED
N/2015/1403 APP/V2825/W/16/3158525	DEL	Erection of 3 bed dwelling with parking spaces at 754 Obelisk Rise	DISMISSED
N/2016/0050 APP/V2825/W/16/3162068	DEL	Reserved matters application in relation to outline planning permission N/2013/0442 (Outline application for a new 89 bed hotel) for appearance, landscaping and scale for 56 serviced apartments at Plough Hotel, Bridge Street	AWAITED
N/2016/0251 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	AWAITED
N/2016/0786 APP/V2825/D/16/3163085	DEL	Two storey side extension at 26 Thornton Road	AWAITED
N/2016/0885 APP/V2825/W/16/3159915	DEL	Detached single storey dwelling to rear of 28 Semilong Road	AWAITED

Public Inquiry

N/2015/0335 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 Public Inquiry took place between 29 November to 2 December 2016 at the Guildhall, St Giles Square. The Inquiry has been adjourned pending formal confirmation from the Planning Inspectorate to close the proceeding.	AWAITED
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Hearings

		None	
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Enforcement Appeals

		None	
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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

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: 20th December 2016
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2016/1566

LOCATION: St Crispin Community Centre , St Crispin Drive

DESCRIPTION: Certificate of Lawfulness application to use previously approved nursery school for general educational purpose within the new community centre building

WARD: Upton Ward

APPLICANT: Northampton Borough Council
AGENT: Mr Stuart Docker

REFERRED BY: Head of Planning
REASON: Council owned land and as applicant

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL for the following reason:

The Council is satisfied that the proposed use of part of the building for general educational purposes would not be materially different from the previously approved use of this part of the building as a nursery, as both uses fall within the same Use Class D1 in the Town and Country Planning (Use Classes) Order 1987 (as amended). Planning permission is therefore not required for the proposed use.

2. THE PROPOSAL

- 2.1 The proposal relates to the use of part of the community centre for general educational purposes (Use Class D1). Previously it had been proposed that this part of the site would be used as a nursery (Use Class D1). The application is for a certificate of lawfulness to confirm that this change of use does not require planning permission.
- 2.2 General education purposes would mean education of persons of any age, rather than just nursery age children.

3. SITE DESCRIPTION

- 3.1 The site consists of the St Crispin Community Centre, which is now under construction and nearing completion. The building consists of three distinct although linked elements: the

community centre, the changing rooms and the circular part of the building, formerly proposed to be the nursery.

- 3.2 The site is adjacent to relatively new housing to the east and a Grade II listed church and cemetery to the north, within the former St Crispins Hospital site, now redeveloped for housing. The site falls within the St Crispins Conservation Area.

3. PLANNING HISTORY

- 3.1 Application no. N/2015/0987 for “New Community Centre incorporating changing room facilities and Nursery School. New access road with parking facilities and relocation of play area” was approved in March 16th 2016.

4. PLANNING POLICY

- 4.1 As the application is for a certificate of lawfulness, planning policy is not a consideration.

5. CONSULTATIONS/ REPRESENTATIONS

- 5.1 As this is an application for a certificate of lawfulness, no notification of neighbours nor consultation with statutory consultees is required under current planning legislation.

6. APPRAISAL

- 6.1 As an application for a certificate of lawfulness, the issues to consider relate to a factual assessment as to whether the proposed use is or is not lawful. The planning merits of the proposal and any impact which may or may not result are not material considerations.

- 6.2 In considering whether the proposed use would be lawful, regard must be given to the planning application as previously submitted and approved, and the nature of the use as now proposed.

- 6.3 The building, which is currently under construction on the site, was approved in March 2016. The use of the building, as approved, was as a community centre, incorporating changing room facilities and a nursery school. The building comprises three linked elements, whilst the use of any part of the building for any of the three purposes was not restricted by planning conditions, the changing rooms are clearly marked on the plan. The central part of the building clearly has the features of a community centre including a hall, café and a meeting room. This leaves the circular part of the building, linked to the remainder by an entrance foyer, as the nursery. This is shown on the approved plans as having two classrooms and associated facilities.

- 6.4 The nursery use falls within Use Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). As the proposed use for general educational purpose also falls with Use Class D1, to replace the nursery with general educational purpose would not require planning permission as there would be no material change in the use. On this basis, it is considered that the proposed use would be lawful.

7. CONCLUSION

- 7.1 It is considered that the use of the part of the building previously earmarked for the proposed nursery for a general educational purpose would not represent a material change of use. It is recommended, therefore, that a certificate of lawfulness should be issued.

8. BACKGROUND PAPERS

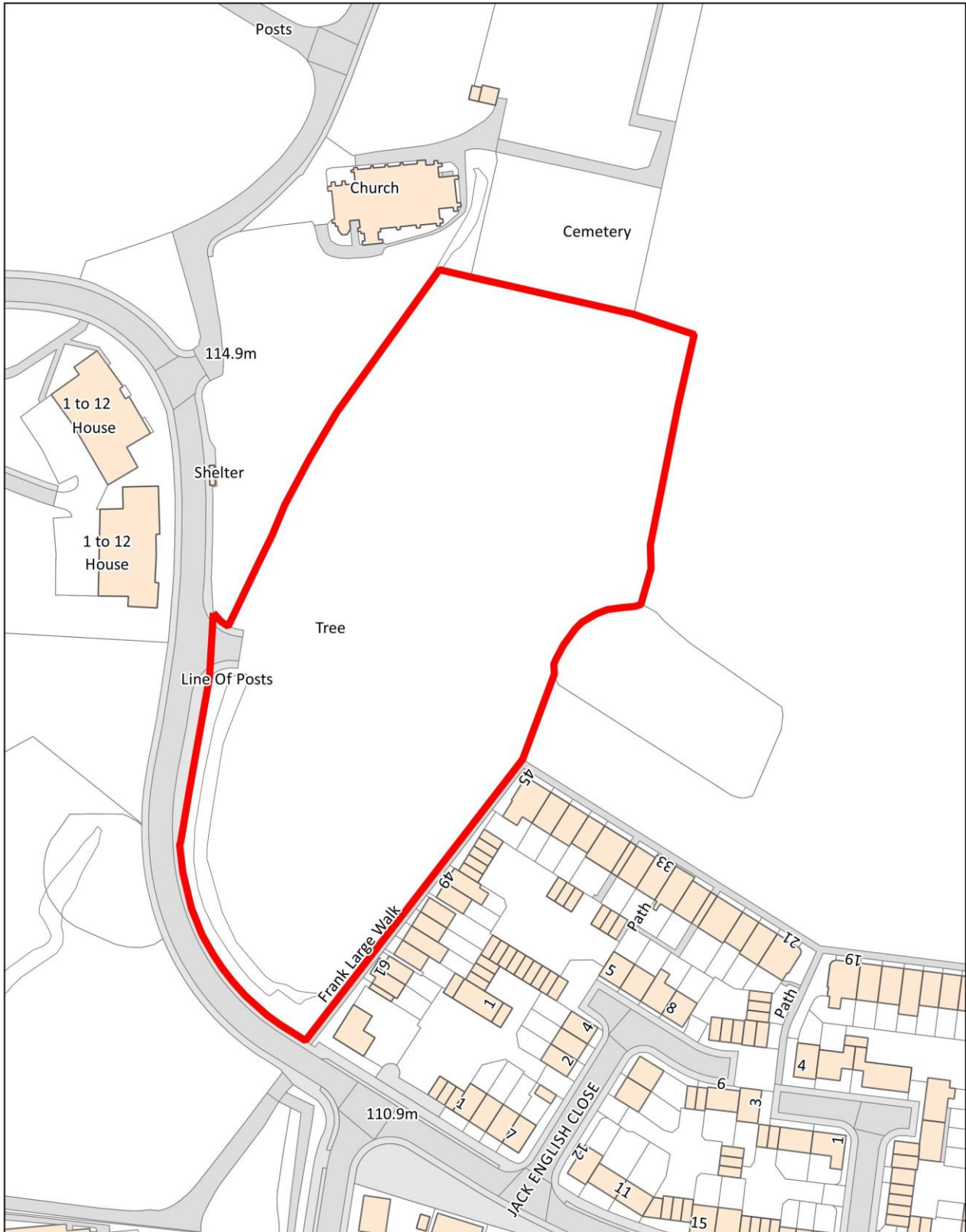
- 8.1 Application file N/2016/1566

9. LEGAL IMPLICATIONS

- 9.1 The development is not CIL liable as the proposal is for a change of use with no increase in floorspace.

10. SUMMARY AND LINKS TO CORPORATE PLAN

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



Title: **St Crispin Community Centre**

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Date: 12-12-2016

Scale: 1:1,250

Drawn by: SW



Addendum to Agenda Items Tuesday 20th December 2016

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

9a

N/2016/1566

**Certificate of Lawfulness application to use previously approved nursery school for general educational purpose within the new community centre building
St Crispin Community Centre, St Crispin Drive**

No update.

10. ITEMS FOR DETERMINATION

10a

N/2016/0856

**Conversion and extension of former council office building to restaurant and hot food takeaway, retail unit and 24 new student units and three self-contained living accommodation units, removal of external staircase; erection of entrance canopy and awning; change of use of footway to introduce outdoor seating area on Fish Street
14 Fish Street**

Application **WITHDRAWN**.

10b

N/2016/1007

**Full planning application for 82 residential dwellings including parking and open space with access from Bective Road
Former Green Oaks Primary School , Bective Road**

No update.

10c

N/2016/1009

**Prior Notification to change of use of existing retail shop (Use Class A1) to restaurant/café (Use Class A3)
44 St Giles Street**

No update.

10d

N/2016/1073

**Outline planning permission with all matters reserved except access for residential development of up to 30 residential dwellings with associated open space, car parking and vehicular access from Booth Rise and demolition of 58 and 62 Booth Rise
Land rear of 62 Booth Rise**

Three further objections have been received raising concerns regarding the highways impacts of the development, the safety of Booth Rise, the loss of trees, the impact upon the character of the area and that there is not a need for the proposed dwellings.

County Councillor M. Hallam – Object as there is not the capacity within Booth Rise or the Round Spinney Roundabout to accommodate the proposed development.

Michael Ellis MP – Object to the additional access onto Booth Rise which is in close proximity to the entrance to Booth Park. Booth Rise experiences motorists regularly speeding and influx of traffic will contribute towards congestion. The development also has the potential to adversely impact pedestrian and cycle safety.

10e

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

Highway Authority – No objections.

10f

N/2016/1111

New house with detached garage including demolition of single storey side bay to existing house on adjacent site

Land adjacent to 41 Park Avenue North

No update.

10g

N/2016/1136

First floor extension to bungalow to become a two-storey dwelling and ground floor extension to side/rear

16 Swallow Close

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

3 Vernon Walk - concern that the rear outbuilding is an eyesore and has not yet been demolished; would like to see property used by a family rather than flats.

10i

N/2016/1264

Variation of Condition 1 of planning permission N/2000/0981 to allow use of building as a free school

Withdrawn from the Agenda.

N/2016/1387

**Installation of new doors, windows, infill cladding panels, gates and ramps with handrails
NBC Depot, Station Road**

No update.

10j

N/2016/1348

Change of use from dwelling (Use Class C3) to house in multiple occupation (Use Class

C4) for 5 residents
100 Bostock Avenue

No update.



PLANNING COMMITTEE: 20th December 2016
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2016/0856

LOCATION: 14 Fish Street

DESCRIPTION: Conversion and extension of former council office building to restaurant and hot food takeaway, retail unit and 24 new student units and three self-contained living accommodation units, removal of external staircase; erection of entrance canopy and awning; change of use of footway to introduce outdoor seating area on Fish Street

WARD: Castle Ward

APPLICANT: Charter Land
AGENT: GSSARCHITECTURE

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 mix of uses are considered appropriate in this location which would assist in improving the vitality and viability of the area and bring back into use a vacant building in a prominent location within the Town Centre and the Derngate Conservation Area. The design and appearance are acceptable and would not adversely impact on the character and appearance of the Conservation Area or adjacent listed buildings, and the development would not lead to any unacceptable adverse impacts on surrounding amenity or highway safety. The proposal is therefore considered to be in accordance with Policies S2, S10, BN5, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The existing building currently has a restaurant at basement level with previous office use (Use Class B1) in the now vacant parts of the building at ground, first and second floors. The application proposes the conversion of the building to extend the restaurant use onto the ground floor, the installation of a single unit for use as a restaurant/café/hot food takeaway at ground

floor level, and the provision of 24 student units and three self-contained living accommodation units for students on the first and second floors. The proposed student accommodation would comprise of the subdivision of the first and second floors together with an extension of the second floor.

- 2.2 The main external alterations to the building would be on Dychurch Lane with the insertion of a main and secondary glazed entrance to the restaurant, the insertion of a new shop front and entrance, bin store and student accommodation entrance, alterations to third floor windows and the erection of a clad extension to the second floor. A canopy and external seating area is proposed on the Fish Street side of the building.
- 2.3 A further entrance to the student accommodation would be via Fish Street. Access to bin and cycle storage would be via separate entrances on Dychurch Lane.
- 2.4 The property is currently owned by the Council, but sold subject to planning permission.

3. SITE DESCRIPTION

- 3.1 The application property is a four storey building, including basement level, located on a prominent corner of Fish Street and Dychurch Lane within the Town Centre and within Derngate Conservation Area. A Grade II listed building, City Buildings, is located directly to the east of the site, with locally listed buildings located to the north east and immediate south. The Fish Street elevation is defined as a Secondary (retail) Frontage within the Northampton Central Area Action Plan. Surrounding uses comprise a mix of commercial, retail and residential.

4. PLANNING HISTORY

- 4.1 No relevant planning history. With the exception of the basement restaurant, the majority of the building was used as Council Offices.

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:

The NPPF has a presumption in favour of sustainable development.

Paragraph 17 seeks to ensure high quality design and that a good standard of amenity for existing and proposed occupiers is secured.

Paragraphs 18 to 20 advise on the importance of supporting sustainable economic growth and planning proactively to meet the needs of businesses.

Paragraph 23 advises on the need to promote competitive town centre environments, allocating a range of sites to meet the scale and type of retail, commercial and residential development needed in town centres and recognises the important role that residential development can play in ensuring the vitality of town centres.

Paragraphs 56 and 57 promote the importance of good design.

Paragraphs 131 to 133 advise on the desirability of sustaining and enhancing the significance of heritage assets.

Paragraph 134 advises that where development will lead to less than substantial harm to the significance of a heritage asset, the harm should be weighed against the 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 S2: Hierarchy of Centres – seeks to ensure the vitality and viability of the town centre is maintained and enhanced.

Policy S9: Distribution of Retail Development – retail floor space should be firstly accommodated in the Primary Shopping Area and then other town centre locations.

Policy S10: Sustainable Development Principles – development will achieve the highest standards of sustainable design incorporating safety and security considerations, be located where services and facilities can be easily accessed by sustainable transport methods; protect, conserve and enhance the natural and built environment, heritage assets and their settings; minimise pollution from noise.

BN5: The Historic Environment and Landscape – designated and non-designated heritage assets and their settings will be conserved and enhanced.

BN7: Flood Risk – development proposals will need to demonstrate there is no increased risk of flooding to existing properties and is (or can be) safe.

BN9: Planning for Pollution Control – development proposals should demonstrate opportunities to minimise and where possible reduce pollution, including reducing the adverse impacts of noise.

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 – development within the Central Area must demonstrate a high design standard and positively contribute to the character of an area; create uncluttered

streets lined by active building frontage, in order to provide a vibrant and safe street scene; where appropriate, recognise the inherent sustainability in the reuse and refurbishment of existing buildings; make efficient use of land by promoting an appropriate mix of land uses; preserve and enhance the character, appearance and setting of the Central Area's heritage assets.

Policy 5: Flood Risk and Drainage – development in the Central Area will be expected to implement measures to ensure no increase in the flow of surface water or foul sewage network.

Policy 10: Parking – within the Town Centre Boundary, no additional private car parking for non-residential development will be permitted.

Policy 13: Improving the Retail Offer – development at ground floor level within the Central Area will be expected to positively contribute to the character and function of a frontage, provide high quality shop fronts, and in the case of non-retail uses, provide an active frontage.

Policy 16: Central Area Living – residential developments in the Central Area will comprise a mix of dwelling types, sizes and tenures. Student accommodation will be acceptable.

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

The relevant policies of the Local Plan are superseded by the policies of the Northampton Central Area Action Plan above.

5.6 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

5.7 **Other Material Considerations**

Derngate Conservation Area Appraisal and Management Plan 2006

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NBC Conservation** - no objection to the revised scheme. The retention of the corner windows onto Dychurch Lane and Fish Street and removal of second entrance to Dychurch Lane are an improvement to the originally submitted scheme.

6.2 **NBC Public Protection** – no objection to restaurant and takeaway use but raise concerns regarding impacts on the proposed residential accommodation arising from surrounding uses in relation to noise and cooking odours. *Additional information has been received from the Applicant in relation to mitigation of noise and odour issues. Further comments from Public Protection will be reported to Committee on the Addendum to this Agenda.*

6.3 **NCC Lead Local Flood Authority** – no objection.

6.4 **NCC Highway Authority** – no objection. A licence will be required for the placing of tables, chairs and any accompanying furniture.

6.5 **Northamptonshire Crime Prevention Officer** – makes recommendations in relation to security measures including controlled access, secure bike storage, provision of CCTV and general management of the student accommodation.

6.6 **Historic England** – no comment.

- 6.7 **Town Centre Conservation Area Advisory Committee** – welcome the active frontage but suggest cladding of the extension in brick, splitting the canopy in two to match the windows and raise concern regarding storage of waste.
- 6.8 **Town Centre Manager** – no objections.
- 6.9 **Environment Agency** – No objection, subject to a condition relating to the provision of mains foul sewage for any new build element.
- 6.10 **No. 14 City Buildings, Fish Street**, raises concerns which are summarised as follows:
- Existing awful noise problems on Fish Street; adding students would be one more noise complaint.
 - City Buildings has 21 flats with mostly working people and small children and student accommodation opposite would not be a good mix.
 - Most flats in City Buildings have windows facing Fish Street.
 - Need to limit construction hours.
 - Work should coincide with the proposed re-paving works for Fish Street.
- 6.11 Further consultation has been carried out on the amended plans received, repositioning the main entrance onto Dychurch Lane. The consultation period has not yet expired. Any further comments received will be reported to Committee on the Addendum to this agenda.

7. APPRAISAL

Principle

- 7.1 Paragraph 23 of the National Planning Policy Framework advises on the need to promote competitive town centre environments, allocating a range of sites to meet the scale and type of retail, commercial and residential development needed in town centres and recognises the important role that residential development can play in ensuring the vitality of town centres.
- 7.2 Policy 16: Central Area Living allows for the provision of a range of residential accommodation within the Central Area, including the provision of student accommodation.
- 7.3 The property has been vacant for some time, and whilst an attractive building with a strong presence within the street, as an empty property, it does little to enhance the vitality of this part of the Town Centre. The extension of the existing restaurant use to the ground floor and proposed restaurant/café/takeaway use would assist in providing a more active frontage, particularly onto Dychurch Lane, to the benefit of the appearance of the area. The provision of student accommodation is in accordance with policy and would provide appropriate accommodation in a sustainable location within the Town Centre with the potential to add to the vitality and viability of the area.
- 7.4 The principle of the uses proposed is therefore considered appropriate and acceptable in this location.

Design and Impact on Heritage Issues

- 7.5 The proposed extension to the second floor has been designed as a more contemporary addition, and would be visible from Dychurch Lane. The overall scale and form would be in keeping with this part of the building, and proposed windows would be in keeping with existing window proportions of the building below. The details of the proposed cladding and materials

could be agreed by condition to ensure development remains sympathetic to the overall character.

- 7.6 The scheme has been amended to retain the existing ground floor corner windows onto Fish Street/Dychurch Lane, originally proposed to be full length windows, and the proposed glazed main restaurant entrance re-positioned to sit within the existing building columns fronting onto Dychurch Lane. Similarly, the proposed alterations to provide a glazed secondary restaurant entrance, retail entrance and shopfront would all sit within the existing brick columns of the building, sympathetic to the overall character of the building and assisting in maintaining the strong rhythmic appearance of the building.
- 7.7 It is not considered that the proposed alterations would lead to any adverse impact on the setting of the adjacent Grade II listed building and, whilst the proposed alterations to the building would alter the appearance of the elevation fronting onto Dychurch Lane, introducing large areas of glazing at ground floor level, this should be balanced against bringing the building back into a viable use and providing a more active frontage onto Fish Street and Dychurch Lane, which would overall enhance the character and appearance of the Conservation Area.

Impact on Amenity

- 7.8 The site is located within the Town Centre with a mix of surrounding uses including retail, commercial and residential use opposite at City Buildings and at first floor level on Dychurch Lane.
- 7.9 The concerns of the adjacent resident regarding the potential for additional noise are noted. However, the site is located in a Town Centre, with a number of surrounding varied uses which include night time activities including pubs, clubs, restaurants and takeaways, which are likely to generate noise during the later hours. A mix of uses within the Town Centre, including the provision of student accommodation is in accordance with policy, and it is not considered that an objection on the grounds of increased noise would be sufficient reason for refusal.
- 7.10 Public Protection has advised that there is no objection to the proposed restaurant and takeaway use in this location but raise concern regarding the impact of noise and odours from existing extraction systems, and noise from surrounding uses, on the proposed occupants of the student accommodation, in particular those arising from existing established pubs, clubs, restaurants and takeaways. The application is supported by a Noise Assessment and further details have been submitted by the Applicant for consideration in response to Public Protection's concerns. The further comments will be reported to Committee on the Addendum to this agenda.
- 7.11 Discussions with Public Protection indicate that appropriate mitigation is feasible to provide acceptable living conditions for the proposed residents without having any adverse impact on existing surrounding uses, albeit that this is likely to entail some form of mechanical/alternative ventilation. Therefore, it is not considered that this issue should not prevent the development coming forward.
- 7.12 An enclosed refuse storage area with access from Dychurch Lane providing sufficient storage for both the commercial uses and student accommodation would be provided, and provision prior to occupation and retention thereafter would be secured by condition.
- 7.13 The layout and accommodation as proposed for the student accommodation are considered acceptable and would provide an acceptable level of amenity to the future occupiers. A planning condition will be included to ensure provision of appropriate security measures for the accommodation.

Other Matters

- 7.14 The existing cycle loops to the side of the building would be re-located in consultation with the Highway Authority as part of the proposed refurbishment works to Fish Street.
- 7.15 The Highway Authority has raised no objection to the provision of an outside seating area on Fish Street, and a separate application would be required to be submitted to the Highway Authority for approval of the outdoor seating scheme.

8. CONCLUSION

- 8.1 The proposal would bring back into use an existing vacant building in a prominent location within the Town Centre and the Conservation Area with an appropriate mix of uses. The design and appearance are acceptable and would not adversely impact on the character and appearance of the Conservation Area or adjacent listed buildings, and the development would not lead to any unacceptable adverse impacts on surrounding amenity. The proposal is therefore considered to be in accordance with planning policy and therefore recommended for approval.

9. CONDITIONS

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

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

(2) Details of all proposed external facing materials and details of the proposed canopy shall first 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.

(3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (SK)015 rev A, (SK)011 rev E, (SK)006 rev A, (00)008, (SK)007 rev C, External Bin Store Doors, (SK)016 in relation to canopy details only,

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

(4) The refuse storage as shown on drawing no. (SK)016 shall be provided prior to occupation of the proposed development hereby permitted and retained thereafter.

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

(5) The cycle storage as shown on drawing no. (SK)011 rev E shall be provided prior to occupation of the proposed development hereby permitted and retained thereafter.

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

(6) The development hereby permitted shall be carried out in accordance with the surface water drainage details as outlined in the email dated 3rd November 2016 from Hydrock.

Reason: To provide a satisfactory standard of development and to ensure appropriate surface water drainage provision in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

(7) 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 sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To provide a satisfactory standard of development and to ensure appropriate foul water drainage provision in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

(8) Notwithstanding the submitted detail, prior to the occupation of the development hereby permitted a scheme demonstrating how the development will achieve Secure By Design principles shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and maintained in perpetuity.

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

10. BACKGROUND PAPERS

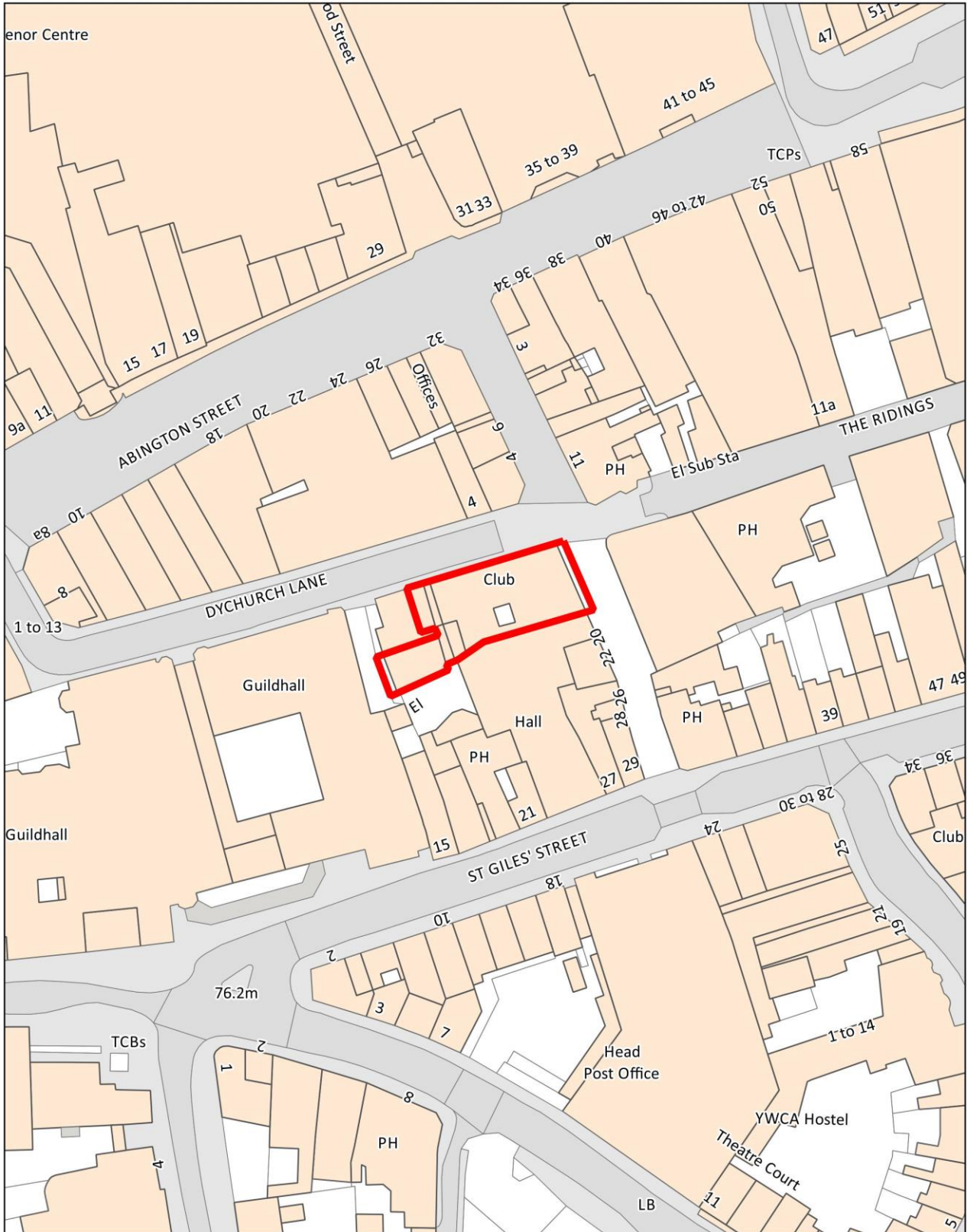
10.1 N/2016/0856


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>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Title: 14 Fish Street</p>	<p>Date: 09-12-2016</p>
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PLANNING COMMITTEE:	20 th December 2016
DIRECTORATE:	Regeneration, Enterprise and Planning
HEAD OF PLANNING:	Peter Baguley
APPLICATION REF:	N/2016/1007
LOCATION:	Former Green Oaks Primary School , Bective Road
DESCRIPTION:	Full planning application for 82 residential dwellings including parking and open space with access from Bective Road
WARD:	St Davids Ward
APPLICANT:	Westleigh Homes Ltd
AGENT:	rgp Ltd
REFERRED BY:	Head of Planning
REASON:	Major application requiring S106 agreement
DEPARTURE:	Yes

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 improvements in highway capacity;
 - iv) A payment towards bus stop provision;
 - v) That the on-site Public Open Space is maintained and made available for public access in perpetuity;
 - vi) A payment towards health care provision;
 - vii) A payment towards the provision and/or enhancement and/or maintenance of off-site open space; and
 - viii) 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 five 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 Head of 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 full planning permission for the erection of 82 dwellings, comprising 4 two bedroom flats, 47 two bedroom houses and 31 three bedroom houses. In addition, the development proposes the provision of 146 car parking spaces. The development also includes a central area of public open space. Access to the development would be via Bective Road.

3. SITE DESCRIPTION

- 3.1 The application site was originally a middle school, which closed a number of years ago following a reconfiguration of school provision within Northampton. Outline planning permission has previously been granted for the erection of up to 170 dwellings. This outline application covered the entirety of the former school site. Subsequent to the granting of planning permission, a new application was submitted to develop a new school for those with special education needs on the north eastern portion of the site. This proposal was considered by the Council's Planning Committee in September 2016, where it was approved in principle, subject to the prior completion of a Section 106 Legal Agreement.
- 3.2 Following the progress made on the new school proposal, this new application has been submitted in order to redevelop the remainder of the land.
- 3.3 The site features some variations in land levels; however, the application site is on land that is of a higher level than much of the immediate surroundings. As a consequence, the site has a certain prominence within the area, although views into the site from public areas are limited due to the pattern of development in the surrounding area.
- 3.4 The immediate environs of the site are predominantly residential in nature, with two storey houses and some bungalows.
- 3.5 The site is located to the east of the allocated Kingsthorpe centre, which contains a variety of commercial and leisure uses, in addition to public transport links.

4. PLANNING HISTORY

- 4.1 N/2014/0315 – Outline planning application with all matters reserved except access (from Bective road and Whiston road) for a residential development comprising 170 dwellings and public open space - 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.

- 5.3 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.
- 5.4 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).
- 5.5 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.
- 5.6 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.
- 5.7 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).
- 5.8 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.

5.9 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.

- 5.10 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.
- 5.11 Policy E6 states that new education facilities would be encouraged and should be sited on sites that are accessible.
- 5.12 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.

5.13 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.

5.14 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.

5.15 **Supplementary Planning Documents**

NCC Parking Standards
Developer Contributions

6. **CONSULTATIONS/REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **Anglian Water** – Recommend conditions in respect of drainage.

6.2 **Archaeology Advisor (NCC)** – No objections.

6.3 **Environment Agency** – Recommend conditions in relation to foul water drainage.

6.4 **Environmental Health (NBC)** – Recommend conditions in relation to the investigation of contamination and make observations regarding the impact on air quality.

6.5 **Highway Authority (NCC)** – Raise concerns regarding the number of car parking spaces. Comments regarding landscaping are also made, and if approved, it is requested that a Section 106 Agreement be entered into to secure contributions for road improvements and new bus shelters.

6.6 **Highways England** – No objections.

6.7 **Housing Strategy (NBC)** – The proposed affordable housing types and clustering are acceptable.

6.8 **Lead Local Flood Authority (NCC)** – Consider insufficient information has been submitted in respect of drainage (NB. Revised information has been submitted, which will be the subject of a further update via the addendum).

6.9 Letters from the occupiers of seven properties have been received. Comments can be summarised as:

- The development would generate increased traffic and would increase congestion.
- The area has already seen an increase in traffic due to other developments being permitted.
- The development would adversely affect privacy.
- There should be a greater number of accesses to the development.
- Bective Road is of a narrow nature.
- The development would increase pressure on local services.

7. **APPRAISAL**

Principle of the development

- 7.1 The extant outline planning permission, which in place for the development of the entire former school site carries significant weight in the determination of this application, particularly as the proposed density is consistent with the existing approval.
- 7.2 In addition, it is recognised that the development would result in the delivery of 82 new dwellings, which are needed within the Borough, particularly as the required five year housing land supply cannot currently be demonstrated. Due to this conclusion, and in line with the requirements of the NPPF, the proposed development needs to be assessed on whether it represents sustainable development.
- 7.3 Given that the application site constitutes previously developed land, which has now been vacant for a number of years, it is considered that the erection of houses on this site is appropriate. Whilst the development site is currently allocated within the (dated) Local Plan as being a site for educational uses, the fact that it has been vacant for a significant period of time and benefits from an extant approval for residential uses means that this allocation carries a diminished amount of weight. The development would also result in the loss of land that has been previously used as playing pitches, but due to the significant passage of time when these areas have not been in use and the land has not been available for public access, it is considered that the development does not have a significant adverse impact upon access to recreation facilities.
- 7.4 As the site has been previously developed, and in line with the advice of the Council's Environmental Health section, conditions are recommended that would ensure that the potential for contamination is investigated and, if appropriate, remediated. It is also acknowledged that the Environmental Health section have made some observations regarding the potential impacts on air quality. In response, it is noted that the Section 106 Legal Agreement would secure improvements to bus shelters, which would encourage more sustainable means of travel, whilst cycle storage to the proposed flats would be secured via conditions. In reaching this conclusion, weight is also given to the fact that there is an extant condition for residential accommodation on this site, for which similar mitigation was secured.

Design and layout

- 7.5 The proposed development has a comparable density to that approved at the outline stage, which is therefore considered appropriate. Furthermore, all of the buildings are limited to two storeys in height, with the exception of four dwellings that are of two and a half storeys. These four dwellings are sited adjacent to the south eastern boundary. At this point, the dwellings in Wakefield Road have particularly long gardens and as a result, this increase in height is unlikely to have a significant adverse impact upon neighbour amenity.
- 7.6 The development has also been designed to ensure that the future residents of the development have an appropriate level of light, outlook and privacy necessary to secure a good standard of accommodation and in line with the requirements of national and local planning policies.
- 7.7 The central area of public open space will benefit from a good level of natural surveillance as a number of dwellings would front onto it. This would assist in creating a safe and secure form of development and would also encourage the usage of this space. In addition to this provision, the proposed houses would have suitably sized gardens in order to provide suitable recreation facilities. The flats would not feature any privacy gardens (although there would be some communal outdoors space), which is considered appropriate given that flats tend not be occupied as family housing. In order to secure a good standard of development, a condition is recommended that would ensure the provision and retention of cycle and refuse storage to serve these flats.
- 7.8 In order to create a safe and secure form of development, a further condition is recommended that would enable the Council to approve details of boundary treatments. This condition would

also require details to be agreed in respect of lockable gates to the various rear accesses the gardens of the proposed dwellings.

- 7.9 The bulk of the car parking would be located within the curtilage of individual dwellings or in small courts that benefit from a good degree of natural surveillance. These measures ensure that the spaces would be safe and attractive to use.

Highways

- 7.10 The development would be accessed via Bective Road, which is consistent with the extant approval. Notwithstanding this, it is appreciated that the use of the surrounding road network would increase above the existing level (although the scale of the increase that would be attributable to residential developments would be lower than the extant scheme) and as a result, there is a need for mitigation to be secured in order to make improvements to the surrounding road network, in line with the advice of the Highway Authority.
- 7.11 The development includes 146 car parking spaces, which is less than the number recommended by the Highway Authority (160 spaces). Whilst this is a shortfall, it is recognised that a development of a similar density to that proposed does benefit from planning permission. Opportunities to increase the number of car parking spaces have been investigated and it is apparent that in order to achieve the higher provision it would require reductions in the amount of open space and/or the number of dwellings. Given that there is a need to provide open space in order to secure a satisfactory level of amenity for future residents and the fact that there is a shortage of housing within Northampton, it is considered a reduction in these levels would not be appropriate given the aforementioned circumstances and the sustainable location of the site.
- 7.12 In order to encourage the use of public transport, the associated Section 106 Agreement would include a financial obligation to fund the provision of new bus shelters on Boughton Green Road, which is within the general vicinity of the site.
- 7.13 It is appreciated that the Highway Authority has also made recommendations regarding the positioning of trees and planting in order to prevent these from impacting upon vehicular or pedestrian visibility. These matters are normally addressed through the submission of a landscaping strategy, which would be subject to approval by the Council by means of a condition.

Drainage

- 7.14 The development has been assessed by the Environment Agency, which has raised no objections, subject to the imposition of planning conditions. It is acknowledged that concerns have been raised by the Lead Local Flood Authority (LLFA) and the applicant has submitted revised documentation in respect of these matters, which are the subject of on-going consultation at the time of preparing this report. A further update will be provided to members via the addendum, which will be circulated prior the Committee meeting commencing.

Legal Agreement

- 7.15 By reason of the scale and type of the development, a Section 106 Agreement will need to be entered into. 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.

- 7.16 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.
- 7.17 In addition, to the highway works and bus shelters as referenced in paragraphs 7.10 and 7.11, the legal agreement would also secure financial contributions for the provision of primary education (secondary education being covered by CIL) and health care provision.
- 7.18 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. Whilst it is appreciated that this space would assist in creating a good sense of place and meeting some of the recreation needs of the future occupiers of the development, it can be reasonable anticipated that residents would need access to a wider array of open space facilities. As a consequence, it is recommended that a financial contribution be also secured in order to facilitate enhancements to off-site areas of open space.

8. CONCLUSION

- 8.1 It is considered that the proposed development represents an acceptable land use and would assist in creating new dwellings that are needed in Northampton. The development would also be of an acceptable design and would have a neutral impact upon the occupiers of neighbouring properties. Suitable mitigation would also be secured through the recommended conditions and the legal agreement.

9. CONDITIONS

- 9.1 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 above schedule of approved plans.

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.

4. 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 E20 of the Northampton Local Plan.

5. Full details of facilities for the secure and covered parking of bicycles to serve the flats hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

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

6. 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 in order to agree such details in a timely manner.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme 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.

8. 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, where present, the location and species of any 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 agree such details in a timely manner.

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

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

10. 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 agree such details 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. 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 buildings)and thereafter retained.

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

13. The access roads and car parking spaces as shown on drawing 4048/001ab shall be fully constructed 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.

14. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding. This condition is required in order to agree such details in a timely manner.

15. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to

be constructed until the works have been carried out in accordance with the surface water strategy so approved 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. This condition is required in order to ensure the agreement of such details in a timely manner.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be erected to the dwellings on Plots 1-25 (as shown on drawing 40481/001ab) hereby permitted.

Reason: In the interests of the amenities of existing properties in accordance with Policy E20 of the Northampton Local Plan.

10. BACKGROUND PAPERS

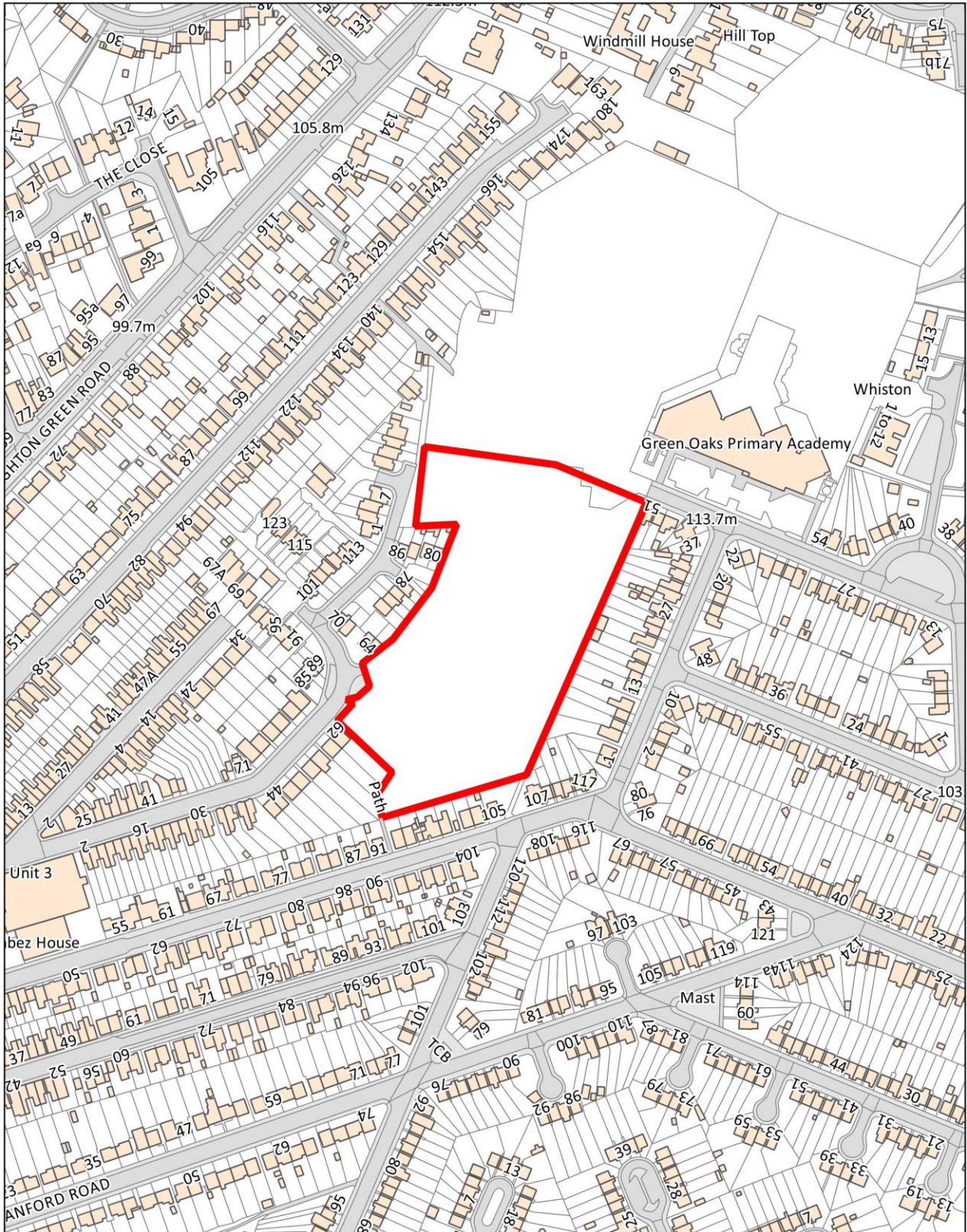
10.1 None


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>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Title: Former Green Oaks Primary School, Bective Road</p>	<p>Date: 07-12-2016</p>
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PLANNING COMMITTEE: 20th December 2016
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2016/1009

LOCATION: 44 St Giles Street

DESCRIPTION: Prior Notification for a change of use of existing retail shop (Use Class A1) to restaurant/cafe (Use Class A3)
WARD: Castle Ward

APPLICANT: Cahit Menekse
AGENT: Anva Ltd

REFERRED BY: Head of Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 REFUSAL for the following reason:

The proposed development would exacerbate the level of non-retail uses within an allocated secondary frontage to the detriment of the viability and vitality of the town centre. The proposal therefore fails to comply with the requirements of the National Planning Policy Framework and Policies 12 and 13 of the Northampton Central Area Action Plan.

2. THE PROPOSAL

2.1 The applicant seeks permission to change the use of the property from a shop to a restaurant. This would operate in conjunction with the restaurant that already occupies part of the ground floor of the building. No external alterations are proposed.

3. SITE DESCRIPTION

3.1 The application site consists of a large unit occupying a prominent position within St Giles Street. This road is allocated as a secondary retailing frontage within the Central Area Action Plan and as a consequence, establishes minimum levels of retailing that should be retained. The surrounding land uses are a combination of retailing and other commercial facilities; however, the upper floors of the application site are in use as flats.

4. PLANNING HISTORY

- 4.1 N/2011/0928 – Change of use of ground floor to residential and shop – Approved.
N/2016/0791 – Change of Use of Ground Floor Shop (Use Class A1) to Restaurant (Use Class A3) to be incorporated into neighbouring restaurant premises – Refused.
- 4.2 The most recent planning application N/2016/0791 was considered by the Planning Committee earlier this year, where it was resolved to refuse the application as it was considered that the development would result in an unacceptable loss of retailing in this prominent frontage.

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).

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

5.3 National Policies

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

- 5.4 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.
- 5.5 Paragraph 17 states that planning seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and to conserve heritage assets in a manner appropriate to their significance. Paragraph 129 also requires that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.

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 S10 (Sustainable Development Principles) requires that developments be of a good design and the occupiers of neighbouring properties are not unduly impacted through noise.
- 5.8 Policy BN5 also requires that heritage assets are conserved in manner that it consistent with their significance.

5.9 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:

- 5.10 Policy 12 of the CAAP identifies the appeal site as falling within the Primary Shopping Area and as a consequence, there is a policy presumption in retaining retailing within locations such as this in order to support the town centre's viability and vitality. This requirement is expanded within Policy 13, which states that that in primary retail frontages; the level of retailing should not significantly fall below 60%.
- 5.11 Policy 1 (Promoting Design Excellence) requires that developments be of a good design and makes efficient use of the land, whilst providing a wider range of choice for users.

6. CONSULTATIONS/REPRESENTATIONS

- 6.1 **Conservation (NBC)** – No objections.
- 6.2 **Environmental Health (NBC)** – No objections.
- 6.3 **Highway Authority (NCC)** – No objections.

7. APPRAISAL

- 7.1 Under the provisions of the Town and Country Planning (General Permitted Development) Order 2015, it is possible to apply for the prior approval of the change of use of a retail unit to a restaurant/café. In essence, this means that such works can take place, unless there is an adverse impact on a specified list of material considerations. The matters that can be considered are noise, the operating hours of the business, cooking odours, refuse storage, transport and the loss of retail facilities.
- 7.2 Given that the proposed use would operate in tandem with the adjacent restaurant (and kitchen facilities), it is considered that the development would not result in increased odours within the locality, which might otherwise be detrimental to amenity. The fact that the building is already in use for commercial purposes, means that refuse storage is already provided at the building. In addition, it is noted that the previous planning application was not refused due to a lack of refuse storage.
- 7.3 The proposed development is within a town centre location, in close proximity to a number of similar uses and those that operate in late night periods, means that it is considered that there would be no significant adverse impacts on the amenities of neighbouring properties in terms of matters such as noise and the opening hours of the business.
- 7.4 The town centre location also means that there would not be a significant adverse impact on the highway system, due to the sustainable nature of the location.
- 7.5 The application site is located within a secondary retail frontage. The CAAP requires that 60% of the frontage should be maintained for retailing purposes in order to allow the frontage to fulfil its function. Should this development go ahead, then the level of retailing within the frontage, which runs from 34-72 St Giles Street, would fall to 47%. It is doubtful as a result that the street would be able to fulfil its role as a secondary retail frontage. The proposal would have a detrimental impact upon the viability and vitality of the location. This application is similar in nature to the most recent refusal of planning permission (as referred to paragraph 4.2 above), and given the

unchanged policy context and site circumstances, it is considered that the loss of this retail unit remains unacceptable.

- 7.6 This planning policy has been tested upon appeals at 7 The Parade (Market Square) in November 2011 and 6-7 Drapery in February 2016. In both instances, the Inspector considered that the Council's approach to assessing planning applications of this type when they breached the relevant policy of the CAAP was appropriate and in both cases, the appeals were dismissed. Given the relevant nature of these appeals and the similarities of development proposed, it is considered that these carry significant weight in establishing the harm arising from the loss of a further retail unit.

8. CONCLUSION

- 8.1 Whilst it is recognised that the development would result in the bringing back into use of a vacant unit and that this use would not have a significant adverse impact upon the amenities of neighbouring properties, this does not outweigh the harm caused by the loss of a further retail unit, within this prominent frontage and the significant adverse impact that it would have on the viability and vitality of the location.

9. BACKGROUND PAPERS

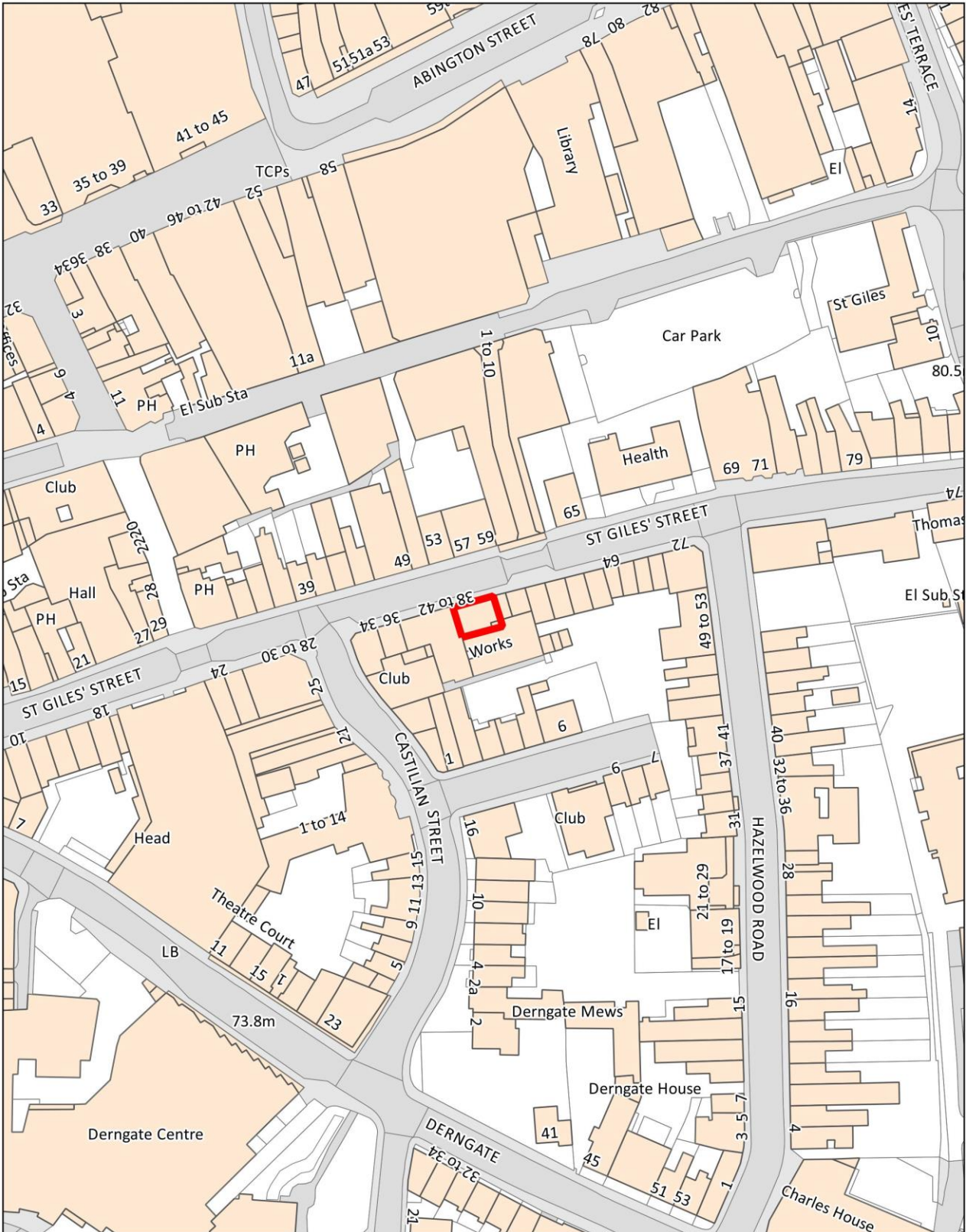
- 9.1 None

10. LEGAL IMPLICATIONS

- 10.1 None

11. SUMMARY AND LINKS TO CORPORATE PLAN

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



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NORTHAMPTON
BOROUGH COUNCIL
 Planning Committee

PLANNING COMMITTEE: 20th December 2016
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2016/1073

LOCATION: Land Rear of 62 Booth Rise

DESCRIPTION: Outline planning permission with all matters reserved except access for residential development of up to 30 residential dwellings with associated open space, car parking and vehicular access from Booth Rise and demolition of 58 and 62 Booth Rise

WARD: Boothville Ward

APPLICANT: Oxygen Real Estate Group Ltd
AGENT: Armstrong Rigg Planning

REFERRED BY: Head of Planning
REASON: Major application requiring S106 agreement

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) That a minimum of 1,200 square metres of public open space is provided on site;
 - iv) That the on-site public open space is maintained and made available for public access in perpetuity;
 - v) A payment towards the provision and/or enhancement and/or maintenance of off-site open space; and
 - vi) 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 five year housing supply and would have a neutral impact upon the character and appearance of the surrounding area, visual and neighbour amenity, wildlife, flood risk 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 Head of 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 outline consent (with all matters reserved with the exception of access) for up to 30 dwellings. In order to facilitate the development, the existing dwellings at 58 and 62 Booth Rise would be demolished, with the main access to the site, running from Booth Rise, being sited on the site of 58 Booth Rise. It is proposed that the site that currently contains 62 Booth Rise be redeveloped to form two dwellings, with vehicular access being taken from within the proposed development.

3. SITE DESCRIPTION

- 3.1 The application site consists of a hitherto undeveloped plot located to the rear of 62 Booth Rise. This street is residential in character and contains a variety of single storey and two storey dwellings. Separate to this, there are two area of land adjacent to the northern side of Booth Rise that have been the subject of more recent residential developments. These developments include housing and some flats.
- 3.2 In addition to serving residential accommodation, Booth Rise also serves as one of the main routes into the town centre and as a consequence, it does experience a significant level of traffic. Lumbertubs Way (the A43) is located to the east of the application site.
- 3.3 The site features a small amount of variation in terms of level, ranging from a high point adjacent to Booth Rise to a lower point next to Lumbertubs Way. The site also contains a number of buildings that are proposed to be demolished that comprise the dwellings currently sited at 58 and 62 Booth Rise and a large outbuilding (currently used as a domestic garage).

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.

- 5.3 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.
- 5.4 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).
- 5.5 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.
- 5.6 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.
- 5.7 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).
- 5.8 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.
- 5.9 **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.

- 5.10 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.
- 5.11 Policy E6 states that new education facilities would be encouraged and should be sited on sites that are accessible.
- 5.12 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.

5.13 **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.

- 5.14 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.

5.15 **Supplementary Planning Documents**

NCC Parking Standards
Developer Contributions

6. **CONSULTATIONS/REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Arboricultural Officer (NBC)** – There are no arboricultural reasons for the development not to proceed, however, the reserved matters application should an arboricultural impact assessment and method statement, which would be informed by the final design.
- 6.2 **Environment Agency** – Request conditions relating to contamination investigation and drainage.
- 6.3 **Environmental Health (NBC)** – No objections, subject to conditions relating to contamination investigation and noise mitigation measures for future residents.
- 6.4 **Highway Authority (NCC)** – No objections, but request conditions relating to the reinstatement of existing vehicle crossings to pavements and a construction management plan.
- 6.5 **Housing Strategy (NBC)** – 35% of the development should be made available for occupation on affordable tenures, with the tenure mix being 70% social or affordable rents and 30% immediate housing.
- 6.6 **Lead Local Flood Authority (NCC)** – No objections, subject to a condition relating to the agreement of a detailed drainage strategy.
- 6.7 **Natural England** – The development is unlikely to affect any protected sites or landscapes
- 6.8 **Northamptonshire Police Crime Prevention Design Advisor** – Question the need for the public open space and make observations for inclusion within the final design in respect of security measures.
- 6.9 44 letters of objection and a petition signed by 74 individuals have been submitted. Comments can be summarised as:
- The development would have an adverse impact on the highway system.
 - Vehicles often exceed speed limits in Booth Rise.
 - Vehicle and pedestrian safety would be impacted.
 - The development would lead to a loss of privacy for existing residents.
 - The development would be out of keeping with the character of the area.
 - The density is too high.
 - The application would result in increased pollution.
 - The development would lead to a loss of gardens.
 - There has already been a significant amount of recent development in the Booth Rise area.
 - The development would put pressure on existing services, such as schools.
 - Concerns are raised regarding flooding.
 - New housing could be accommodated in other areas.
 - Wildlife would be affected.
 - There has been no overall plan for the development of sites in Booth Rise.

7. APPRAISAL

Principle of the development

- 7.1 Whilst the site is currently undeveloped, it does not benefit from any particular planning policy allocation that requires its retention as green space. As a consequence, it is considered appropriate to consider the merits of developing the site for alternative uses. In addition to this point, the application site does not form part of the current housing supply in Northampton. Given that that the Borough does not currently benefit from the required five year housing land supply, it is considered that the proposed development is of some benefit in bringing forward additional housing in the Borough that would assist in addressing the significant established housing need.
- 7.2 In addition, the development would reflect the surroundings of the site as it would be complimentary towards the prevailing residential character. It is noted that the development would be for a maximum of 30 dwellings on a site of 1.27 hectares. As a result, the density of the development would not be particularly high and the development would not appear out of keeping with the prevailing character of the surrounding area.
- 7.3 Whilst it is appreciated that the development would result in the demolition of two dwellings, these are not of any particularly noteworthy style of architecture or historical interest. As a result, there are no particular planning policy reasons for insisting upon the retention of these existing dwellings. Whilst it is appreciated that these dwellings could still be usable, the replacement of a significantly larger number of new dwellings offsets any harm arising from their loss.
- 7.4 It is acknowledged that the surrounding area is associated within some archaeological activity, however, it is understood that this does not form an over-riding constraint to the redevelopment of the site. As a consequence, a condition is recommended that would require the submission and an agreement of a scheme of archaeological works in accordance with the requirements of the Joint Core Strategy.

Design, appearance and impact on neighbouring properties

- 7.5 Given that this is an outline application, with all matters reserved for future consideration (with the exception of access), formal consideration of matters such as the layout of the development, the scale of the properties and their appearance would take place at a later stage. Nonetheless, the applicant has prepared a series of indicative parameters. These demonstrate that there is the potential to accommodate a development of the number of dwellings proposed, without detriment to the amenities of occupiers of neighbouring properties, in terms of consideration such as light, outlook and privacy. In order to provide some certainty of this conclusion, a condition is recommended that would ensure that any forthcoming outline permission would be limited to a maximum of 30 dwellings only.
- 7.6 The applicant has submitted indicative parameters that show that the buildings adjacent to Booth Rise would have a maximum height of 1.5 storeys (i.e. a chalet style bungalow), which would be comparable to the prevailing vernacular. The heights of the remainder of the development would be between two and 2.5 storeys. As a consequence of these indications, which would be secured through condition, it is considered that there would not be a significant adverse impact upon the amenities of the neighbouring properties or the character of the area.
- 7.7 It is considered that a condition that would require details of the finished land levels being submitted to the Council prior to the commencement of development would be necessary and reasonable.

- 7.8 The indicative parameters show that there would be a central area of approximately 1,200 square metres for use as public open space. This is considered necessary to meet the some of the recreation needs of the future occupiers and also to create a good sense of place. In order to ensure that this is enshrined in the final design of the development, a condition is recommended that would ensure that a minimum level of open space is provided. The Heads of Terms of the Section 106 Agreement would ensure that this space is maintained and made available for public use in perpetuity.
- 7.9 In accordance with the advice of the Council's Environmental Health section, conditions are recommended relating to the investigation of noise within the vicinity and for the findings of this to inform the final design of the proposed dwellings.

Ecology and trees

- 7.10 There are a number of trees to the north of the site that are protected by Tree Preservation Orders and therefore make a contribution to the character and amenity of the area. Development potentially has the impact to cause a minor conflict with some of these trees, although the indicative layout demonstrates that the quantum of development could be accommodated without detriment to these trees. As described previously, layout and landscaping remains a matter for further consideration, however a condition is recommended that would ensure that details of an arboricultural method statement are submitted with any subsequent reserved matters application. It is also recommended that an informative note be added to any subsequent decision notice setting out the required tree protection measures that should be included within any subsequent landscaping scheme.
- 7.11 Ecological matters have been given consideration in the course of the planning application. In particular, the site does not feature any bodies of water and is predominantly isolated from other such items by reason of the busy roads means that it is considered that the site is unlikely to support a population of amphibians.
- 7.12 There is some evidence of badger activity of the site. In order to prevent any adverse impact upon this species, the developer is proposing that the development contains a no dig zone around the areas where such activity has been identified, in addition to 3m wide zone adjacent to the northern boundary of the site, in order to provide a link with other areas where some activity has been identified. This would be secured by condition. In addition, the parameters for prospective landscaping would include items such as hawthorn, blackthorn and yew, which would encourage foraging. The aforementioned landscape zone is also likely to be a suitable habitat for hedgehogs.
- 7.13 There is no evidence of roosting bats on the site although it is recognised that that bats may in the future be investigated. As a result, it is recommended that in the event of an approval, a further survey shall take place and, if necessary, a mitigation strategy devised. An additional condition would also ensure the provision of bat boxes.
- 7.14 In respect of birds, there would be some loss of foraging/nesting areas on the site as a result of clearance works, although this can be suitably replaced through the reserved matters application that would address landscaping. Clearance works would also take place outside of the nesting season and bird boxes would also be provided on the site.
- 7.15 The site does have some potential to accommodate a population of dormice, however, given the lack of connectivity to other sites and this potential is minimal.

Highway impacts

- 7.16 The indicative layout highlights that 61 parking spaces can be accommodated on the site. Therefore in order to provide certainty regarding the highway impacts of the development, a condition is recommended to ensure this minimum provision.
- 7.17 It is appreciated that Booth Rise is a busy road, which has been the subject of increased traffic level following recent residential developments in the vicinity. The impacts of the development have been assessed by the Local Highway Authority, which has raised no objections to the impacts of the development. It is also noted that the proposed development would be of a comparatively small scale and therefore the increases in road usage would also be of a relatively small scale.
- 7.18 The site access is matter for full consideration as part of this application and has been revised over the course of the application, in line with the advice of the Highway Authority. As a consequence, it is considered that the proposed access point is of a safe nature and would not cause a detrimental impact upon the safety of road users in Booth Rise. Whilst it is appreciated that the development would result in the creation of a new access, which serves a number of dwellings, it is considered that passing motorists and pedestrian would have adequate visibility of the access points, that is necessary to ensure a safe form of development.
- 7.19 In order to provide certainty regarding the impacts of the development, a condition is recommended that would require the development to be carried out in accordance with the submitted access details.
- 7.20 Separate to the proceeding matters, a further condition is recommended that would require the submission of a Construction Environment Management Plan (CEMP). This would cover matters such as the routing of construction traffic, the hours in which deliveries would take place, the hours in which construction works would take place and wheel washing facilities. This is necessary to ensure that there would be a neutral impact upon the highway system and neighbour amenity.

Drainage

- 7.21 The scheme has been assessed by the Lead Local Flood Authority, which has advised that the proposed development has demonstrated that there would not be a significant adverse impact on drainage and flooding risk. This is subject to a condition that would require the submission, agreement and implementation of a more details surface water drainage scheme in order to ensure that flood risk either on or off-site is not increased over the existing scenario.

Legal agreement

- 7.22 By reason of the scale and type of the development, a Section 106 Agreement will need to be entered into. 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.
- 7.23 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.

- 7.24 In addition, the Legal Agreement would also secure a financial contribution towards the provision of primary education provision (secondary education being covered by the Community Infrastructure Levy).
- 7.25 Whilst it is appreciated that a quantum of open space would be provided on site, this is unlikely to meet the entire recreation needs of the occupiers of the development. As a consequence, it is also recommended that the legal agreement also includes an obligation to fund enhancements to existing open spaces within the vicinity of the site.

8. CONCLUSION

- 8.1 It is considered that the proposed development represents an appropriate land use and would not adversely affect the amenities of surrounding properties or the visual amenity of the location. Furthermore, the proposed development would not significantly adversely affect highway safety and would assist in the delivery of additional housing, for which there is a significant need within the Borough.

9. CONDITIONS

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

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. The development hereby permitted shall be for a maximum of 30 dwellings only.

Reason: For the avoidance of doubt and to ensure a neutral impact on amenity and highway safety in accordance with the requirements of the National Planning Policy Framework.

5. The development hereby permitted shall contain a minimum of 61 car parking spaces.

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

6. The development hereby permitted shall include a wildlife corridor of not less than 3m in width along the northern boundary of the site. It shall be implemented concurrently with the development and retained therefore.

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

7. Notwithstanding the details submitted, full details of new bat and bird 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 the first occupation of the development hereby permitted and shall be retained thereafter.

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

8. Notwithstanding the details submitted, full details of supplementary survey into the presence of bats, including, if appropriate, a mitigation strategy shall be submitted to and approved in writing prior to the commencement of development. Development shall be carried out in accordance with the requirements of the approved details.

Reason: In the interests of creating a satisfactory standard of development 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.

9. The Reserved Matters application for landscaping shall include an arboricultural impact assessment detailing a method statement providing site specific tree protection measures.

Reason: In the interests of creating a satisfactory standard of development in accordance with the requirements of Policy BN3 of the West Northamptonshire Joint Core Strategy.

10. Prior to development commencing, the applicant shall submit to the Local Planning Authority an assessment of the noise exposure of each habitable room and/or outdoor amenity spaces due to transportation noise. This must take into account, the likely growth of traffic over the next 15 years.

Where noise levels in any habitable room or amenity space may exceed:

- Indoor habitable areas – LAeq,16H 35 dB window open, during the daytime period (07:00 – 23:00)
- Bedrooms – LAeq,8H 30 dB and LAMAX 45 dB (for 2+ events per hour) window open, during the night time period (23:00 – 07:00)
- Outdoor Amenity Spaces – LAeq,16H 50 dB

A scheme to protect any affected habitable rooms/bedrooms or out outdoor amenity spaces shall be submitted to the Local Authority for written approval. For habitable rooms/bedrooms this will require the provision of a ventilation or heat control system that enables the windows to be kept closed in warm weather.

Reason: In the interests of creating a good standard of residential amenity 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.

11. 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 in order to ensure the agreement of such details in a timely manner.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

13. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect the quality of the water environment in accordance with the requirements of the National Planning Policy Framework.

14. No drainage system for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the quality of the water environment in accordance with the requirements of the National Planning Policy Framework.

15. 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.

16. 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 scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include of BRE 365 compliant infiltration testing to confirm that such a method of surface water disposal is viable. If the infiltration test results will be lower you will need to provide details demonstrating that soakaway's can be emptied from full to half volume within 24 hours, in order to allow for the subsequent storm inflow.

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

17. Prior to the commencement of development a Construction Environment 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.

18. The access arrangements as shown on drawings 150930-TK08 Rev. A, 150930-14 Rev. A and SL-01 Rev. N shall be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

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

19. Notwithstanding the details submitted, full details of the reinstatement of the existing vehicular access to pavement 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 highway safety in accordance with the requirements of the National Planning Policy Framework

20. The development hereby permitted shall not exceed the indicative heights as included within the Design and Access Statement (page 9, reference OXYG150815, dated August 2016).

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

21. 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. This condition is required in order to agree such details in a timely manner.

22. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels 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 the agreement of such details in a timely manner.

10. BACKGROUND PAPERS

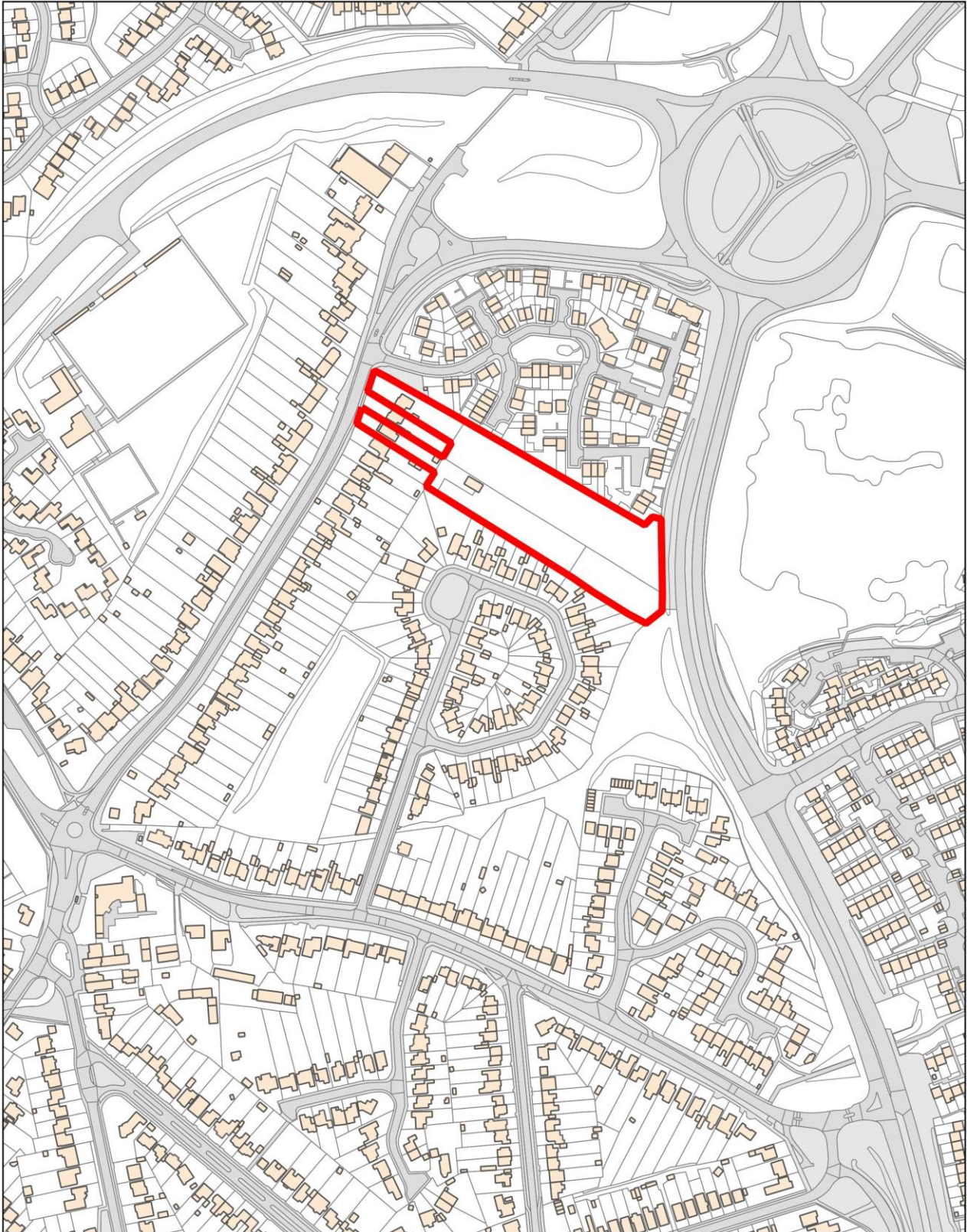
10.1 None

11. LEGAL IMPLICATIONS

11.1 The development is CIL liable.

12. SUMMARY AND LINKS TO CORPORATE PLAN

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



Title: **Land rear of 62 Booth Rise**

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Date: 07-12-2016

Scale: 1:3,500

Drawn by: -----



PLANNING COMMITTEE: 20th December 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 Head of 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 **Councillor Jane Birch** – have discussed this application with local residents and raised no objections. The design of the buildings was thought to be in keeping with the street scene and the entrance should not result in traffic disruption. Pleased to see parking for both vehicles and mobility scooters. Pavements in the area are not suitable for mobility scooters as they are uneven and narrow, perhaps this could be an improvement suitable for S106 contributions.
- 6.8 **Queens Park Residents Association** – No objections.
- 6.9 **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.
- 7.22 In respect of the request for a pavement improvement contribution, this development is unlikely to lead to significantly increased usage of pavements and as a consequence a contribution would not meet the necessary legal test as mentioned above.

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

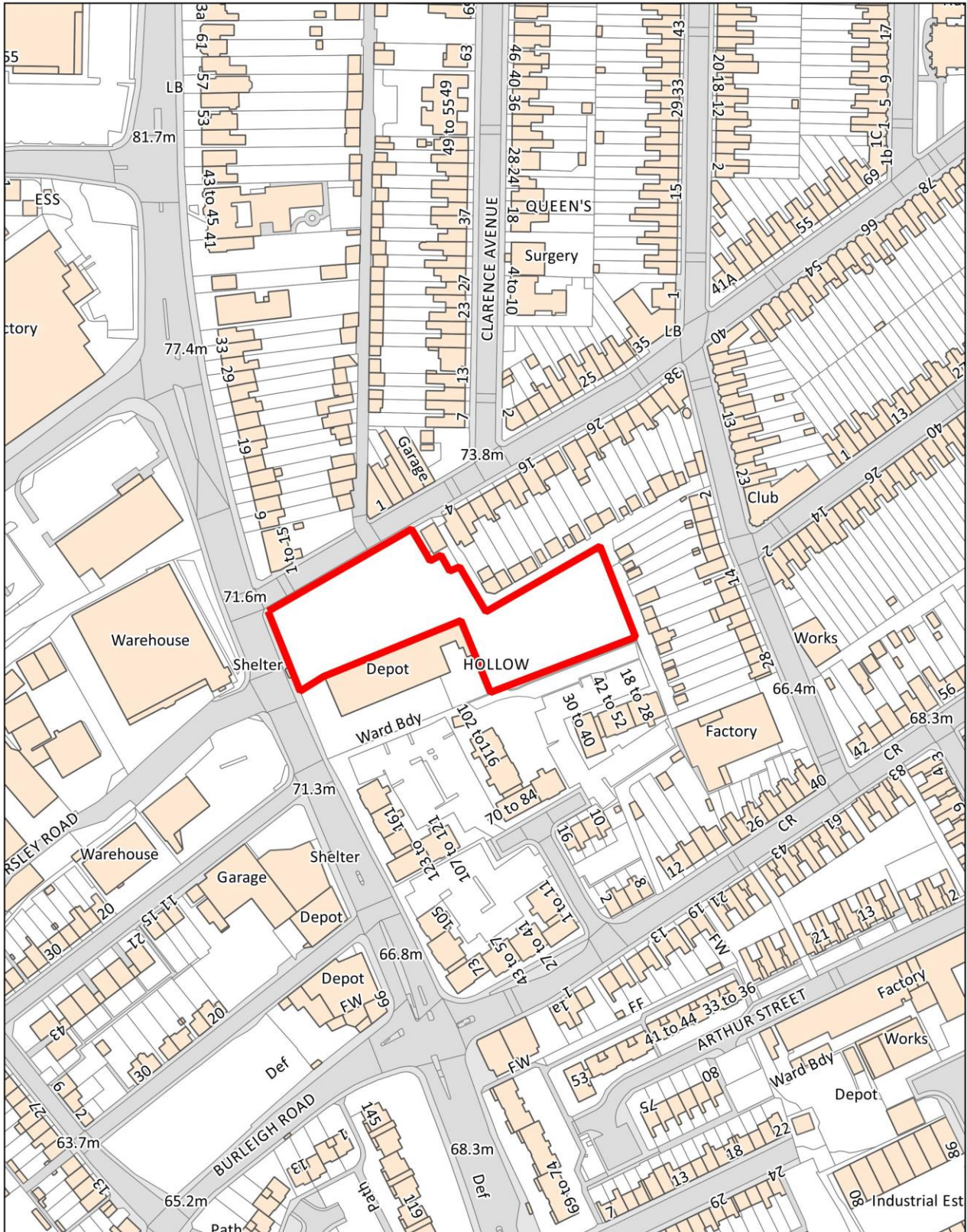
10.1 N/2016/1191


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>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Title: United Trades Club, Balmoral Road</p>	<p>Date: 07-12-2016</p>
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		<p>Drawn by: -----</p>



PLANNING COMMITTEE: 20th December 2016
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2016/1111

LOCATION: Land adj to 41 Park Avenue North

DESCRIPTION: New terraced house with detached garage to rear including demolition of single storey side bay to existing house on adjacent site

WARD: Phippsville Ward

APPLICANT: Mr Peter Kaye
AGENT: T R Dobraszczyk RIBA

REFERRED BY: Councillor Anna King
REASON: Impact on the neighbourhood

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed development is considered acceptable in principle being within an established residential area. Due to its siting, scale and design, it would not have an undue detrimental impact on the appearance and character of the street scene, amenity of adjoining occupiers, trees or highway safety and would contribute towards the Council's 5 Year Housing Land Supply. The proposal therefore accords with Policies E20 of the Northampton Local Plan, H1, BN3 and S10 of the West Northamptonshire Joint Core Strategy and aims of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Permission is sought for erection of an infill dwelling between 41 Park Avenue North and 43 Park Avenue North. The proposed dwelling would provide 4 bedrooms over 3 storeys. Part of the proposal includes a rear detached garage with a 4.3m high pitched roof, together with two off-road parking spaces accessed off the existing rear alley way. The new dwelling would also have a rear garden over 20 metres long. The proposal includes a refuse storage area at the rear of the property.

3. SITE DESCRIPTION

- 3.1 The application site consists of the side/rear garden belonging to 41 Park Avenue North. The property is located on the western side of a busy “A” classified road and there is currently parking along both sides of the street. The properties along this stretch are served by a rear private alleyway and many of the properties have detached garages off this. The site also contains a number of trees, none of which are protected by preservation orders. 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), 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: always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 35: create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

Paragraph 47: requires Authorities to have a five year housing land supply.

Paragraph 49: advises that housing applications should be considered with a presumption in favour of sustainable development.

Paragraph 57: requires development to 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:

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 H1 - Housing Density and mix and type of dwellings - new housing will 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 of the site, existing character and density of the local area, accessibility to services and facilities, implications of density for affordability and viability; living conditions for future residents, and the impact on the amenities of occupiers of neighbouring properties.

Policy BN3 Trees - Relates to protection of trees of amenity value.

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.

Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Councillor Anna King** - referred to Committee as considered the proposal is detrimental to the neighbourhood.
- 6.2 **NCC Highways** - Object given that a minimum of 3 off-road car parking spaces should be provided. Concern that there is also insufficient room at the end of the parking area and inadequate visibility.
- 6.3 **NBC Tree Officer** - No objection. It is appreciated that the trees are generally of low quality and there is no grounds for refusal. Would request that a tree protection plan is conditioned clearly showing those trees to be retained and the tree protection measures to be installed including protective fencing.
- 6.4 Letter of support from **68 Park Avenue North**.
- 6.5 Objection letters received from **35, 39, 43, 52, 53, 55, 56 60, 62 Park Avenue North, 45 and 90 Broadway** on the following grounds:
 - Over-development/cramped
 - Concern on lack of neighbour consultation
 - The proposed parking is inadequate
 - Question whether parking spaces of sufficient size
 - Impact on highway safety
 - Parking bays are a security risk
 - Alleyway too narrow to allow cars to manoeuvre out of parking spaces
 - Impact on Trees
 - Would look incongruous/out of keeping with area
 - Impact on green space/loss of garden
 - Security risk to adjoining uses

- Materials would be difficult to replicate
- Concern that property may become multi occupancy
- Impact on wildlife
- Overlooking/ Loss of privacy
- Loss of light and overshadowing
- Ground stability
- Drainage concerns/flooding
- Alleyway alongside of house too narrow for bins

7. APPRAISAL

Principle of development

- 7.1 The site is located within a primarily residential area as identified in the Local Plan. Within such an area the principle of residential development is considered acceptable, subject to matters of detail being acceptable and in line with Development Plan Policy. The development of a dwelling would contribute, albeit in a small way, towards the Borough's five year housing supply.

Design and impact on appearance and character of the area

- 7.2 The original application proposed a detached house. Following officer concerns, the applicant has amended the scheme to a terraced property attached to the side of the applicant's house at 41 Park Avenue North. In terms of the street scene, it is considered that the proposed design and general appearance are in keeping with the area, picking up some of the design cues of adjoining properties by way of front gable roof and bay windows. Any approval would also be subject to a materials condition to ensure that appropriate external appearance could be achieved. The proposed detached garage would be sited at the rear of the site adjacent to the back alleyway, its design and height are considered acceptable. Given its siting, there would be limited effect on the street scene. Due to the degree of site coverage, it is considered that the proposed development is not an over-development of the site.

Impact on amenity of neighbours and residential amenity

- 7.3 The most significant impact would potentially be on the two adjoining occupiers at nos. 41 and 43 Park Avenue North. No. 43 Park Avenue North has no existing side windows. The proposed dwelling would be three storeys in height and projects 3m further forward than the rear first floor of no.43, although there is a gap of over 1.2m between the buildings at this point. There will be some degrees of overshadowing and overbearing, but it is not considered that the impact would be so significant to warrant a refusal of the application. There will also be perceived additional overlooking from the rear windows of this proposed dwelling to the garden area at no.43, however, this relationship is not uncommon in most residential areas in an urban area.
- 7.4 In terms of the relationship with no. 41, given the separation to its existing rear windows and the proposed dwelling will be located to the north, it is considered that overshadowing on no. 41 would be minimal. Again there would be additional overlooking from the rear windows to the rear garden area of no.41, but that relationship is not unusual for a terraced infill. The front elevation of the proposed dwelling will have a 25m separation distance with the properties opposite on Park Avenue North, direct overlooking to those properties would be limited and the impact is considered acceptable.
- 7.5 There are windows proposed to serve landing areas of the new dwelling. A condition will be imposed to ensure that the first and second floor windows will be glazed with obscured glass to limit overlooking to adjacent property.

- 7.6 All habitable rooms would be served by adequate light and outlook. The proposed rear garden would be in excess of 20 metres in length, and it is considered that future occupiers would have satisfactory levels of amenity.

Impact on Trees

- 7.7 There are a number of trees within the site and some have been earmarked for removal. The Council's Tree Officer confirmed that the trees are generally of low quality and not worthy of preservation order, he also recommends that a tree protection plan is conditioned to protect those marked for retention during the course of construction works.

Parking and Highways

- 7.8 The application proposes a double garage and two off-road parking spaces at the rear of the site accessed off the existing shared alleyway that leads to Broadway. Although the Local Highway Authority (LHA) recommend a minimum of three off-road spaces (for 4 bedroom dwellings), it is considered that a refusal of planning permission would be difficult to defend on appeal bearing in mind there is unrestricted on-site parking to the front along Park Avenue North and Broadway to the side. The site is located in a sustainable location within walking distance of Abington Park, and services on Kingsley Road. The site is also closed to existing bus routes. The LHA confirmed that a visitor space can be accommodated at the front of the site on Park Avenue North. The LHA also has concerns that the rear access is not wide enough to accommodate sufficient manoeuvring of vehicles. It should be noted that the situation is no different as compared with other existing garages along the rear alleyway. Although the required visibility splays are not achievable, the rear alley has a very low volume of through traffic movement and vehicle speed tends to be low. It is not considered that the application would impact on highway safety to an unacceptable degree.

Other issues

- 7.9 The owners of 43 Park Avenue North are concerned that the proposal could adversely impact on ground stability of their property. This is a matter that would be addressed at the Building Regulations stage. The concern on drainage is covered by Part H of the Building Regulations. In addition as the site is not in a flood zone and flood risk is unlikely to be a significant concern.
- 7.10 Some of the objectors are concerned that the property may be used as a house in multiple occupation. However the applicant has confirmed that this is not their intention and as the site is in an Article 4 Direction Area means that planning permission would be required for such a change of use. There is no evidence to suggest that the site has any special wildlife or protected species. The County Ecological Officer also considers that the presence of protected species is unlikely. In terms of refuse, the side alleyway between the proposed house and 43 Park Avenue North would be between 1.2metres and 1.6metres wide, it is considered that there is sufficient room for the storage of refuse and recycling facilities on site.

8. CONCLUSION

- 8.1 Although the proposal only involves the provision of one dwelling, it would nonetheless contribute to the Council's 5 year housing supply. Assessing against development plan and national policy, it is considered that on balance the proposal would have a satisfactory impact on the appearance and character of the street scene, neighbouring amenity and highway safety.

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: 2401/ 3A, 4B, 5B, 6B, 7A.

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

- 3) Details of all proposed external facing materials shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

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

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

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the side facing elevation of the proposed development at first and second floor levels.

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

- 6) Prior to the occupation of development, full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the building 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.

- 7) The parking spaces at the rear of the site indicated on the approved drawing 2401/5B shall be constructed prior to first occupation and retained for the sole purpose of parking in connection with the new dwelling and retained as such throughout the lifetime of the development.

Reason: In the interests of highway safety to comply with the National Planning Policy Framework.

- 8) No development shall take place until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority clearly detailing trees to be removed and retained with associated tree protection measures. The details shall be implemented in accordance with those agreed and the fencing erected prior to commencement of construction works and maintained throughout the entirety of the construction period.

Reason: In the interests of sound arboricultural practice to accord with Policy BN3 of the Joint Core Strategy.

- 9) The first floor and second floor side facing landing windows in the north elevation shall be glazed with obscured glass to Level 3 or higher of the Pilkington scale of privacy or equivalent as may be agreed in writing by the Local Planning Authority before the development hereby permitted is first occupied and thereafter retained in that form at all times.

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

10. BACKGROUND PAPERS

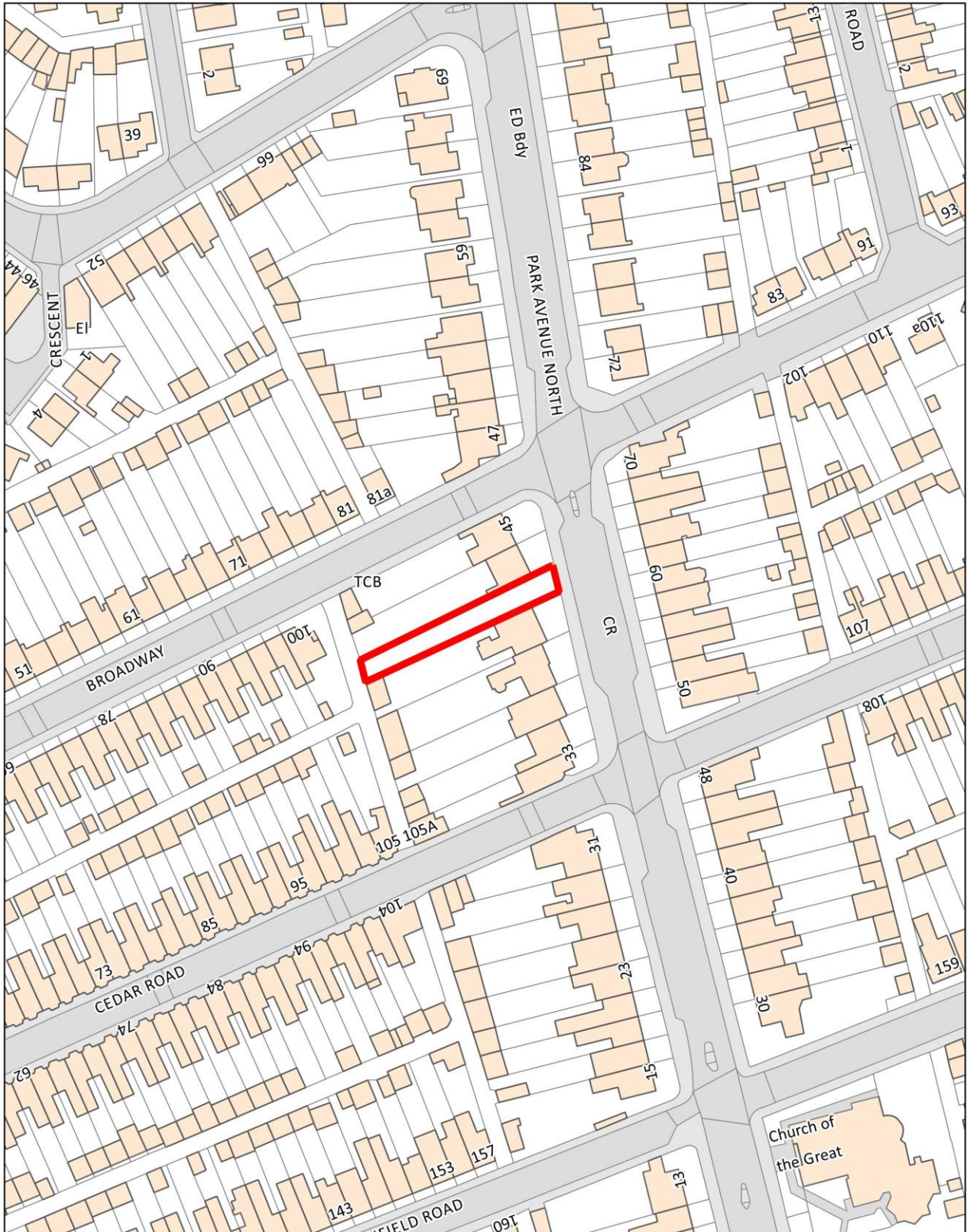
- 10.1 N/2016/1111

11. LEGAL IMPLICATIONS

- 11.1 The development is Community Infrastructure Levy (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>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Title: Land adjacent to 41 Park Avenue</p>	<p>Date: 07-12-2016</p>
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		<p>Drawn by: -----</p>



PLANNING COMMITTEE:	20 th December 2016
DIRECTORATE:	Regeneration, Enterprise and Planning
HEAD OF PLANNING:	Peter Baguley
APPLICATION REF:	N/2016/1136
LOCATION:	16 Swallow Close
DESCRIPTION:	First floor extension to bungalow to become a two-storey dwelling and ground floor extension to side/rear
WARD:	East Hunsbury Ward
APPLICANT:	Mr & Mrs Panter
AGENT:	Architectural Solutions (Northampton) Ltd
REFERRED BY:	Councillors Phil Larratt and Brendon Eldred
REASON:	Impact on street scene and neighbours
DEPARTURE:	No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed development due to its siting and design would not have any adverse impact upon the character of the area and the residential amenity of the adjoining neighbouring properties. The proposal would accord with saved Policies E20 and H18 of the Northampton Local Plan, Policy S10 and H1 of the West Northamptonshire Joint Core Strategy, the Council's Residential Extensions and Alterations Design Guide Supplementary Planning Document and advice given within National Planning Policy Framework.

2. THE PROPOSAL

2.1 The current application seeks planning permission to extend an existing bungalow to become a two-storey dwelling, with ground floor extension to side/rear replacing an existing conservatory. The proposed development would result in a three bedroom, two-storey dwelling. The proposed development would retain the double garage between the application property and No. 15 Swallow Close.

2.2 The current proposal is an amended version of originally submitted scheme. The number of bedrooms has been reduced from 5 to 3 and the proposed first floor has been stepped-in. The roof has been altered to a steep pitched roof with a gable feature to the front and a side dormer.

3. SITE DESCRIPTION

- 3.1 The application site contains a 4-bed bungalow with an attached double garage to the side. The east elevation of the dwelling faces woodland and the rear elevation of the site faces a green space with thick vegetation. The application property lies at the end of a cul-de-sac. The properties in the cul-de-sac are primarily bungalows, however the entrance to this cul-de-sac has two storey dwellings on each side of the street.
- 3.2 The rear boundary of the site is enclosed with a 2 metres high shrubbery and the south-western boundary consists of 1.8 metres high close boarded fences. The north-eastern (side boundary adjacent to No.15) is made up of a combination of shrubbery, brick wall and boarded fencing.

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

5.2 National Policies

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

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 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.

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 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.

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

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)
Residential Extensions and Alterations Design Guide SPD

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **East Hunsbury Parish Council** – there are no significant changes to the amended scheme submitted under current planning application. The Parish Council believes that the application should be refused for the following reasons:

- 16 Swallow Close is set within a close of well-designed and laid out bungalows. The proposed development will significantly change the appearance of the close, and is out of character.
- The property shares the drive entrance with three other properties, therefore it is likely that the proposed significant building works will affect the neighbouring properties access. Conditions would need to be applied to ensure that access is not restricted, and that the road is kept clear at all times.
- Bungalows are generally in short supply, and a proposal would remove a quality property from housing stock.

6.2 **Councillor Phil Larratt:** has requested that the application is discussed at Planning Committee due to the following concerns:

- Several representations regarding this application including from the Parish Council objecting to the proposed development and agrees to the different issues raised by these members of public.

6.3 **Councillor Brendan Eldred:** has requested that the application is discussed at Planning Committee due to the following concerns:

- Several representations from local residents regarding this application objecting to the proposed development.
- The application site is located in an area of bungalows and this proposal will change the whole character of the area, have an adverse impact on the street scene, and impact on nearby properties and residents.

6.4 Representations received on the original (5 objections) and amended scheme (5 objections). The main concerns raised in these letters are summarised as follows:

- The proposed development would be out of character.
- Removal of a bungalow from housing stock.
- Proposed development would set precedent for other bungalows to be converted to houses.
- The proposal is counter to the Disabled Facilities Grant administered by the Borough Council.
- The proposal is incompatible with the Borough Council's Housing Needs Assessment.
- Due to the age of the property, getting the matching material would be an issue and would result in out of character.
- The construction traffic would result in blocking the access of the cul-de-sac.
- The constructional noise would lead to the disturbance to the residents.
- Overlooking concerns from the proposed first floor windows.

7. APPRAISAL

Design and Appearance

7.1 The proposed development for a first floor extension to the bungalow would be a significant addition to the host dwelling. However, the proposed extension would be built on the original footprint and has been designed to integrate with the main dwelling and wider area. The proposed first floor extension is stepped in on the first floor to reduce the massing from the front and from the side facing the cul-de-sac. The proposed roof is gable ended, and steeply pitched. The ridge height of the resulting dwelling would be 6.7 metres, 2 metres higher than the original ridge height of 4.7 metres. It is considered that the proposed development is of an acceptable scale and would not result in an overdevelopment of the site. A condition is recommended to withdraw the permitted development rights to add any further extensions to the property to ensure that the site is not overdeveloped.

7.2 The proposed dwelling has utilised a steep pitched roof, which minimises the overall massing of the proposed building. The proposed design reflects the features and characteristics that are present in other dwellings on Swallow Close and the surrounding area.

7.3 The original proposal was to extend the bungalow to become a 5-bed dwelling, with bigger massing and scale but Officers considered that proposal unacceptable in the setting of this cul-de-sac. However, the current amended scheme has been much reduced in scale and height and blends well with the host dwelling and the wider area. It is considered that due to the siting of this property at the corner end of the cul-de-sac, together with the existing double garage, the proposed development would merge into the setting of the other bungalows and have a neutral impact on the character of the host dwelling and the street.

7.4 Concerns have been raised about the non-availability of the matching building materials. A condition is recommended that would require the applicant to submit details of material to the Council prior to development commencing. This would ensure that the development would have a neutral impact on visual amenity

Residential Amenity

7.5 The nearest property to the application site is no.15 Swallow Close. Due to the steep pitched roof design and the siting of the existing double garage, it is not considered that the proposed development would create undue overbearing and overshadowing impact. The proposed east elevation facing no. 15 would have three roof lights and a dormer serving a bathroom on the first

floor. A condition is recommended that this dormer window should be obscurely glazed so there would be no direct overlooking to no. 15. A further condition restricting the insertion of side windows will retain privacy.

- 7.6 The proposed first floor window in the rear elevation includes a Juliet balcony. It is located at a distance of over 8 metres from the side boundary and the perceived overlooking would only affect the farthest point of the rear garden. This part of the rear garden has boundary treatment consisting of approximately 2 metres high shrubbery which would reduce the impact of overlooking. Although there would be perceived additional overlooking due to the location of this rear window on the first floor, the impact is not considered to be significant that warrants refusal of the planning application.

Parking

- 7.7 The proposed development would turn a 4-bed bungalow into a 3-bed house. The parking spaces serving the property remain unchanged as there is no substantial alteration to the footprint of the property. The two on plot parking spaces would remain, plus the provision of the double garage. The proposed development would have a neutral impact on the highway safety.

Loss of bungalow

- 7.8 It is acknowledged that the proposed development would result in a loss of bungalow from the housing stock. However, the resulting building would provide a good standard family dwelling and it is not considered that the loss of a bungalow is a reasonable ground to refuse planning permission.

Construction noise

- 7.9 Representations received raised concerns regarding construction noise. In view of the scale of development, construction noise would be of a limited nature and any excessive disturbance/noise would be subject to control under Environmental Health legislation.

8. CONCLUSION

- 8.1 It is considered that the proposed development is of appropriate scale and design to the host dwelling and surrounding area. There would not be undue detrimental impact on the residential amenity of the neighbouring properties. The proposal would be in accordance with saved policies in Northampton Local Plan and Residential Extensions and Alterations Design Guide a Supplementary Planning Document and advice given within National Planning Policy Framework. The proposal is considered acceptable and recommended for approval.

9. CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 16/P201/3b, 16/P201/2b, 16/P201/4.

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

3. Details of all proposed external facing materials shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

4. The proposed first floor bathroom window shall be glazed with obscured glass to Level 3 or higher of the Pilkington scale of privacy or equivalent as may be agreed in writing by the Local Planning Authority before the development hereby permitted is first occupied and thereafter retained in that form at all times.

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

5. 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 dormers and other form of enlargement to the dwelling hereby permitted shall take place.

Reason: To prevent overdevelopment of the site and to safeguard residential amenity in accordance with Policy E20 of the Northampton Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the north-eastern elevation of the proposed extension.

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

10. BACKGROUND PAPERS

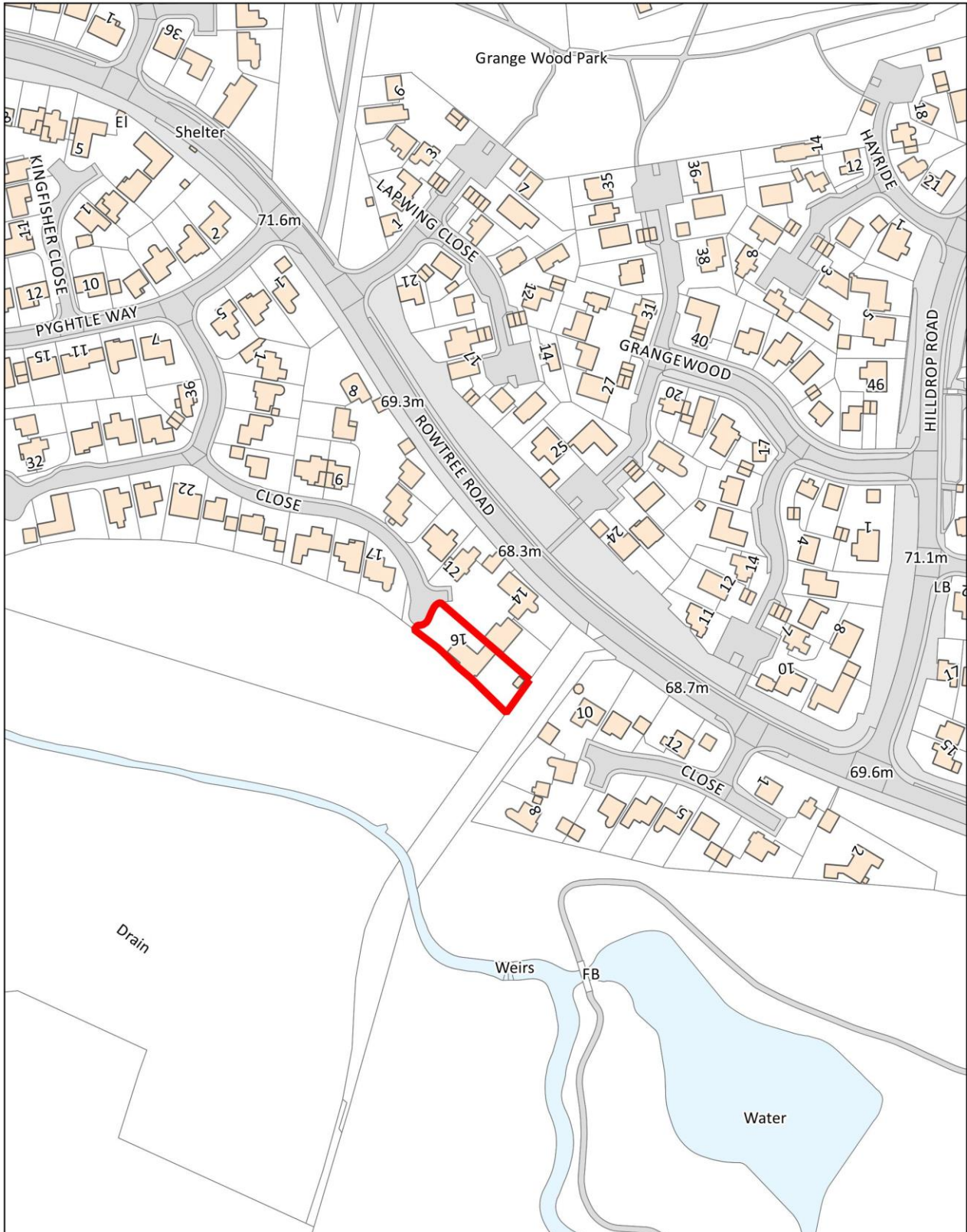
- 10.1 N/2016/1136.

11. LEGAL IMPLICATIONS

- 11.1 The development is CIL liable.

12. SUMMARY AND LINKS TO CORPORATE PLAN

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



Title: **16 Swallow Close**

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Date: 07-12-2016

Scale: 1:2,000

Drawn by: -----



PLANNING COMMITTEE: 20th December 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 Zoe Smith
REASON: Parking and 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".

2.2 Members will recall that the planning application was discussed at November's Planning Committee meeting and was deferred in order that officers could further assess issues relating to planning policy, parking and internal space.

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 17 relates to good design and encourages high standards of residential amenity for all existing and future occupants of buildings.

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 neighbours.

Criteria (f) is of particular relevance and allows the Local Planning Authority to consider the amenity of future occupiers.

S10 Sustainable Development Principles - Development will achieve a strong sense of place and be of high quality. Criteria (e) states that development will be located where they can be easily accessed by walking, cycling or public transport.

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 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 objection. As per the Local Highway Authority Parking Standards 2016, the conversion from a single 3 bedroom property to 3 flats would increase the parking demand by one vehicle. The Local Highway Authority has previously received a Parking Survey for the area under a nearby planning application. While the parking density is approaching capacity the on-street unrestricted spaces are at approximately 85 percent of capacity during the overnight period however it is greatly reduced during the day. The LHA conclude that the potential increase in parking demand would not compromise highway safety.

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

Principle of development

- 7.1 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

- 7.2 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.
- 7.3 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.
- 7.4 The Government has published National Space Standards in 2015 for new build development, setting out minimum floor space that is required depending on the number of bedrooms and occupants. Some Local Authorities have adopted the Government's National Space Standards as part of their local plan policies, which assist in assessing residential planning applications. As these have not been adopted by this authority, they can only be used as a guide in assessing whether any accommodation has a satisfactory level of amenity.
- 7.5 The National Space Standards advises that one bedroom properties require 39 square metres floor space for one person or 50 square metres minimum for two. The application shows that each flat affords 32.6 square metres floor area. The application proposal is below the minimum size requirement set down in the above standards. As stated above, the National Space Standards have not been adopted by this authority as Development Plan Policy and the application proposal is for a conversion and not new build, the application cannot therefore be determined against such standards.
- 7.6 Policy H23 of the Northampton Local Plan is a saved policy. It specifies that planning permission will not be granted for the conversion to flats of a dwelling with a combined ground and first floor area of 100 square metres or less and with a frontage of less than 4.7 metres. However, the Policy is very dated and cannot afford much weight in decision making. The 3 flats have a combined floor area of approximately 98 square metres which is only marginally below the required standard of 100 square metres. The frontage of the flats is 5 metres which exceeds the minimum of 4.7m set down. On balance, it is considered that the proposal would not be contrary to Policy H23 to any significant degree.
- 7.7 Members should be aware that while officers have recognised that the proposed floor space and accommodation are not as spacious as one would hope to see, in their opinion, it would be difficult to resist such a proposal given that there are no up-to-date adopted room/space standards in the development plan.

Design and appearance

- 7.8 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

- 7.9 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 significantly exceed the maximum demand generated by the existing use as a single dwelling. The Local Highway Authority have considered Parking data in the locality and conclude that while it is apparent that parking density is approaching its capacity, it is greatly reduced during the day compared to overnight.
- 7.10 In reaching their conclusion, Officers have carefully balanced local residents' concerns on lack of off-road parking against other factors including the need to provide additional residential accommodation in the area.
- 7.11 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

- 7.12 It is apparent that the area consists of a mix of dwellings and residential flats. However, Local Authority Planning records indicate there is no evidence to suggest that the area is over-concentrated with this type of accommodation.
- 7.13 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.
- 7.14 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, and would create small units of accommodation, 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. If permitted, the proposal would provide two additional units and therefore contributes positively to the Council's 5 year housing land supply. On balance, therefore, it is recommended that permission is granted, subject to conditions.

9. CONDITIONS

- (1) 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.

- (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.

- (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.

10. BACKGROUND PAPERS

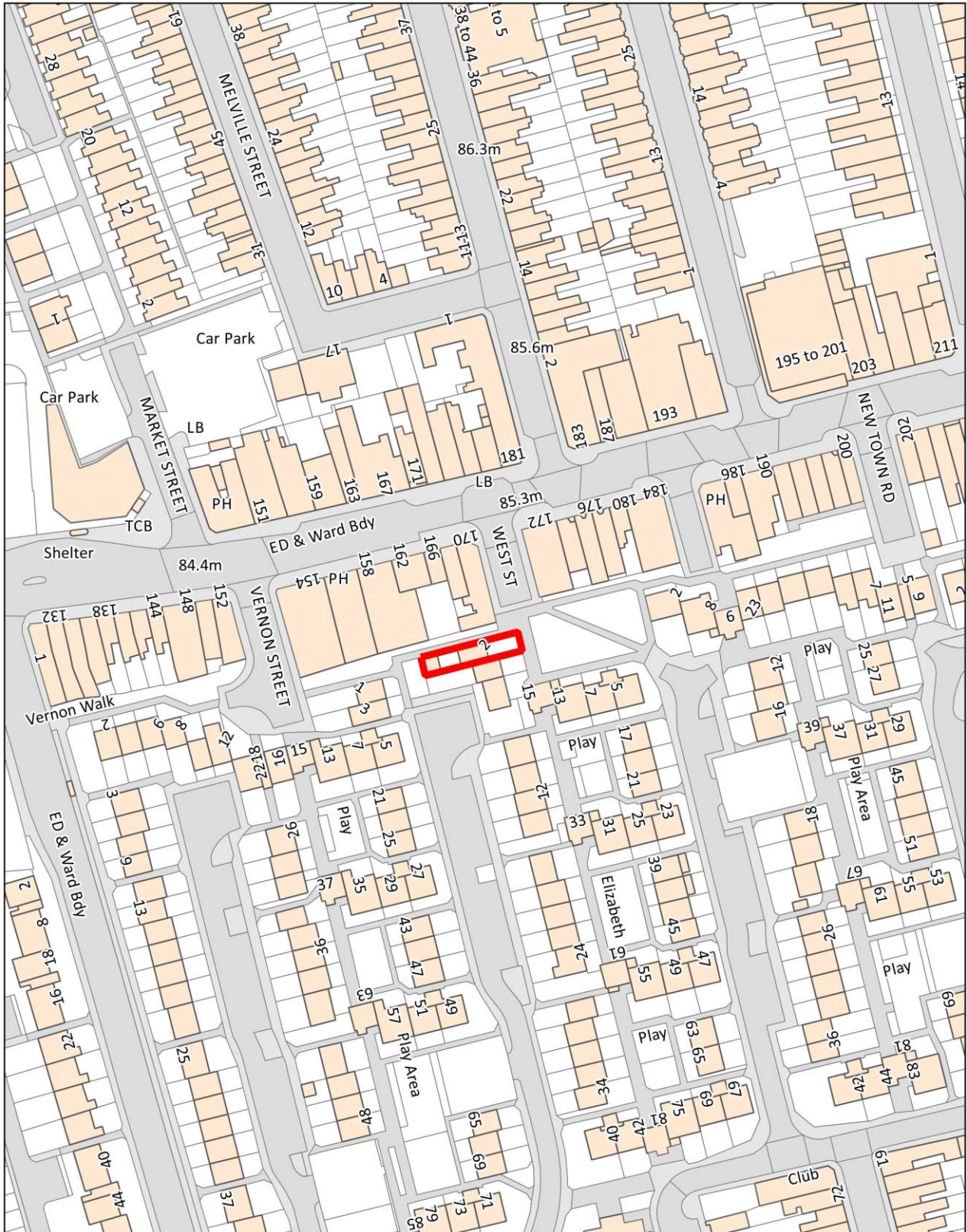
- 10.1 None.

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: 07-12-2016

Scale: 1:1,250

Drawn by: -----



PLANNING COMMITTEE: 20th December 2016
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2016/1264 and N/2016/1387

LOCATION: NBC Depot , Station Road

DESCRIPTION: Variation of Condition 1 of planning permission N/2000/981 to allow the use of the building as a free school; and
 Installation of new doors, windows, infill cladding panels, gates and ramps with handrails

WARD: Billing Ward

APPLICANT: Education Funding Agency
AGENT: Jones Lang LaSalle

REFERRED BY: Head of Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 Application N/2016/1264

REFUSAL for the following reason:

The proposal would fail to provide sufficient on-site parking to serve the development, which would result in a significant increase in the level of on-street parking within the surrounding residential area to the detriment to highway safety and residential amenity within the locality contrary to Paragraphs 17 and 35 of the National Planning Policy Framework.

1.2 Application N/2016/1387

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

The proposed external alterations would have a neutral impact on the appearance of the existing building and surrounding area and are in accordance with Policy E20 of the Northampton Local Plan, Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 This report relates to two planning applications for the site.
- 2.2 The first application **N/2016/1264** relates to a variation of a condition of planning permission N/2000/981 which allowed the continued use of the premises as a training centre, but restricted the use of the premises as a training centre only and for no other purpose under Use Class D1 (non-residential institutions). The current proposal seeks permission to use the premises as a free school, or Alternative Provision School (AP), defined by the Department for Education as a school 'for pupils who can't attend mainstream school for a variety of reasons, such as school exclusion, behavioural issues, short or long term illness, school refusal or teenage pregnancy'.
- 2.3 The details submitted with the application advise that the site will cater for up to 45 pupils (amended details indicate this would comprise 30 primary aged and 15 secondary aged) and a total of 20-24 staff working at various times of the day. School hours would commence at 8.30am and finish at 2.30pm.
- 2.4 Subsequent amended details have been received advising that there would be a total of 19 staff on-site.
- 2.5 Access to the site would be via Station Close, from Station Road. Six parking spaces would be provided on site, two visitors and four staff, with the remainder of staff expected to park on surrounding residential streets.
- 2.6 It is the intention that a new, permanent AP Academy will open in 2018, and pupils will be relocated to the new facility with the intention that Bellinge Depot is used for vocational purposes to provide services for youths and families in the local community.
- 2.7 A Management Plan has been submitted which includes the following details:
- It is planned that from January 2018 the Academy will be based at Northgate House, Sheep Street.
 - The temporary school at Station Close has been designed with behaviour management in mind and will have swipe controlled access to enable staff to control and supervise children's movement in/out and across the site.
 - All staff will be trained to manage behaviour throughout the day and not just in class rooms.
 - Staff and young people remain together during lunch and breaks.
 - The majority of learners will arrive via transport organised by the Local Authority. For students due to transfer from the two Include schools, this will be via taxi which will drop students off at 8.45am and pick up between 2.30 and 2.45pm.
 - At the start and end of the day a member of staff will be on duty at the school gate to ensure students arrive and leave site in a respectful manner.
 - Committed to being good neighbour and the Parish Council and neighbours on Station Close have the Head Teacher's direct contact details to raise any concerns immediately.
 - A monthly report of incidents and actions will be produced and reviewed with a community representative.
- 2.8 The second application **N/2016/1387** relates to the external changes proposed in relation to the change of use, and comprises the insertion of additional window and door openings throughout the building, the insertion of infill cladding panels, gates and ramps with handrails.

3. SITE DESCRIPTION

- 3.1 The application site comprises of two single storey former Council Depot buildings located around an enclosed courtyard with gated access located at the end of Station Close. Access to the depot site is via a single track road from Station Close which runs to the rear of residential gardens of properties on Station Road and Station Close. The surrounding area is residential in character, with residential properties on Station Close adjoining the immediate northern boundary of the site. Great Billing Way forms the eastern boundary of the site beyond a boundary wall and a line of trees.

4. PLANNING HISTORY

- 4.1 N/2000/981 – Continue use as a training centre on a permanent basis. Approved 1/11/00.
- N/1998/632 – Conversion of existing facility for use as an outreach training centre by Youth Service and Chamber of Commerce/Moulton College initiative. 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 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:

The National Planning Policy Framework has a presumption in favour of sustainable development.

Paragraph 17 seeks to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 32 advises that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 35 advises on that developments should be located and designed where practicable to create safe and secure layouts which minimise conflict between traffic and cyclists or pedestrians.

Paragraphs 56 and 57 advise on the importance of good design as a key aspect of sustainable development.

Paragraph 72 advises on the importance of ensuring a sufficient choice of school places is available to meet the needs of existing and new communities and the need for a proactive approach to meeting this requirement and the widening of choice in education.

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; be located where services and facilities can be easily accessed by sustainable transport methods.

Policy E6: Education, Skills and Training – new educational facilities will be encouraged and should be developed at site accessible by sustainable transport modes.

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 – the design of any new building or extension should adequately reflect the character of its surroundings and ensure 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:**

N/2016/1264 – After reviewing the submitted Transport Statement, the Highway Authority advise that it has not been specified how many staff will be present on site at any one time, but it is clear the site is well under provisioned which will lead to staff parking on Station Road. Whilst this in itself, although affecting the amenity of residents, would not lead to concerns on highway safety, adding the picking up/ dropping off of students would be a cause for concern and lead to an objection from the Highway Authority. It is recommended that the proposals are changed to include an on-site facility to pick-up and drop-off and, if possible, increase the number of parking spaces on site. An AutoTrack analysis should demonstrate that turning facilities are sufficient and vehicles can in fact pass one another. Alterations will need to be made to widen the access should it be required. Recommend limiting consent to 2 years.

Amended details have been received from the applicant advising that it would not be possible to widen the access but that the number of staff would be a total of 19, of which 16 are able to drive, 4 staff parking spaces would be provided on site, with a further 9 parking spaces secured from local residents at Station Close. At this stage, this would leave 6 members of staff without parking spaces; however the school is confident that 6 additional spaces can be sourced either from Station Close or other nearby residents.

On the basis of the above, the Highway Authority has advised that subject to a condition to ensure all employees are provided with an off-street parking space, evidenced by an appropriate written agreement; and restricting employees from parking on Station Road or Station Close, they would have no concerns.

N/2016/1387 - the extent of the highway ends at the concrete ramp that leads to the access to the depot. Therefore, the proposed changes will have no impact on the highway. Recommend gates swing inwards or slide across.

- 6.2 **Crime Prevention Design Advisor** – object to the proposal on the grounds of the road leading to the depot having insufficient capacity to accommodate vehicles; lack of parking and resultant use of surrounding streets by staff for parking; and insufficient room on Station Road to accommodate the number of drop-off vehicles. The local sergeant is very concerned about the impact on the residential amenity of existing residents and anticipated calls to the police to deal with nuisance, obstruction and inconsiderate parking.
- 6.3 **Billing Parish Council** – attended a Public Meeting with members of the community and representatives of Catch 22, which it is considered allayed many of the public's concerns, including traffic congestions, on-street parking, intimidation, criminal damage and control of students. Catch 22 promised a much improved management team (from the previous use of the site) with the provision of a direct line of communication with the Head Teacher should there be a repeat of such incidents. The Parish accept the unfortunate need for this temporary establishment.
- 6.4 **7 letters of objection have been received.** The comments are summarised as follows:
- Previous use of the site as a type of school/college cause problems with anti-social behaviour, children climbing over fences, hanging around, and rubbish in gardens.
 - Lack of parking and potential blocking of street.
 - Ruin peaceful enjoyment of living in property.
 - Site too small to accommodate a school of this size.
 - Narrow access road and potential of parked vehicles to block access for emergency vehicles.
 - Dropping pupils off in Station Road for the school will allow plenty of scope for mischief.
 - Impact on highway safety.
 - Deliveries into Station Close, including the refuse lorry already have difficulty.

APPRAISAL

Principle

- 7.1 Planning permission was originally granted for the use of the site as an outreach training centre in 1998, and subsequently renewed on a permanent basis in 2000. The permission was subject to a condition restricting the use of the premises as a Training Centre only and for no other purpose under Use Class D1 (non-residential institutions), in the interests of amenity, with an additional condition to restrict parking to within the site only, in the interests of highway safety and adjacent residential amenity.
- 7.2 Whilst the principle of the use as a free school may be considered comparable to the use as a training centre, and therefore, acceptable in this regard, consideration has to be given to impacts arising from the use as proposed which would include up to 45 pupils and 20-24 members of staff, on surrounding residential amenity and highway impacts. These issues are considered below.

Amenity

- 7.3 The site is situated in a predominantly residential area with a single access from Station Close which runs along the rear garden boundaries of properties on Station Road and Station Close.

- 7.4 Concerns have been raised by residents with regard to the previous use of the premises by the school and associated anti-social behaviour issues, as well as impacts on amenity and highway safety arising from increased on-street parking demand.
- 7.5 The Parish Council's comments, at paragraph 6.3 above, advise that a public meeting with members of the community and representatives of Catch 22 allayed many of the public's concerns raised, clarifying how the school would be managed and providing channels of communication should issues arise. Although further correspondence has not been received to formally withdraw the previous objections raised by residents, it would appear that with appropriate management general concerns raised by residents regarding impacts on amenity could be addressed.
- 7.6 The applicant has submitted a Management Strategy which clearly sets out how the school is intended to be managed to avoid previous anti-social behaviour issues, the contents of which are summarised in paragraph 2.7 above. The playground would be secured with swipe access to and from the site, and staff would be on duty to monitor pupils' arrival and departure from the school. Whilst the benefits of such a strategy are acknowledged and encouraged, it would be difficult to impose and enforce a planning condition requiring the development to be carried out in accordance with the Management Strategy. The intentions of this strategy would, therefore, have to be considered in good faith only with no ability to control through planning.

Highways

- 7.7 Access to the site would be via Station Close, from Station Road, which provides access to residential properties to the north of the site, with a single track arm approximately 4m in width providing access to the depot site with a turning head at the end.
- 7.8 The application is accompanied by a Transport Statement which advises the proposed car park will provide six spaces, with two allocated for visitors and the remaining four allocated for staff parking, with it being anticipated that the remaining staff travelling by car will park on the surrounding residential streets. Servicing and delivery vehicles will have access to the school car park or turning head outside the school gates. The statement advises that the closest westbound and eastbound bus stops are 220m and 280m respectively from the site, an approximate 3 minute walk distance to the north of the site on Fishponds Road.
- 7.9 The Highway Authority has raised concerns regarding the impacts on highway safety due to the lack of on-site parking and potential combined impacts of both staff and drop off/ pick up vehicular movements.
- 7.10 The Police have objected to the proposal on the grounds of insufficient capacity both on-site and on the road leading to the depot, to accommodate the potential number of staff vehicles and drop-off vehicles associated with the development proposed and the resultant impacts of inappropriate parking on surrounding residential amenity.
- 7.11 The Highway Authority Parking Standards (September 2016) require 1 space per full-time member of staff with 1 drop off space per 4 participants for educational establishments. Potentially, this would lead to a requirement of up to a maximum of 19 staff parking spaces with a requirement for approximately 11 drop off spaces.
- 7.12 The single track access to the depot site is in excess of 50m in length and 4m wide along the majority of its length with an approximately 1.5m grass verge and two lampposts, but no footway, and a turning head at the end outside the depot gates. The boundaries of residential gardens of properties on Station Road and Station Close immediately border the site access and verge. The current access is not of sufficient width to accommodate two passing vehicles.

- 7.13 The Highway Authority has recommended that consideration is given to widening the access width to allow provision for a drop off/ pick up area on site. An access width of 4.5m would be required along its length. However, the access road does not form part of the current application site and the widening of the access to allow for use of the premises for a temporary period is considered disproportionate to the overall scheme.
- 7.14 Amended details have since been received advising that there would be 19 staff and that with a combination of 4 on-site spaces and 9 spaces being secured on local residents' properties, 3 additional spaces would be required. In response to this the Highway Authority has advised that they would remove their objection subject to a condition ensuring all employees are provided with off-street parking and that employees do not park on Station Road or Station Close.
- 7.15 The issue with the arrangement as proposed is that on-site parking is physically restricted to the six spaces and the development would be reliant on the provision of additional staff spaces on land outside of the site and privately owned by local residents. Whilst the intentions of the applicant are noted, it would not be possible to ensure the availability of these spaces by condition or indeed enforce a condition to that effect.
- 7.16 In view of the above, it is considered that there is potential for there to remain a lack of on-site parking provision and resultant potential for significant on-street parking within the surrounding residential area and impacts on highway safety, the proposal is considered contrary to the aims of the National Planning Policy Framework which seeks to ensure developments are located and designed to create safe and secure layouts minimising conflict between traffic and cyclists or pedestrians, and a good standard of amenity for all.

Design and Appearance

- 7.17 The existing building is utilitarian in appearance. The alterations proposed to the exterior of the building relate to relatively minor alterations to existing window and door openings. The site is predominantly enclosed and the external works would have a neutral impact on the character of the existing building and surrounding area and are considered acceptable. Therefore, the alterations proposed under application N/2016/1387 are considered acceptable and the application is recommended for approval.

8. CONCLUSION

8.1 N/2016/1264

The proposal would fail to provide sufficient on-site parking resulting in a significant increase in the level of on-street parking within the surrounding residential area to the detriment of highway safety and residential amenity and contrary to Paragraphs 17 and 35 of the National Planning Policy Framework.

8.2 N/2016/1387

The proposed changes would have a neutral impact on the character and appearance of the existing building and character of the area and are considered acceptable and in accordance with policy and therefore recommended for approval.

9. CONDITIONS

9.1 Application N/2016/1387

(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, A/L/03/02 as revised by email dated 28/10/16 to incorporate white upvc cladding in place of timber cladding as shown, A/L/A/L/03/02.

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

10. BACKGROUND PAPERS

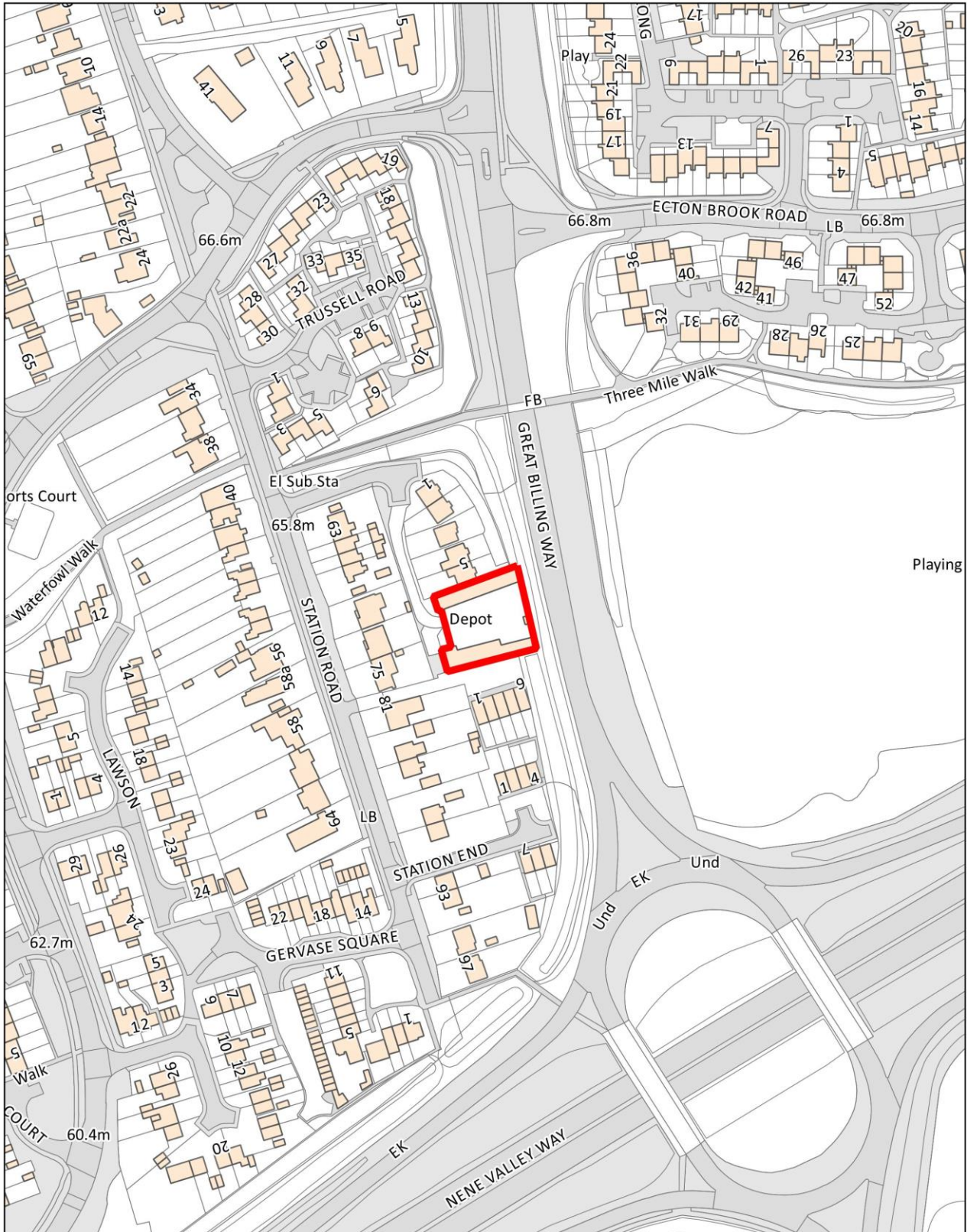
10.1 N/2016/1264 and N/2016/1387.


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>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Title: NBC Depot, Station Road</p>	<p>Date: 07-12-2016</p>
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PLANNING COMMITTEE:	20 th December 2016
DIRECTORATE:	Regeneration, Enterprise and Planning
HEAD OF PLANNING:	Peter Baguley
APPLICATION REF:	N/2016/1348
LOCATION:	100 Bostock Avenue
DESCRIPTION:	Change of use from dwelling (Use Class C3) to house in multiple occupation (Use Class C4) for 5 residents (retrospective)
WARD:	Abington Ward
APPLICANT:	Mr Frank Maybin
AGENT:	Mr Frank Maybin
REFERRED BY:	Councillor Zoe Smith
REASON:	Parking problem
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 a change of use from a 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, 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 5 people. No external alterations are proposed to the property. Parking would be on-street.

2.2 The site lies within an 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, five-bedroom property on Bostock Avenue, located in a residential area with similar terraced properties on both sides of the street.
- 3.2 The property has a kitchen/dining, toilet and two bedrooms on the ground floor, three bedrooms and two bathrooms on the first floor.

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.

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** – some concerns about the street parking in the wider area with increasing need of the parking. A parking beat survey has been recommended for further considerations.
- 6.2 Applicant has submitted the parking beat survey conducted by an independent surveyors and NCC Highway’s comments on this survey are awaited and will be reported an addendum to this report.
- 6.3 **Private Sector Housing** – the property is the subject of an application for a HIMO licence which is awaiting validation. However the drawings submitted appear to indicate that the proposal will meet the requirements for a licensable HIMO.

- 6.4 **Councillor Zoe Smith** – raised 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. Referred the application to the Planning Committee as there would be alteration of the character of the area.
- 6.5 Two neighbours objected to the application. The concerns raised are summarised as follow:
- Parking issues in the wider area due to recent conversion of flats and house in multiple occupancy.
 - Residents unable to park within a reasonable distance of their homes in the evenings.

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 five letting bedrooms, including a kitchen/dining, toilet and two bedrooms on the ground floor, three bedrooms and two bathroom on the first floor. The response from Private Sector Housing indicates that the property is suitable to be licensed and can accommodate up to 5 people.

Area concentration

- 7.3 Council records evidence that there is one confirmed HIMOs at 71 Adnitt Road and five licensed HIMOs within a 50m radius of the application site. The use of this property as a HIMO would equate to less than 6.8% 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 Stimpson Avenue.
- 7.5 The Local Highway Authority (LHA) has shown some concerns on the potential additional on-street parking that may arise from the proposed use and requested a parking beat survey. A parking beat survey was submitted by the applicant and the LHA's comments are currently awaited and will be reported to the Committee via the addendum.
- 7.6 The parking beat survey indicates that there is some spare capacity for on-street parking in the local area. Whilst the Highway Authority's concerns are noted, the existing property is a five bedroom property and would generate the requirement of 3 parking spaces, whereas the parking requirements for a proposed HIMO would be 5 parking spaces i.e. 2 additional parking spaces as per the Northamptonshire Parking Standards adopted September 2016. Notwithstanding the above, the property is in a sustainable location within close proximity to facilities on Wellingborough Road and public transport. There is no evidence to support that all 5 residents would own cars. Given the 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 A planning appeal in relation to the provision of apartments at 133 Colwyn Road (N/2016/0112) was allowed recently. 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 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 at 343 Wellingborough Road, for a change of use from office to a house in multiple occupation for 5 occupants, 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 provide secure bicycle storage, it is not considered that highway impacts would be so adverse as to recommend refusal on this basis.

Refuse storage

- 7.11 Details have been submitted for the storage of refuse and materials for recycling, which is deemed acceptable.

7.12 Amenity

The proposed use falls within Use Class C4 which in effect categorises this as a residential use. It is not considered that the proposal would generate adverse amenity impacts such as noise or anti-social behaviour over and above those created by a more conventional C3 dwelling. 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 a HIMO would not lead to an over concentration of HIMOs within the locality or lead to any unacceptable 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. The proposed development would be 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.

9. CONDITIONS

1. The development hereby permitted shall be occupied by a maximum of five 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, Ground Floor Plan, First Floor Plan.

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

3. 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. The details shall be implemented within two months following the approval of the details 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

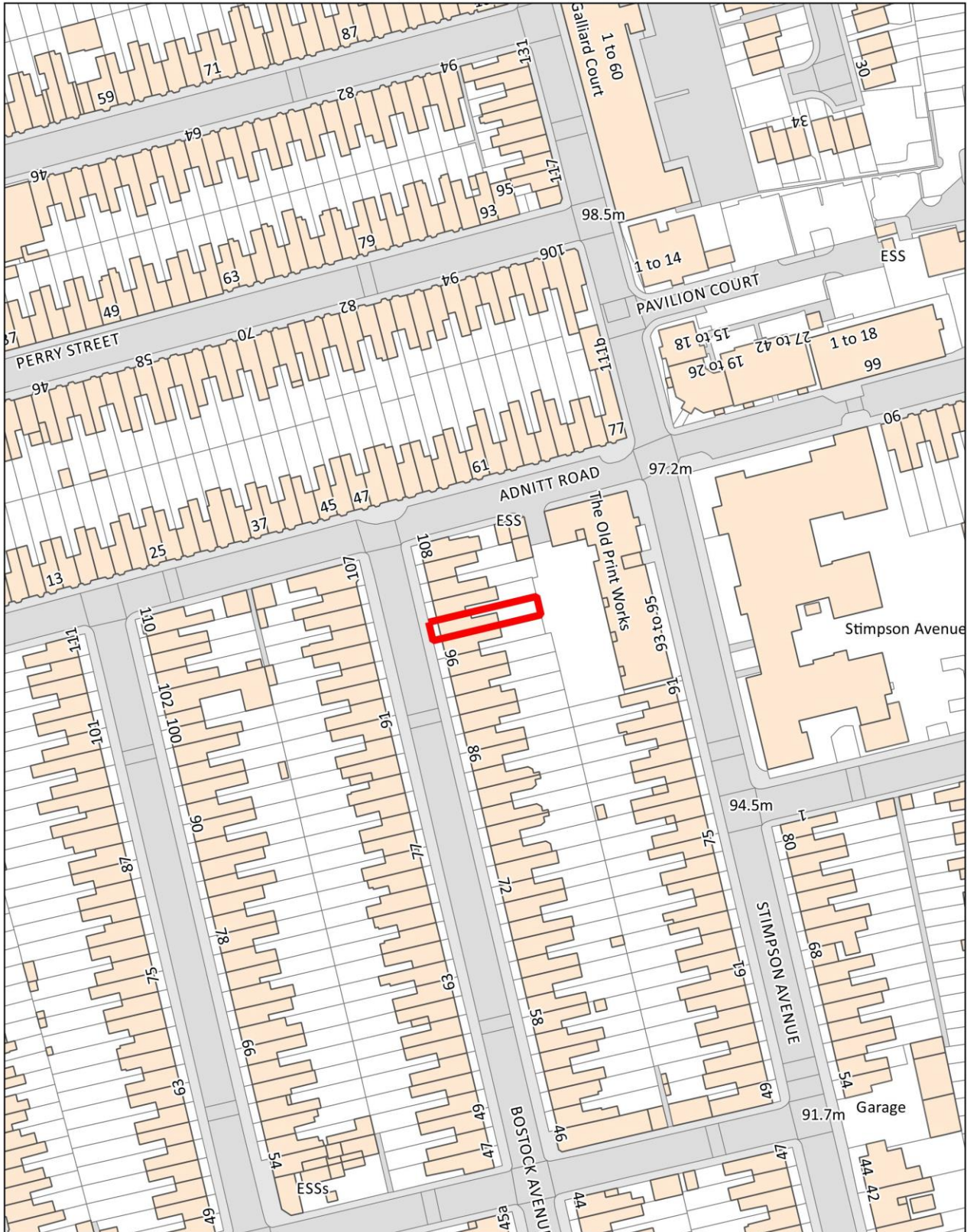
- 10.1 N/2016/1348


11. LEGAL IMPLICATIONS

- 11.1 The development is CIL 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.



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