

<b>PLANNING COMMITTEE:</b>	14 <sup>th</sup> June 2016
<b>DIRECTORATE:</b>	Regeneration, Enterprise and Planning
<b>DIRECTOR:</b>	Steven Boyes
<b>APPLICATION REF:</b>	N/2015/1228
<b>LOCATION:</b>	194 - 200 Kingsthorpe Grove
<b>DESCRIPTION:</b>	Demolish former car showroom and erect building with retail (Use Class A1) on ground floor and 14no. flats including new access and ancillary development, and creation of residential car parking area
<b>WARD:</b>	Trinity Ward
<b>APPLICANT:</b>	Venulum Trinity Limited
<b>AGENT:</b>	David Lock Associates
<b>REFERRED BY:</b>	Councillor J Birch
<b>REASON:</b>	Overdevelopment of the site
<b>DEPARTURE:</b>	No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

**1.1 APPROVAL IN PRINCIPLE** subject to the following:

- (1) Prior finalisation of a S106 legal agreement to secure permanent retention of the parking area on the satellite site at Trinity Avenue to serve the proposed apartments;
- (2) Financial contribution towards construction training; and
- (3) Planning conditions below and for the following reason:

The proposed development would have no significant detrimental impact on the amenities of neighbouring occupiers, would be an appropriate development in the context of the site, producing a landmark feature which would not be out of keeping with the character and appearance of the area, and would represent an appropriate use for the site in respect of both the retail and residential elements of the proposal. The proposed development would therefore comply with Policies S2, S3, S9, S10, H1 and H2 of the West Northamptonshire Joint Core Strategy, Policies H6, H17, H32, E20, E40 of the Northampton Local Plan and the National Planning Policy Framework.

- 1.2 It is also recommended that in the event of the Legal Agreement not being completed within three calendar months of this Committee meeting, the Director of Regeneration, Enterprise and

Planning be given delegated authority to either refuse or finally dispose of the application, at his discretion.

## **2. THE PROPOSAL**

- 2.1 The proposal includes the demolition of the vacant former car showroom on the main part of the site at the corner of Kingsthorpe Grove and Stanhope Road and the erection of a two to four storey building, comprising 14 flats and a retail unit. Parking would be provided both on site and on a separate site off Trinity Avenue.
- 2.2 The residential accommodation comprises 14 flats, one on the ground floor and the remainder on the first to third floors, comprising 5 no. 1 bed and 9 no. 2 bed apartments. The ground floor retail unit would have a floorspace of 304m<sup>2</sup>.
- 2.3 Parking would be provided adjacent to the proposed building for the retail unit (13 spaces with 1 disabled parking space) with access from Stanhope Road, with a further car parking area with 14 spaces to be provided on the separate site accessed from Trinity Avenue.
- 2.4 This application was previously on the agenda of the Planning Committee for 12<sup>th</sup> April 2016, with a recommendation for refusal. However, the application was withdrawn from that agenda to allow amendments to be made to the scheme.

## **3. SITE DESCRIPTION**

- 3.1 The premises on Kingsthorpe Grove are now vacant, having previously been in use as a car dealership with associated vehicle workshop, whilst the Trinity Avenue site, which is also vacant, was used as a car storage area for this use. Apart from the nearby Romany Public House, its car wash and one retail unit (hairdresser), the area is generally residential in character, with the form of existing development comprising predominately two and three storeys traditional terraced properties but also featuring two storey flat roofed flats opposite the site. Across Kingsthorpe Grove is an area of open space forming part of the Kingsthorpe Golf Course and allotments.

## **4. PLANNING HISTORY**

- 4.1 The only relevant planning history is application reference N/2007/1344 for the demolition of the existing buildings and erection of 19 apartments which was approved in principle by the Planning Committee in May 2008, but as the associated Section 106 agreement was never signed, the application was finally disposed of in 2013.

## **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:

The NPPF has a presumption in favour of sustainable development.

Paragraph 17 sets out core planning principles that include seeking to secure high quality design and a good standard of amenity for existing and future occupiers; encouraging the effective use of land by using brownfield sites; managing patterns of growth to make fullest use of sustainable transport methods and in sustainable locations.

Paragraph 25 requires that a sequential test should be applied to applications for main town centre uses that are not in an existing centre. Such uses should be located in town centres and then edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

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

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

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

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

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

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

Policy S2 – Hierarchy of Centres - The vitality and viability of centres must be maintained and enhanced commensurate with their role and function.

Policy S3: Scale and Distribution of Housing Development – provision will be made for about 18,870 dwellings in the plan period 2011 to 2029.

Policy S9 – Distribution of Retail Development - proposals for new retail development which cannot be accommodated within the town centres will be subject to a sequential approach where first preference is given to well-connected edge of town centre sites, and then sites within district / local. Only if sequentially preferable sites are not suitable and available should out of centre sites be considered.

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 reached by non-car modes; protect, conserve and enhance the built environment; minimise pollution from noise, air and run-off.

Policy H1: Housing Density and Mix and Type of Dwellings – new housing development will provide for a mix of house types, sizes and tenures having regard to the character of the area; accessibility to services and facilities and public transport; living conditions of future residents and impact on amenity of occupiers of neighbouring properties.

Policy H2: Affordable Housing – required to be provided at 35% on sites of 15 dwellings or more.

Policy BN9 - Planning For Pollution Control - proposals for new development which are likely to cause pollution or likely to result in exposure to sources of pollution or risks to safety will need to demonstrate that they provide opportunities to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development and healthy communities.

#### 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 – the design of new development should adequately reflect the character of the surrounding area and be designed and located to ensure adequate standards of privacy, daylight and sunlight.

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

Northamptonshire County Parking Standards SPG 2003  
Planning out Crime in Northamptonshire SPG 2004

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

Comments received are summarised as follows:

- 6.1 **Environmental Health** – No objections, conditions required regarding contaminated land, noise and refuse storage. No further comments on amended plans.
- 6.2 **Construction Futures** – Financial contribution and training weeks will be required.
- 6.3 **Surface Water Drainage** – *Initial comments:* Insufficient detail provided. *Response to revised plans:* The impacts of surface water drainage will be adequately addressed, subject to conditions requiring a surface water drainage scheme for the site and the maintenance of the scheme.
- 6.4 **Local Highway Authority** – *Initial comments:* Amendments required to car park access, access gradients and surfacing. *Comments on revised plans:* Happy with revised layout, conditions will be required for visibility splays, positive means of drainage and construction management plan.
- 6.5 **Police Crime Prevention** – Security measures required.
- 6.6 **Councillor Jane Birch** – Concerned over scale of development, parking, overshadowing of neighbouring properties, design of the building which is not in keeping with the area and the potential for anti-social behaviour.
- 6.7 *Comments on amended plans:* Acknowledge many objections have been addressed, however the design and mass of the proposed building, remains unacceptable to local residents. The corner remains four storeys high and as such is the only building of that height on the estate. The proposed shop is not needed. Signage and advertising will be a distraction. Customer footfall will cause disturbance to residents. Deliveries will cause unacceptable traffic congestion and noise. Strongly request that the applicant revisits the proposal, and a design which is more in keeping and acceptable to the residents of the area is developed.

- 6.8 **Councillor Sarah Uldall** - Concerned about traffic impact and scale and design of the building.
- 6.9 **Councillor Sally Beardsworth** - Concerned about the impact on the road network and the size and scale of the development.

*Comments on revised plans:* Revised plans not in keeping with the street scene and over-dominant. Building is forward of the established building line. Over-development of the site. Will impinge on residential amenity, will prevent any sunlight reaching the gardens. Customer car park will result in noise nuisance. Retail use is contrary to policy. Sequential test is inadequate. Principle of approving advertisement consent would be established. Will create more traffic and will be a potential distraction to drivers. Shop will not just cater for pedestrian shoppers and will contribute to road safety issues.

- 6.10 **Councillor Brain Hoare** (in correspondence with the Highway Authority copied to the LPA) – Concerned that the data used in the Transport Assessment was not representative. *A response to this was sent by the Highway Authority confirming that flaws in the data had been taken into account in their response.*
- 6.11 **Queen’s Park Residents Association** – Object to this application and the revised plans. The design and appearance still represent poor quality and an incongruous feature in a prominent position. The minimal alterations made not change this position. Little local support for the retail outlet and the shop front will be a distraction to drivers. The deed of covenant restricting the height of buildings seems to have been ignored and there are many reasons for objection to this from residents, especially those whose privacy will be infringed. There are many other reasons for objection to this development in its current form which have been listed by others. There is support for the development of this site to provide the need for more housing in this area but developers need to take account of the views of residents who actually live in the area.
- 6.12 79 representations received from the occupiers of adjacent and nearby premises in response to the original and revised plans, together with a 77 signature petition, as well as a representation from **Michael Ellis MP**, making the following points in summary:

- Would increase traffic and reduce available parking.
- Parking is not adequate.
- Remote parking area would not be used, should be on site.
- Delivery bay would reduce parking.
- Would increase air pollution.
- No need for a further shop.
- Retail use would increase anti-social behaviour, noise and disturbance and litter.
- Parking for shop would cause disturbance to neighbours. There was previously no parking adjacent to neighbours and no disturbance.
- Retail assessment not correct, there is a local facility within 400m. Facilities within 800m should be taken into account as this is the standard for walkable developments.
- Building is too high and out of keeping with the area.
- Building is over-dominant and outside established building lines.
- Will overshadow and overlook neighbouring property.
- Agree building has fallen into disrepair, however should be redeveloped in a more sympathetic style.
- Retail should be removed and residential parking provided on site.

## 7. APPRAISAL

### Principle of Residential Use

- 7.1 The NPPF has a presumption in favour of sustainable residential development and encourages the use of brownfield sites and the re-use of commercial buildings for residential use, where there is an identified need for additional housing in the area and no strong economic reasons as to why development would be inappropriate.
- 7.2 The application site is allocated as being within a Primarily Residential Area in the Local Plan and is within an area which consists primarily of residential accommodation, within which the former use represented a non-conforming commercial use, as a car showroom and vehicle repair workshop.
- 7.3 The proposal would remove this non-conforming use, and would replace it with residential and retail development. The residential element of the use is considered to be acceptable in principle given the policy allocation. Furthermore, the site is considered to be in a sustainable location with good access to public transport and local facilities. The development of the site for residential use would contribute towards the Council's 5-year housing supply and enable the re-development of what has now become a semi-derelict building and would enhance the area. As the proposal is for 14 dwellings, there would not be a requirement for the provision of affordable housing.

#### **Principle of Retail Use**

- 7.4 The proposal also includes a retail element, with 304m<sup>2</sup> of retail floorspace proposed to be provided. This is stated as being intended as a shop to serve local needs.
- 7.5 In order to consider the acceptability of this in respect of adopted Policy, reference must be made to Policies S2 and S9 of the West Northamptonshire Joint Core Strategy (JCS).
- 7.6 Policy S2 sets out the hierarchy of centres, with Northampton town centre identified as the Regional Town Centre and therefore taking precedence, followed by District Centres at Weston Favell and Kingsthorpe, then followed by Local Centres, the nearest of these to the site being at Kettering Road (Kingsley).
- 7.7 Policy S9 of the JCS deals with the distribution of retail development in respect of the hierarchy identified by Policy S2, stating that new retail development should be located within the town centre and if that is not possible, within district or local centres and that only if sequentially preferable sites are not suitable and available should out of centre sites be considered.
- 7.8 A sequential analysis was produced on behalf of the applicants, which considered the availability of alternative premises and ultimately concluded that there were no sequentially preferable premises available, based on a number of criteria. It is considered that this represents a sound analysis.
- 7.9 However, notwithstanding the results of this sequential test, in this case the proposal is for a shop intended to serve local needs. The sites identified in the sequential test are at least 1.2km from the site, with most being significantly further away. Therefore the requirement for a local shop to serve the area around the application site would not be met by these sites.
- 7.10 On this basis, it is considered that the provision of a retail unit in this location to serve local needs would comply with Policies S2 and S9 of the JCS.
- 7.11 The need for the unit has been called into question by some of the objectors to the application, and in this respect it can be noted that there is an existing convenience store within a designated local centre in the Local Plan, just over 400m away from the site on corner of Cecil Road/Balmoral Road. However, the presence of this unit does not rule out a second unit, which would provide more choice. In any event the need or otherwise for the unit is not a planning

consideration, this would be a commercial decision and it is only necessary to demonstrate that there is not a sequentially preferable site.

- 7.12 Due to the small size of the unit i.e. well under the threshold 1,000 square metres, a retail impact assessment is not required to be carried out and it can be concluded that no undue detrimental impact on other centres would be likely to occur.

### **Impact on the street scene and the character and appearance of the area**

- 7.13 In respect of the existing street scene and character of the area, the existing car showroom building on the site is single storey, although at its highest, it is almost as high as a two storey house. This existing building is of a functional design and is not considered to be in keeping with the wider character of the area. Neighbouring properties along Stanhope Road and Kingsthorpe Grove are generally two storeys in height, the exception to this being two three storey buildings on Stanhope Road.
- 7.14 On the opposite side of Stanhope Road to the site are a number of flats in two, two storey blocks, dating from the 1970s. Whilst now somewhat dated, these are a feature of the area.
- 7.15 The other notable feature of the area is the Romany public house, a prominent building on the opposite corner site and which differs in design from anything else in the vicinity.
- 7.16 The building as proposed for the application site was the result of pre-application discussions with the intention of providing a landmark feature for the site. The design has nevertheless subsequently been amended in response to concerns raised. The main alterations proposed in the amended plans have been a reduction in the height of the building, in particular adjacent to the neighbouring property at 192 Kingsthorpe Grove, the removal of a "colonnade" feature to the front of the retail unit, whereby the frontage of the shop unit was set back from the edge of the building, and the removal of an external staircase on the front elevation of the building fronting Kingsthorpe Grove, leading to the first floor of the building.
- 7.17 The building now proposed would step up in height from the adjacent two storey buildings on either side, from two to four storeys in height, starting at two storeys high adjacent to 192 Kingsthorpe Grove. The building would step up to three storeys in the next part of the building which features front dormers. This step up in height continues to the four storey element at the corner of the site, which further increases in height due to a parapet feature on the corner, although this is still below the previously proposed height. The building then steps down again along Stanhope Road, with the parapet feature ending and the building then having three storeys with a flat roof and then a pitched roof. This part of the building is then separated from the neighbouring property at 129 Kettering Road by a distance of 25m, meaning that a further step down to two storeys is not necessary.
- 7.18 The two and three storey elements of the building would have pitched roofs and the four storey element would be flat roofed.
- 7.19 In place of the previously proposed colonnade feature, the shop front would now be level with the front of the building, whilst in place of the external staircase the building has been given a more "active frontage", with the inclusion of ground floor flat windows, and also tax windows to the otherwise blank wall of the retail unit.
- 7.20 With both the original and revised design, the intention is to make more of a positive visual impact on this prominent corner position in comparison to the current building, taking into account of the sloping nature of the site.

- 7.21 Overall, it is considered that this design approach would result in a much more appropriate building for this location as compared with the existing building, and that the increase in height to three and four storeys would provide a landmark feature on this prominent site. Whilst the design of the building does differ from the largely Victorian architecture of the area, it is considered that some variation in the street scene, rather than attempting to mimic the past, will enhance the character of the area.

### **Impact on the amenities of adjoining and nearby occupiers**

- 7.22 The two storey element of the proposed building would not project beyond the rear of the immediate neighbour at 192 Kingsthorpe Grove at ground floor level, and by only 0.6m at the first floor, meaning there would be no detrimental overshadowing impact from this nearest part of the building. Whilst other parts of the building would project further beyond the rear wall of this neighbour, there would be a separation distance of at least 7 metres. This distance would be increased by the distance of intervening gardens, in respect of the neighbours beyond no. 192. The other immediate neighbour at 129 Stanhope Road would be separated from the building by a distance of 25m. It is therefore not considered that the impact in terms of overbearing and overshadowing would be unacceptable.
- 7.23 Furthermore, a shadow analysis has been produced by applicants. This shows that shadows would not fall onto neighbouring properties from direct sunlight creating unacceptable impact. This analysis was conducted as of the 22<sup>nd</sup> September in line with guidance which states that this is the time of the year when the longest shadows are cast.
- 7.24 In respect of overlooking, the building has been designed with most of the windows to habitable rooms being on the front of the building, with only three bedrooms on each of the first and second floors having rear facing windows. These would not face directly towards any neighbouring properties and only two bedrooms overall would have windows which would allow partial overlooking of the garden areas of some of the nearest neighbours, but these would be at an oblique angle and would be similar to the relationship which generally exists between neighbouring properties. It is considered that such a relationship is acceptable.
- 7.25 A roof terrace was originally shown on the revised plans, at third floor level. However following concerns being raised as to the impact of this on neighbouring occupiers as a result of overlooking, the terrace has been deleted from the plans.
- 7.26 In respect of the potential impact of the retail use on neighbouring occupiers, the amendment to the retail unit comprising the removal of the “colonnade” feature would significantly reduce the potential for anti-social behaviour from persons congregating outside the premises. Regarding the potential impact from parking for the retail unit adjacent to residential gardens, Environmental Health officers have been consulted on this specific point and confirm that this would not be a concern, subject to a condition limiting the opening hours and delivery times of the shop premises.

### **Parking and Highway Issues**

- 7.27 Parking for the retail unit would be provided on the same site as the flats, in the form of 13 spaces including one disabled space, with a further 14 spaces provided for the residential element on a separate site on Trinity Avenue.
- 7.28 The provision of 14 residential parking spaces represents one space per dwelling. Whilst some of the flats have two bedrooms and therefore occupants would potentially have more than one car, the site is within what could be considered a reasonably sustainable location, being served by public transport and within walking distance of some local facilities, which would include the



proposed retail unit. On this basis occupants of the flats would not necessarily need to have cars and it is considered, therefore, that level of parking proposed is acceptable.

- 7.29 As this area of parking would be detached from the site of the flats, it is necessary to ensure that it remains available for parking for so long as the flats remain in use. As this is a separate piece of land this could not be secured by means of a planning condition. It is therefore recommended that the application should be subject to a legal agreement, requiring that this site continues to be made available for parking.
- 7.30 In terms of the servicing and parking arrangements for the retail unit, 12 spaces and one disabled space would be provided adjacent to the flats. A dedicated delivery bay was also proposed to be provided on the road, but this was removed from the plans at the request of the Local Highway Authority, who did not consider this to be necessary. It is considered, following amendments, that the access is acceptable and this is confirmed by the response received from the Local Highway Authority. The provision of parking spaces for the proposed retail unit complies with the maximum provision as set out in the current adopted parking standards and the Local Highway Authority is satisfied with the level of parking proposed.
- 7.31 Concerns have been raised by some objectors that the residential parking may not be used by future residents, due to the inconvenience of having to walk to and from a second location, and due to fears of security and remoteness of the car park. However, the parking is approximately 100m away from the flats, which would represent a walking time of less than one and a half minutes. Given the congested nature of parking in the area, it is considered that many of the future residents of the development would be likely to use the proposed parking spaces rather than risk trying to find a space on the street.
- 7.32 As regards security, comments from the Police Crime Design Adviser indicate the need for security measures to be incorporated into the satellite parking area, as well the development overall, and a condition requiring details of security measures including lighting is proposed. A further condition would require details of boundary treatments to both the main site and the satellite parking area.
- 7.33 Reference has been made in objections to signage for the shop being distracting to passing motorists. Whilst this may be a legitimate concern and advertisements to the shop unit would require a further application for advertisement consent, this matter would be considered in the course of such an application.

### **Other Matters**

- 7.34 The retail unit would be located below the residential element of the scheme, and concerns have been raised by Environmental Health Officers that the flats may be affected by noise. A condition is proposed which would require details of appropriate sound mitigation. As referred to above conditions are proposed which would limit the opening hours and delivery times of the shop premises.
- 7.35 In respect of other matters raised by objectors, reference has been made to a deed of covenant which would prevent the construction of a four storey building. Whilst this may be the case, this does not represent a material planning consideration but would be a separate legal matter, which may nevertheless prevent the development taking place, if invoked.
- 7.36 In respect of matters raised in consultations, a consultation response has been received from Construction Futures, requesting training weeks and a financial contribution. This will be secured by the S106 agreement.

## **8. CONCLUSION**

- 8.1 In considering this application, there is a balance to be struck between the concerns of neighbouring residents and the need to secure appropriate development of the site.
- 8.2 The proposed development would bring about the regeneration of a prominent disused and now semi-derelict site/building of a poor quality of design. The replacement building has been designed with the aim of making a positive visual impact on the character of the area and rather than being out of character, it is considered that the proposal would result in a landmark feature which would enhance the area.
- 8.3 The retail element of the proposal is considered to be acceptable as it has been demonstrated that there are no sequentially preferable locations for this. The proposed convenience store would also have the benefit of enhancing local facilities, whilst being of a small enough scale to not have an impact on existing centres.
- 8.4 The proposal overall would have no undue adverse impact on the amenities of existing neighbouring residents and would be acceptable in respect of the impact on the highway network and the level of parking provided.
- 8.5 The 14 dwellings proposed would make a positive contribution to the Council's 5-year housing supply.

## **9. CONDITIONS**

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

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

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: VTL001-002, 997 - 001B, 997 – 002H, 997 – 003F, 997 – 004C, 997 – 010H, 997 – 011G, 997 – 012E.

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

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

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policies E20 and H6 of the Northampton Local Plan.

(4) Notwithstanding the submitted plans, details of visibility splays for the access entrance to the proposed Trinity Avenue car park shall be first submitted to and approved in writing by the Local Planning Authority. The visibility splays shall be provided in accordance with the approved details prior to the car park on Trinity Avenue being brought into use and retained thereafter.

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

(5) Prior to the commencement of any part of the development, a Construction Environmental Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Construction Environmental Management Plan shall include and specify the provision to be made for the following:

- Dust mitigation measures during the construction period;
- Control of noise emanating from the site during the construction period;
- Hours of construction work for the development;
- Arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent public highways;
- Routing agreement for construction traffic
- Details of any temporary site construction access; and
- Loading and unloading arrangements for any large vehicles.

The construction of the development shall be carried out in accordance with the approved Construction Environmental Management Plan unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenities of adjoining premises and to minimise the impact on the highway network, in accordance with the National Planning Policy Framework. This is a pre-commencement condition as it is essential that the plan is agreed prior to construction commencing.

(6) Full details of the security measures including lighting to be incorporated into the development including the car park on Trinity Avenue shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved measures, which shall be in place before the commencement of the commercial use and the occupation of the residential accommodation.

Reason: To ensure a satisfactory standard and layout of accommodation is provided in the interests of the amenity of occupants in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

(7) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1in100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 13 (q) of the Core Strategy for West Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site. This is a pre-commencement condition as it is essential that the surface water drainage strategy is agreed in advance of construction work.

(8) Prior to the occupation of the building for the uses hereby approved, a detailed scheme for the ownership and maintenance for 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.

Reason: To ensure the future maintenance of drainage systems associated with the development in accordance with the NPPF.

(9) No development shall take place until a desktop study, including a site walkover, in respect of possible contaminants within the site is completed and the need for a site investigation is determined. The scope and methodology of the desk top study and the site investigation report shall be submitted to the Local Planning Authority for approval. Any site investigation found to be required under shall be carried out and the results shall be used to produce a method statement for any remedial works (and a phasing programme), which shall be submitted to the Local Planning Authority for approval. All remedial works found to be required 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). 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. This is a pre-commencement condition as it is essential that any contaminants are identified early.

(10) Prior to development commencing, the applicant shall submit to the Local Planning Authority an assessment of the noise exposure of each habitable room due to transportation noise and noise from any external plant from the proposed retail unit. This must take into account, the likely growth of traffic over the next 15 years. Noise levels shall be assessed in line with the standards set out in Table 1 of Northampton Borough Council's Planning Practice Guidance for noise sensitive developments affected by noise from transport sources

Where noise levels in any habitable room 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)

Or where the assessment identifies that whole or part of the development will fall within the LOAEL or SOAEL category, a scheme to protect any affected habitable rooms/bedrooms shall be submitted to the Local Planning 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. The approved scheme shall be implemented prior to the properties being occupied and retained thereafter.

Reason: In order to safeguard the amenities of future occupiers in accordance with Policy S20 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition as it is essential that these details are agreed before construction can commence.

(11) Before the development hereby permitted commences, a scheme shall be agreed with the Planning Authority that specifies the external sources of noise on the site and the provisions to be made for its control (*this might include air conditioning units and extract fans*). The scheme agreed shall be implemented prior to the development coming into use and shall be retained thereafter and the applicant shall demonstrate that the scheme agreed has achieved its design criteria.

Reason: In order to safeguard the amenities of adjoining/nearby occupiers and in accordance with Policy S20 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition as it is essential that these details are agreed before construction can commence.

(12) Before the development hereby permitted commences, details of the provision for the storage and collection of refuse and materials for recycling shall be submitted to the Local Planning Authority for approval. The scheme agreed shall be implemented prior to the development coming into use and shall be retained thereafter.

Reason: In order to safeguard the amenities of adjoining/nearby occupiers, in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework. This is a pre-commencement condition as it is essential that these details are agreed before construction can commence.

(13) The retail unit on the ground floor of the development hereby approved shall not remain open to the public between the hours of 10pm and 8am on any day.

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

(14) Deliveries to or collection from the retail premises shall not take place before 08:00 or after 20:00 on Mondays to Saturdays or at any time on Sundays or Bank Holidays.

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

(15) Full details of the method of the treatment of the external boundaries of the site, including the boundary of the satellite parking area on Trinity Avenue, shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the development hereby permitted and retained thereafter.

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

## **10. BACKGROUND PAPERS**

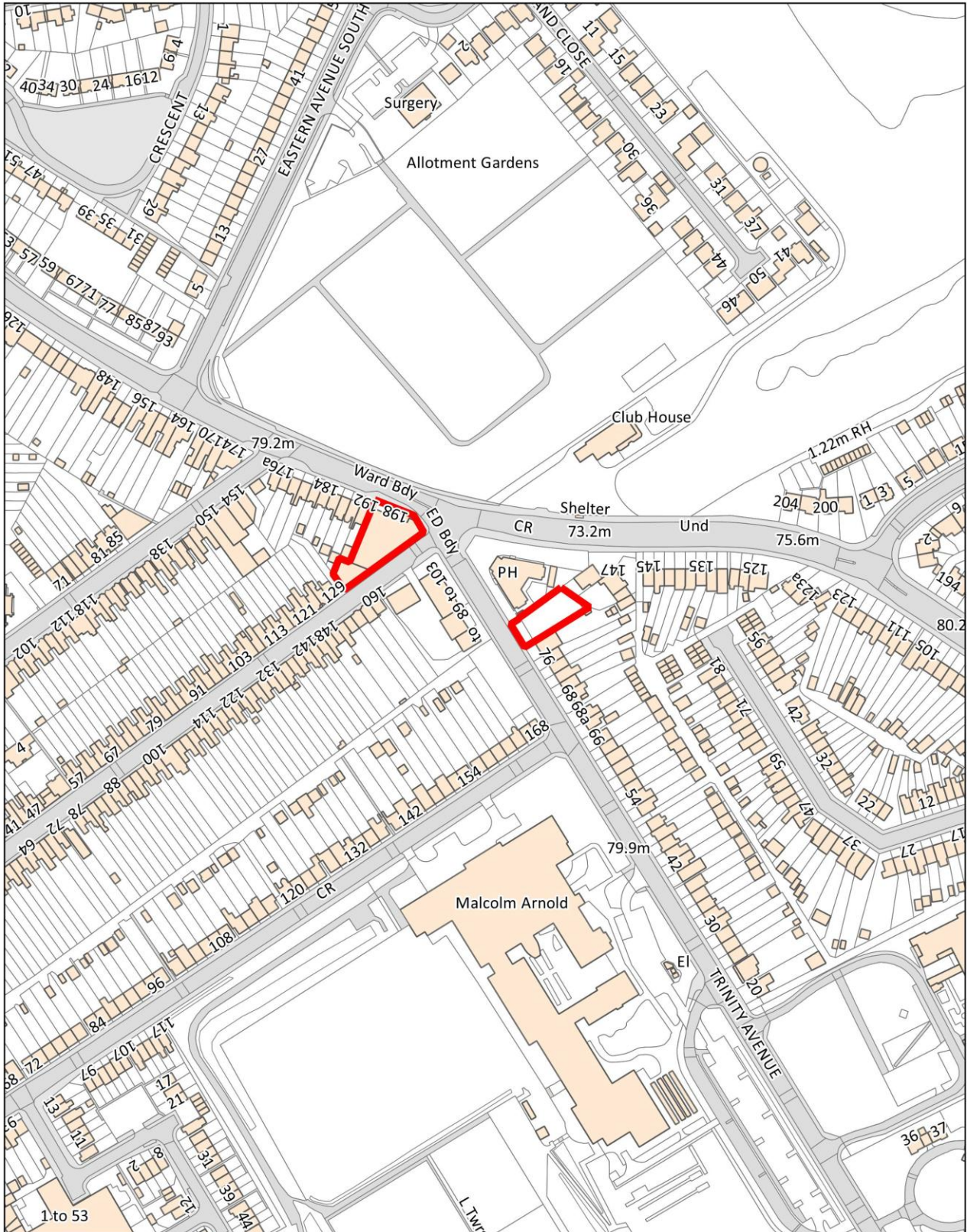
10.1 N/2015/1228.

## **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.



Title: **194-200 Kingsthorpe Grove**

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Date: 31-05-2016

Scale: 1:2,500

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