

**PLANNING COMMITTEE:** 20<sup>th</sup> 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

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#### **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**

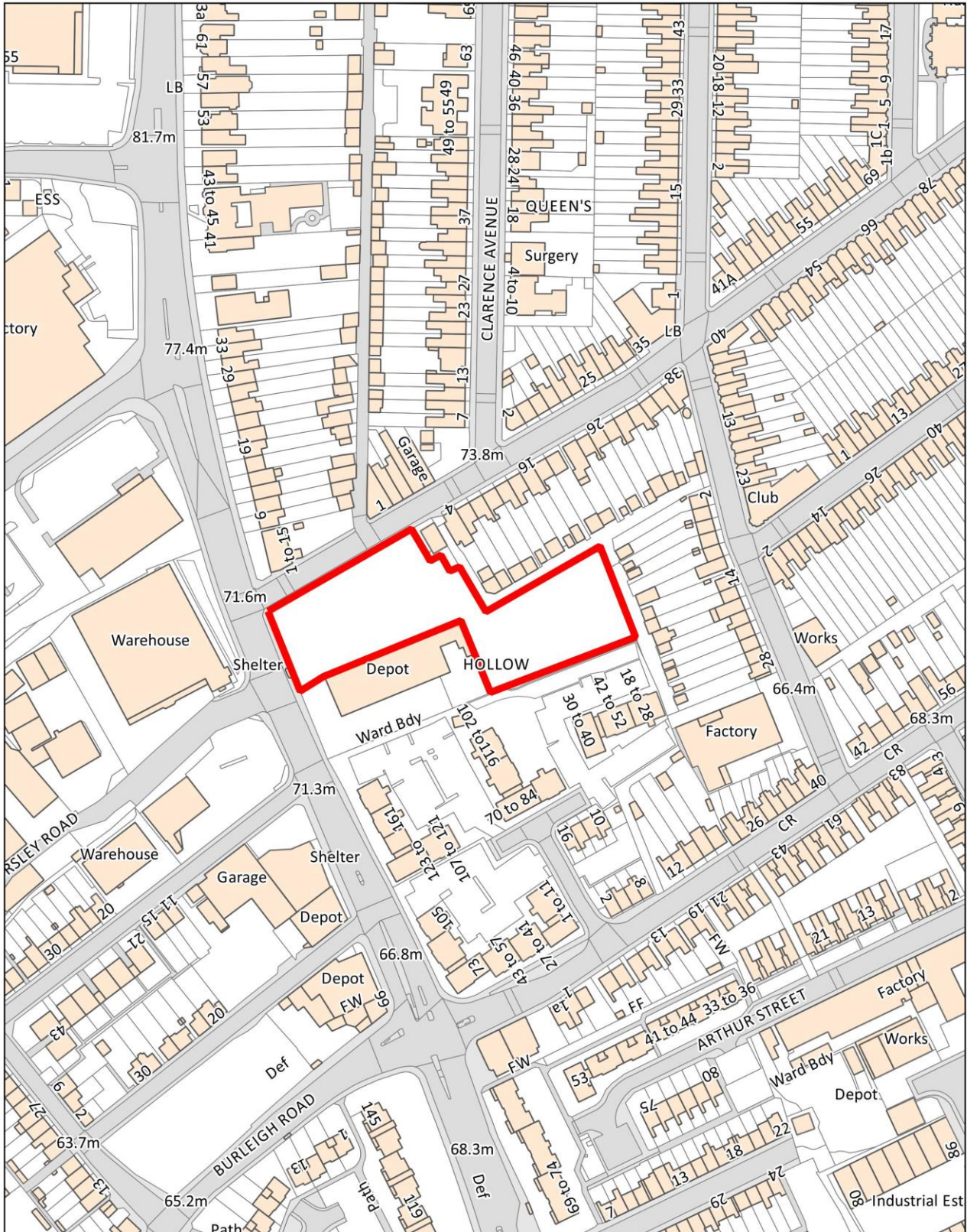
10.1 N/2016/1191

## **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.



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

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Date: 07-12-2016

Scale: 1:2,000

Drawn by: -----