

PLANNING COMMITTEE: 13th March 2018
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/0069

LOCATION: 33 Little Cross Street

DESCRIPTION: Variation of Condition 7 of Planning Permission N/2017/0949 (Variation of Condition 2 of Planning Permission N/2016/0772 - Demolish existing flats and erect three storey building with nine flats on the ground floor and nine maisonettes on upper floors - to amend roof design to the three storey element, replacing capping with a parapet wall) to revise the Construction Environmental Management Plan

WARD: Castle Ward

APPLICANT: Northampton Partnership Homes
AGENT: rg+p Ltd

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 alterations to the Construction Environmental Management Plan (CEMP) would have no significant additional impact on the amenities of adjoining and nearby residential occupiers than would have resulted from the previously agreed CEMP. The proposed development would therefore comply with Policies S2, S3, S9, S10, H1 and H2 of the West Northamptonshire Joint Core Strategy, Policies 1 and 24 of the Central Area Action Plan, Policies OP1, OP2, OP5 and AB2 of the Spring Boroughs Neighbourhood Plan and the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The proposal relates to the variation of Condition 7 attached to the extant planning permission N/2017/0949 to redevelop this site for 18 flats, which was approved by Committee in December 2017.

- 2.2 Condition 7 relates to the construction environmental management plan (CEMP) and the proposed variations would allow for changes to routes and access points in relation to deliveries to the site during construction.
- 2.3 The application originally also included the proposed removal of Condition 5 (tree protection measures), this is no longer proposed and omitted from the current application.

3. SITE DESCRIPTION

- 3.1 The site comprises the site of a former block of flats, now demolished and cleared. The construction of a replacement block of flats as approved is now underway.

4. PLANNING HISTORY

- 4.1 **N/2016/0411** – Demolition of existing 2 storey building and associated structures (Prior notification of demolition application) – Approved 28/04/2016.
- 4.2 **N/2016/0772** – Demolish existing flats and erect three storey building with nine flats on ground floor and nine maisonettes on upper floors – Approved 31/10/2016.
- 4.3 **N/2017/0949** – Variation of Condition 2 of Planning Permission N/2016/0772 (Demolish Existing Flats and Erect Three Storey Building with Nine Flats on Ground Floor and Nine Maisonettes on Upper Floors) to amend roof design to the three storey element, replacing capping with a parapet wall – Approved 22/11/2017.

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 Central Area Action Plan (2013) and Spring Boroughs Neighbourhood Plan.

5.2 National Policies

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

Paragraph 17 - objectives for the planning system

Paragraph 47 - significantly boosting the supply of housing; objectively assessed housing needs; delivery of 5 years' worth of housing; identifying specific sites; housing trajectory

Paragraph 49 - presumption in favour of sustainable development for housing applications

Paragraph 56 – requiring good 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 S1: The Distribution of Development
Policy S3: Scale and Distribution of Housing Development
Policy S10: Sustainable Development Principles
Policy H1: Housing Density and Mix and Type of Dwellings
Policy H2: Affordable Housing

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
Policy 24 – Spring Boroughs

5.5 **Supplementary Planning Documents**

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

5.6 **Other Material Considerations**

Spring Boroughs Neighbourhood Plan

The Spring Boroughs Neighbourhood Plan was made in April 2016, and now forms part of the development plan for Northampton.

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

Policy OP1 – Sustainable Development Principles
Policy OP2 – Family Housing
Policy OP5 – Streets, Movement and Parking
Policy AB2 – Central Spring Boroughs

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Conservation** - No objection on heritage conservation grounds; the revision to the Construction Environmental Management Plan for the site will not have an adverse impact on the setting of nearby designated heritage assets.
- 6.2 **NBC Environmental Protection** – Have reviewed the amended Construction Environmental Management Plan and considered the 2nd revision of the document dated 14-2-2018 (Ref: Rev 002 14-2-18), which incorporates an expanded loading and unloading of materials section. Environmental Protection has no issues with the proposed method of delivering and unloading materials to the site. Deliveries and unloading should not occur outside the times stated the site will operate to avoid the risk of noise complaints being generated. These being Monday to Friday 07:30 am – 17:00 pm and Saturdays 07:30 am till 13:00 pm.
- 6.3 **Three representations** received from two nearby residents making the following points in summary:
- Since work started at this site, none of the conditions have been complied with.
 - Changing the CEMP will have no effect on the prevailing bad practice of this building construction company.

- Having had countless meetings with planning officers about non-compliance with conditions and their refusal to enforce the conditions, see no reason to grant the change.
- Demand that the removed trees are reinstated.

7. APPRAISAL

- 7.1 The issues to consider are the impact of the proposed changes to the CEMP and on the amenities of adjoining and nearby residential occupiers.
- 7.2 The revisions to the CEMP relate to deliveries to the site. As originally approved, access to the site would have been from Lower Bath Street only. This was the access preferred by the applicants at the time rather than something which was a requirement under planning.
- 7.3 The proposal is now to provide for a second access to the site at the Fitzroy Place edge of the site. This would be used only for large deliveries which cannot be handled by the Lower Bath Street entrance, it is anticipated that this would only need to be used on very limited occasions, for the delivery of tracked machines and a crane for the erection of the steel frame, which can only enter from this side of the site.
- 7.4 Whilst this would place the access closer to residents in Fitzroy Place, for these limited deliveries, the Lower Bath Street entrance as previously approved is also near to residents. Unfortunately, the fact of the matter is that due to the constrained nature of the site, surrounded by existing residential properties, it is not possible to have an access which would not have some impact on some residents. However, it is necessary to gain access in order for the work to be carried out in a timely manner, therefore some impact is inevitable.
- 7.5 A further amendment to the plan is for the delivery of construction materials including bricks and blocks to be made to an existing car park to the rear of Fitzroy Place. The reason is that due to the limited size of the development site, there is no safe and adequate area for storing the required materials during construction on site. From here the materials will be moved to the site by means of a telescopic fork lift over a distance of approximately 380 metres, the journey to the site entrance to be overseen by the site Traffic Controller.
- 7.6 The revised CEMP, incorporating these amendments, has been examined by Environmental Health officers who have no concerns to the proposal, other than to specify that deliveries must not take place outside the site operating hours as specified in the CEMP.
- 7.7 It can be also noted that the proposed CEMP as previously approved was designed on behalf of the contractors taking into account of their requirements, which have now changed due to the site condition.
- 7.8 It is considered, therefore, that the current proposal is acceptable and would have no more of a negative impact overall than the previous iteration of the management plan and that the impact would be mitigated as far as practicable, when developing within a highly populated area with restricted accesses.
- 7.9 The current application had originally included the removal of Condition 5, related to tree protection measures, to allow for the removal of all trees on the site. It has now been confirmed that no further trees are intended to be removed, beyond those which have already been removed with prior agreement by the Planning Case Officer. The removal of this condition no longer forms part of the application.

7.10 As part of the development, a landscaping scheme has already been submitted and approved proposing new planting of trees and shrubs site.

8. CONCLUSION

8.1 The revised CEMP would have no greater overall adverse impact than that previously approved, given the constrained nature of the site. The formal approval of the CEMP will allow the construction work to be carried out in a safe manner with minimum disruption to local residents.

9. CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans 40577/005D, 40577/001B, 40577/007B, 40577/008B, 40577/005D, 40577/007, C161095/C/001, 50126/001, 50126/005, 40577/031, 40577/011A (as amended by 40577/031).

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

2. The scheme shall be implemented and completed fully in accordance with the approved surface water management strategy and the approved implementation programme as set out in the Hydrock Technical Note dated 10/11/16 and maintained thereafter.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

3. The development shall take place in accordance with the programme of archaeological work as set out in CFA Archaeology LTD Draft Written Scheme of Investigation dated 13/09/16. Following completion of archaeological fieldwork a report will be produced and submitted to the Local Planning Authority in accordance with the approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

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

4. 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 BN3 of the West Northamptonshire Joint Core Strategy.

5. All trees shown to be retained in the approved plans shall be protected for the duration of the development by stout fences to be erected and maintained in accordance with Barton Hyett Associates Arboricultural Survey, Impact Assessment and Protection Plan Reference F.1794 as amended by drawing 50126/005 dated 23/01/17. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials or waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy BN3 of the West Northamptonshire Joint Core Strategy.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. 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.

7. Development shall be carried out in full accordance with the details of the revised Willmott Partnership Homes – Little Cross Street Construction Environmental Management Plan Rev 002 14-02-18 (received 14/02/18).

Reason: To minimise the environmental impact and disturbance to existing residents, vegetation and wildlife during construction of the development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

8. The development shall be implemented and completed in accordance with the details of the approved Surface Water Drainage scheme as set out in Hydrock Technical Note dated 10/11/16 and drawing C161095/C/001 T2 dated 25/02/16.

Reason: To reduce the risk of flooding both on and off site in accordance with the National Planning Policy Framework and Policy BN7 of the West Northamptonshire Joint Core Strategy by ensuring the satisfactory means of surface water attenuation and discharge from the site.

10. BACKGROUND PAPERS

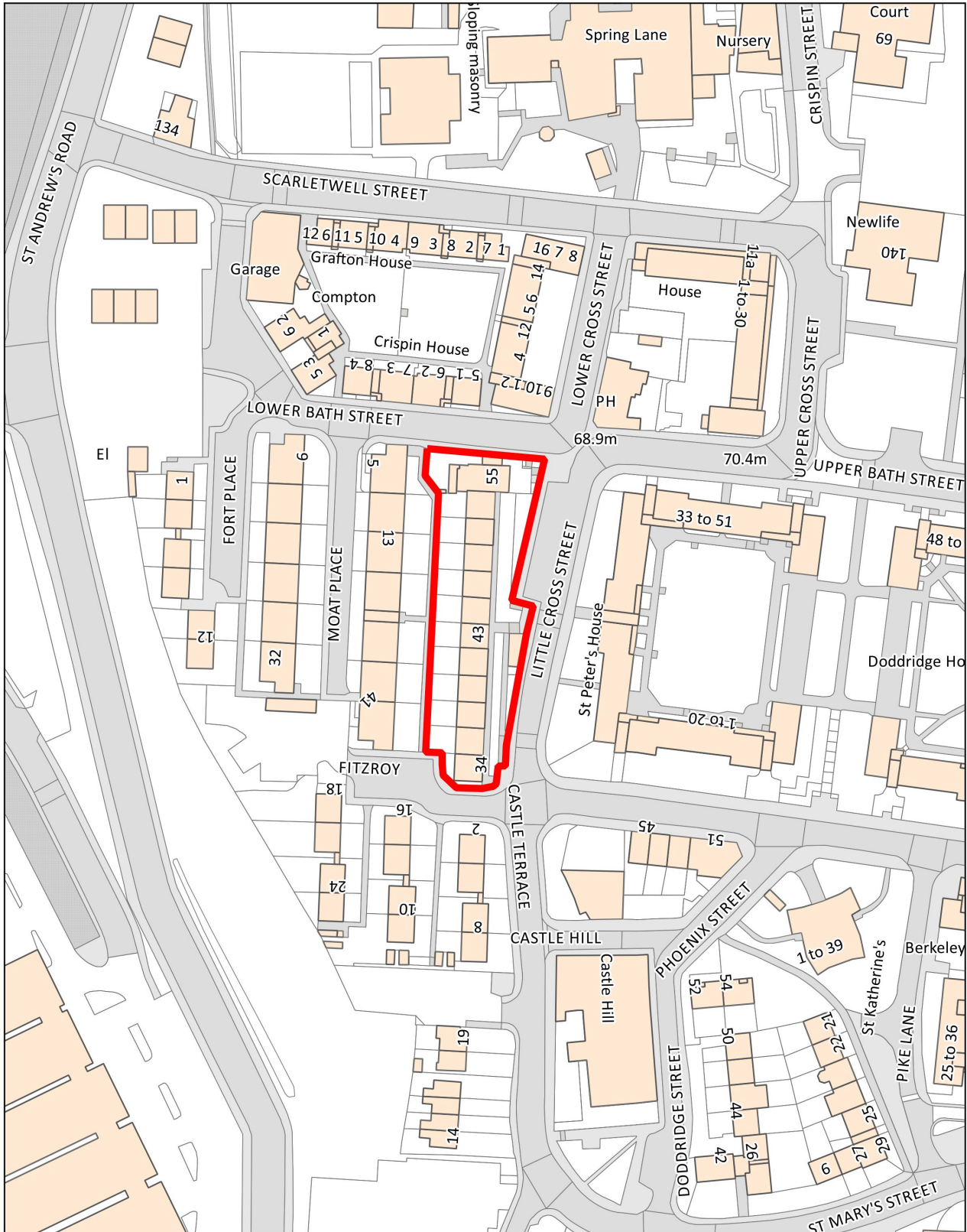
10.1 Application files N/2016/0772, N/2017/0949 and N/2018/0069

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: **33 Little Cross Street**

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Date: 02-02-2018

Scale: 1:1,250

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