

PLANNING COMMITTEE: 29th September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0684

LOCATION: Development land at Toms Close

DESCRIPTION: Removal of Condition 7 of Planning Permission N/2017/1029 (Demolition of Nos. 1-6 and 14-17 Toms Close and development of 21no new build affordable dwellings and associated landscaping) as bus shelter is no longer required

WARD: Nene Valley Ward

APPLICANT: Northampton Partnership Homes
AGENT: N/A

REFERRED BY: Director of Planning and Sustainability
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 removal of Condition 7 as proposed is considered acceptable. The proposed development would provide an acceptable living environment for future residents subject to the proposed conditions. The proposal would have no detrimental impact on the wider highway network or the amenities of neighbouring and nearby occupiers and would not be out of keeping with the character and appearance of the area. The proposed development would therefore comply with Policies S1, S3, S10, H1 and H2 of the West Northamptonshire Joint Core Strategy, Policies H17, H32, E20 of the Northampton Local Plan and the National Planning Policy Framework.

2 THE PROPOSAL

2.1 The application seeks to remove Condition 7 of planning permission N/2017/1029 relating the demolition of the existing dwellings and erection of 21 affordable dwellings at Toms Close. Condition 7 required the provision of a southbound bus shelter on Watering Lane. The Highway Authority has advised that the bus shelter is no longer required.

3 SITE DESCRIPTION

- 3.1 The application site comprises the redevelopment of a site previously occupied by 10 semi-detached dwellings located on Toms Close, a residential cul-de-sac located within Collingtree village but outside of Collingtree Conservation Area.
- 3.2 The residential re-development of the site as approved by Committee in November 2017 under planning permission N/2017/1029 has been substantially completed with the aim that the development is at practical completion stage by early October 2020.

4 PLANNING HISTORY

- 4.1 N/2017/1029 – Demolition of Nos. 1-6 and 14-17 Toms Close and development of 21no. new build affordable dwellings and associated landscaping. Approved 22/11/17.

5 PLANNING POLICY

5.1 Statutory Duty

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

5.2 National Policies

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

Paragraphs 7-12 Presumption in favour of sustainable development
Paragraph 60 – Housing needed for different groups in the community
Paragraph 127 – Create places with a high standard of amenity for existing and future users
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed places
Section 14 – Climate change and flooding

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
Policy H2 – Affordable Housing.
Policy BN9 – Planning for Pollution Control

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 policy is material to this application:

Policy E20 – New Development (Design)

5.5 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019

6 **CONSULTATIONS/ REPRESENTATIONS**

6.1 **NCC Highways** – After reviewing the comments from the Bus and Rail Team, the LHA would recommend the removal of Condition 7 as the bus stop is no longer needed due to the reduction in service.

6.2 **Collingtree Parish Council** – no comment received.

7 **APPRAISAL**

7.1 Comments received from the Highway Authority in respect of the original application requested the provision of a southbound bus shelter on Watering Lane, approximately 70m southeast of Toms Close, to pair with an existing bus stop on the opposing side of Watering Lane. The future maintenance for the shelter was to be secured via a Section 278 Highway Agreement.

7.2 Accordingly, Condition 7 of planning permission N/2017/1029 required the following:

“Unless otherwise agreed in writing, no development other than demolition shall take place until full engineering, and constructional details of highway improvement works to install a southbound bus shelter on Watering Lane have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the works outlined above including the bus shelter have been constructed and made available for use.

Reason: In order to mitigate the impact of the development on the highway network, in accordance with the National Planning Policy Framework.”

7.3 Details have been submitted to discharge the requirements of Condition 7. However, subsequent discussions between the applicant and the Highway Authority regarding the provision of the bus stop has led to the Highway Authority advising that the bus stop is no longer required. The relevant service has been reduced to one journey a week and it is considered that the bus stop is no longer justified.

7.4 Whilst planning policy encourages the promotion of sustainable development and transport measures, Paragraph 55 of the NPPF advises that planning conditions should only be imposed subject to meeting a number of tests including a requirement that the condition is necessary and reasonable in all other respects.

7.5 In view that advice from the Highway Authority is that the bus stop is no longer required due to current public transport service level provision and that no objections have been received from the Parish Council or local residents for the removal of the bus stop provision, it is no longer considered necessary or reasonable to impose the condition.

8 **CONCLUSION**

8.1 In view of the above considerations, the removal of Condition 7 as proposed is considered in accordance with the requirements of the National Planning Policy Framework and is considered acceptable.

9 **CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 17137 1, SP01 J, SP02 Sheet 1, SP02 Sheet 2, SP03 Sheet 1, SP03 Sheet 2, SP04, SP-00, 16-108-01, P10, P12, P14.

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

2. The development shall be carried out in accordance with the material details as indicated the material details schedule 'Colours (Planning Condition 3) dated 23/05/2019.

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.

3. Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the south-western elevation of the proposed dwelling on plot 17 or the north-eastern elevation of the proposed dwelling on plot 12 of the development.

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

5. The development shall be carried out in accordance with the submitted Foul and Surface Water Drainage Technical Note ref WIE15304-100-2-1-1-DRA rev AO2 prepared by Waterman Infrastructure and Environment Ltd Dated 3rd April 2019 prior to occupation of any dwelling.

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

6. The development shall be carried out in accordance with the Land Contamination Technical Note by Waterman dated January 2019 – Document Reference WIE15304-100-1-1-1-Geo.

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

7. The development shall be carried out in accordance with the noise mitigation measures as set out in the Technical Note by Waterman dated 13/02/19 Reference WIE15304-100-TN-2.1.3.

Reason: In the interests of residential amenity and to secure a satisfactory standard of development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

8. The development shall be carried out in accordance with the submitted Foul and Surface Water Drainage Technical Note ref WIE15304-100-2-1-1-DRA rev AO2 prepared by Waterman Infrastructure and Environment Ltd Dated 3rd April 2019.

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

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

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

10. The development shall be carried out in accordance with the Construction and Environmental Management Plan by Jeakins Weir dated 22nd February 2019.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

10 BACKGROUND PAPERS

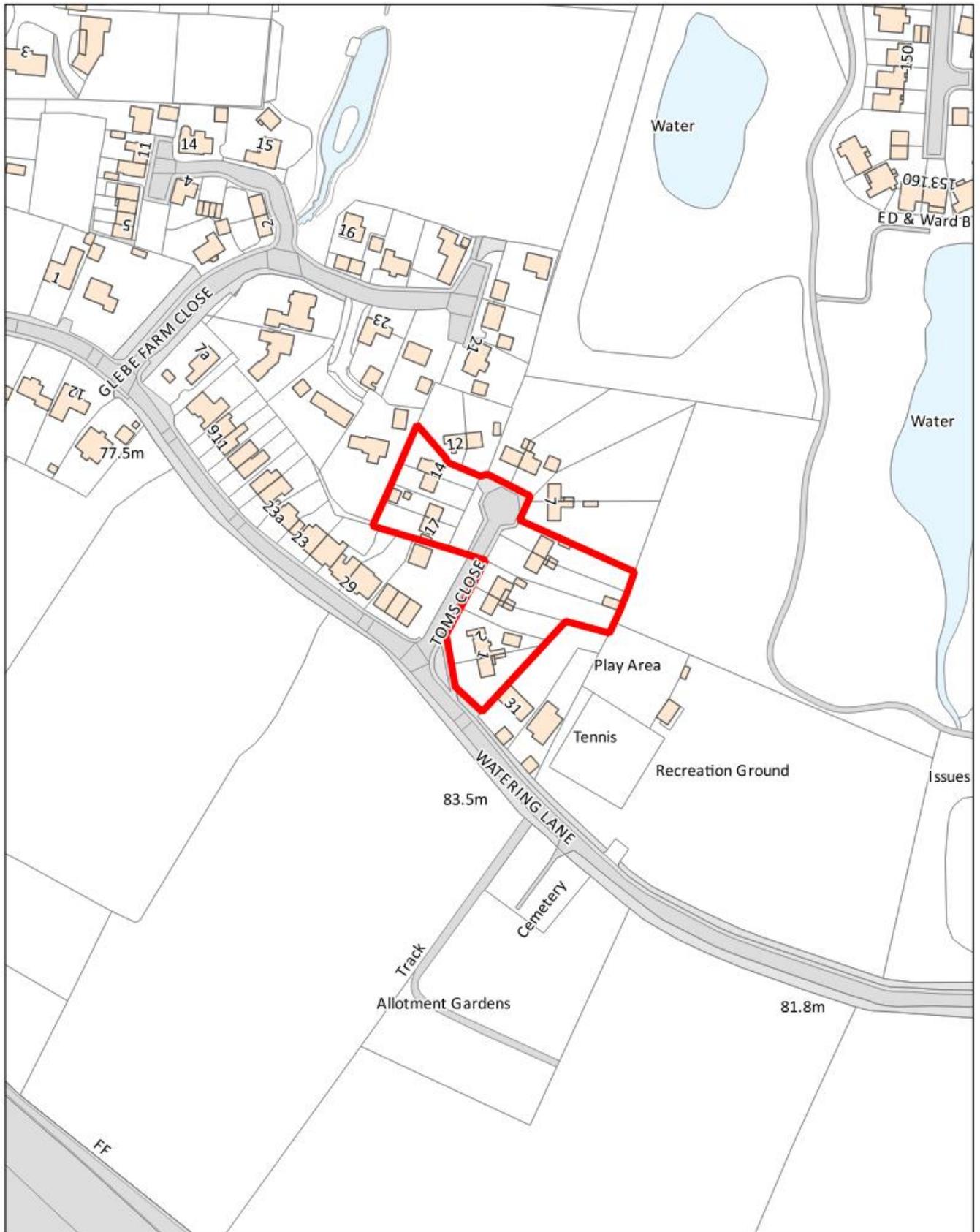
- 10.1 N/2020/1079.

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: **Toms Close**

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Date: 17-08-2020

Scale: 1:2,000

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